ORIGINAL

8-20-14

Mr. Dick LeCompte
128 Cove Road
Auburn, ME 04210

David Wright, Director
Division of Remediation
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
17 State House Station
August, ME 0433-0017

SUBJECT: Beal's Linen Site, Auburn, Maine – Response to Notice of Potential Liability

Dear Mr. Wright,

I am writing to respond to the Department of Environmental Protection's June 30, 2014 letters of Notice of Potential Liability that were sent to the Registered Agent for Parkview Apartments, LLC (who forwarded the letter on to me as I was the principal contact when that entity was in existence) and to me regarding Parkview Associates, GP. Your letters required a response about potential liability associated with the former Beal's Linen Site in Auburn, Maine. You agreed by letter (dated August 6, 2014) to extend the original deadline for responding from August 4, 2014 to August 22, 2014. Thank you for that extension of time.

These Notices of Potential Liability requested: (a) information indicating that Parkview Apartments, LLC and Parkview Associates, GP are not "Responsible Parties" at the Beal's Linen Site; (b) whether Parkview Apartments, LLC and Parkview Associates, GP had any information about who might be a "PRP" for the site, (c) and whether Parkview Apartments, LLC and Parkview Associates, GP would negotiate a settlement with DEP and other "PRPs" at the site in good faith. My response follows.

I. Parkview Apartments, LLC and Parkview Associates, GP are Not "Responsible Parties"

As I understand the definition of "Responsible Party" under DEP's Uncontrolled Hazardous Substances Site Law, neither Parkview Associates, GP nor Parkview Apartments, LLC is in one of the categories identified in Title 38, Chapter 13-B, Section 1362(2). Neither is the owner or operator of the site today and neither of these entities owned or operated the site when the dry-cleaning chemicals arrived at or were used and spilled at the site. Those companies also did not arrange to transport or handle those chemicals, and they did not accept those chemicals for transport.

As I explain further below, these two now defunct entities actually improved the situation present at the location of the former Beal's industrial laundry and dry-cleaning business.

Corporate History

Parkview Associates, GP was a Maine General Partnership formed on August 1, 1985. The partnership was formed to invest in a residential rental real estate project – the 15 unit residential apartment complex known as Parkview Terrace. In 2000, Parkview Apartments, LLC, a Maine limited liability company bought the complex from Parkview Associates, GP. Parkview Associates, GP thereafter wound up its affairs and administratively dissolved in 2001. It no longer exists and has no assets.

Parkview Apartments, LLC was incorporated on June 26, 2000. Parkview Apartments, LLC sold the property to Atlantic Holdings, LLC in 2003. Parkview Apartments, LLC wound up its affairs as a limited liability company, was administratively dissolved by the Secretary of the State of Maine on October 1, 2003 (see Attachment 1 - dissolution listing from Secretary of State's website), and no longer has any assets.

Environmental Review & Approval

At the time the apartment complex was built, Parkview Associates, GP pursued and obtained the required regulatory approvals to build Parkview Terrace. The dry-cleaning operations at the site had long since ceased and the equipment and chemicals removed by the prior owner before the site work began to convert/build the apartment complex.

Further, the Environmental Review Record (Attachment 2) prepared by Ms. Reine Mynahan for the City of Auburn's Department of Community Development and Planning demonstrates that Parkview Associates, GP was encouraged to renovate and revitalize the somewhat blighted property previously occupied by the Beal's industrial laundry and dry-cleaning business. The Environmental Review Record shows that the

proposed project was supported by the both the general public and the Auburn City Council.

The Environmental Review Record includes an "Environmental Assessment Checklist" that shows that no environmental impacts were suspected or found at the proposed apartment complex. Page 5 of the Checklist states: "In many instances, there is a potential for improved conditions, especially in the land areas of land use and neighborhood compatibility, visual quality, energy consumption, creating jobs and new housing available for low to moderate income households. This leads to the conclusion that the project will have a positive impact on the neighborhood as well as the community." Later in the Environmental Review Record, the "State Statutory Checklist" shows that no contamination of public water supply or no new sources of air contamination would occur as a result of the development. The Environmental Review Record also includes "Exhibit 3 - Hazards and Nuisances Including Site Safety," which shows that the "potential health and safety problems review" found no air pollution other than "Normal inner city pollution," and answered "none" to toxic chemical dump and chemical storage questions. Last, a DEP-issued letter, dated September 25, 1985 and signed by Division Director Leighton Carver, stated that "the project will have no direct impact on air quality in the area." The Environmental Review Record clearly shows that Parkview Associates, GP was a good actor and sought to comply with all relevant state and local requirements -- and ultimately received necessary regulatory approval. In addition, the regulatory review did not find any indication of possible environmental issues with the proposed redevelopment.

In addition to receiving regulatory approval from the City of Auburn, Parkview Associates, GP also obtained funding for the proposed complex from government programs (the Maine State Housing Authority and the City of Auburn), both of which had rigorous lending requirements.

Further, during construction of the apartment complex, Parkview Associates, GP contracted with Safe Harbors to clean and appropriately remove a 10,000 gallon underground storage tank. The DEP visited the site and signed off on the removal. Perhaps the DEP still has records on the closure of the tank in its files. This action demonstrates that Parkview Associates, GP was complying with environmental laws of the day.

II. Other "Potentially Responsible Parties"

The DEP's Notice Letter listed seven possible "Potential Responsible Parties" or "PRPs", including Beal's Laundry, Inc., Laundry Management Inc., Parkview Associates, GP, Parkview Apartments, LLC, ATL Holdings, LLC, Atlantic Holdings, LLC, and Sultan Corp. I noticed that Malo Cleaners – the original dry-cleaning facility at the site, and

originally owned by Lauier Malo – was not listed as a PRP. I suggest that if the DEP hasn't already done so that it conduct an investigation into whether heirs or assigns of Mr. Malo and/or the Malo Cleaners business entity exist.

In addition, although Beal's Laundry and Laundry Management Inc. are both listed as PRPs, and Terry Badger is listed as the registered agent for both entities, I would emphasis that he likely has the most knowledge of any of the other listed PRPs about the former Beal's Laundry site. His father, Harry Badger, owned the original Beal's facility next to Malo Cleaners. Terry later purchased the Malo Cleaners facility and merged the two properties together to expand the Beal's business. While I don't know the corporate status of Beal's Laundry, Inc., I believe that Terry continues to operate real estate investments in the Auburn/Turner area. I also recall that Terry Badger's sister, Valerie Badger (I know her maiden name only) operates Beal's Laundromat and Dry Cleaners at 51 Hampshire Street in Auburn and may have personal knowledge about her father's or her brother's ownership of the Beal's Laundry facility on Chestnut Street (or perhaps even has her own ownership interests in the former Chestnut site).

Last, I had understood that Joe Dunn currently owns the site; perhaps that is incorrect or perhaps he is associated with Sultan Corp., the last entity identified as a party on the list of "PRPs" in your June 30th letters.

III. Good Faith Negotiation

As explained above, I believe that Parkview Associates, GP and Parkview Apartments, LLC are not "Responsible Parties" with any liability relating to the Beal's Linen Site. All dry-cleaning-related activities were completed and operations decommissioned before the Parkview Associates, GP tenure at the property commenced. Parkview Associates, GP complied with all lending and permitting requirements in existence at the time the complex was built. Parkview Apartments, LLC operated Parkview Terrace without any issue until its sale in 2003. Both entities no longer exist today and have no assets. However, without admitting to any liability regarding the former Beal's Linen Site and without waiving any legal rights, privileges, or defenses, I am happy to discuss the situation with the Department and to work in good faith towards a potential resolution on this matter.

Thank you for your attention to this letter.

Sincerely,

Richard LeCompte

Cc: Becky Blais, DEP Remedial Project Manager
Enclosures (2)

Attachment 1

MAINE

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Corporate Name Search

ORIGINAL

Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Tue Aug 19 2014 17:17:31. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
PARKVIEW APARTMENTS, LLC	20001312DC	LIMITED LIABILITY COMPANY (DOMESTIC)	ADMINISTRATIVELY SUSPENDED

Filing Date	Expiration Date	Jurisdiction
06/26/2000	N/A	MAINE

Other Names **(A=Assumed ; F=Former)**

NONE

Clerk/Registered Agent

M. KELLY MATZEN
PO BOX 470
AUBURN, ME 04212 0470

Back to previous screen | New Search

Click on a link to obtain additional information.

List of Filings	View list of filings	
Obtain additional information:		
Additional Addresses	Plain Copy	Certified copy
Certificate of Legal Existence (more info)	Short Form without amendments ($30.00)	Long Form with amendments ($30.00)

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© Department of the Secretary of State

ORIGINAL

Attachment 2

(Park View)

ENVIRONMENTAL REVIEW RECORD

Parkview Terrace

7-15 Chestnut Street, Auburn, Maine

Prepared By;

Reine Mynahan
The Department of Community
Development and Planning
City of Auburn
45 Spring Street
Auburn, Maine 04210

ENVIRONMENTAL REVIEW RECORD

PROJECT DESCRIPTION

Project Name:	Parkview Terrace
Address:	7-15 Chestnut Street, Auburn, Maine
City Tax Map #:	8-2-30/31/32
Target Area:	Union Street Neighborhood

BACKGROUND:

The project area is the site of a former dry cleaning operation. In years past, the cleaning facility received several variances from the Auburn Board of Appeals to expand this business at this location which is in a predominantly residential area. Subsequent to construction of new space, the business was found to be in violation of zoning provisions. At the same time, the business was growing rapidly. A combination of these events required the business to vacate this location for more appropriate quarters. Since that time, the building has remained vacant except for some minor commercial activity which has been allowed by the zoning ordinance, but as a non-conforming use.

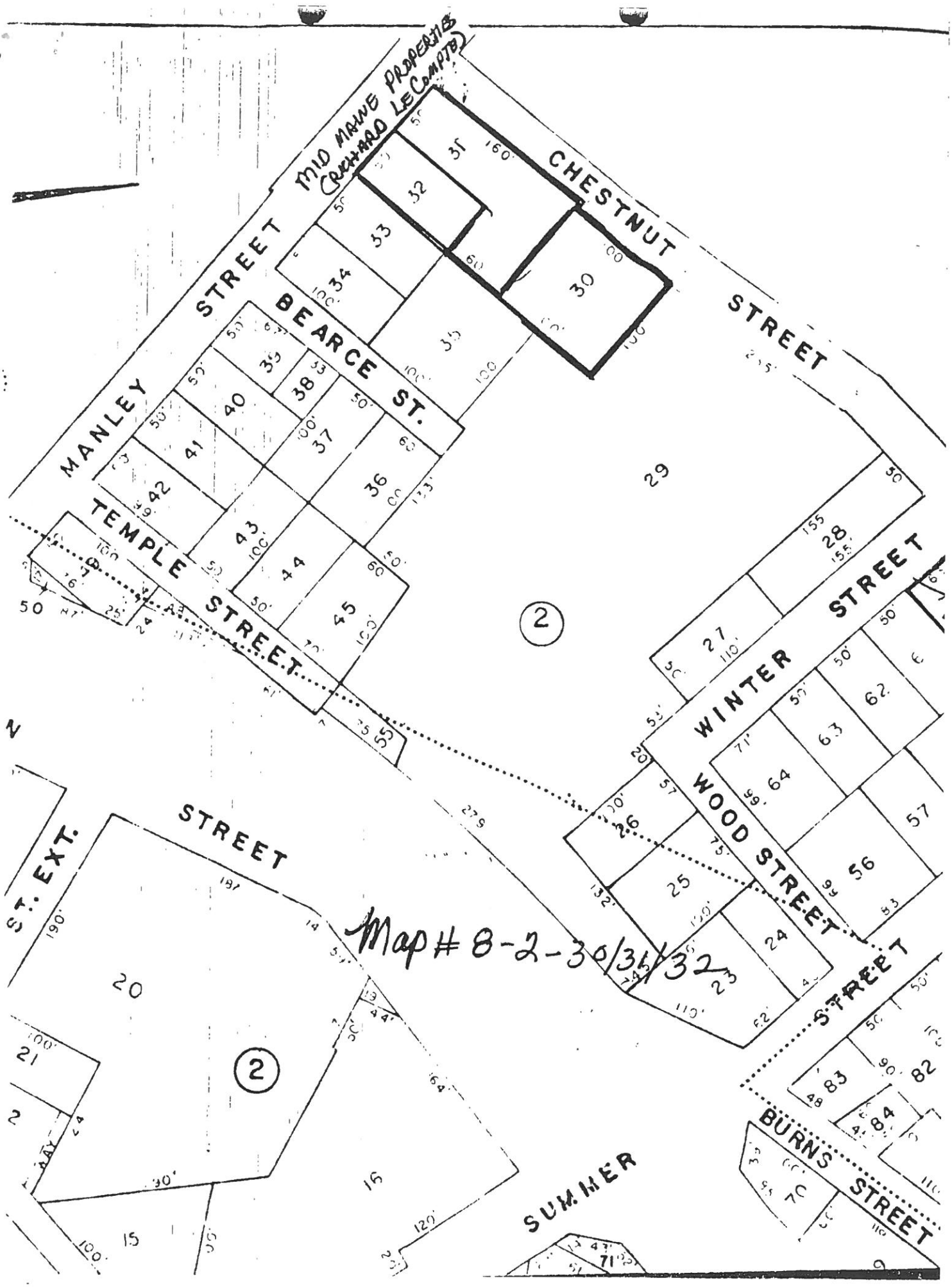
In March 1985, the project developers have requested permission of the Auburn Board of Appeals to allow 15 dwelling units to be placed at this site. The Board has approved the request in recognition of the densely developed inner-core of the City and the attempts of property owners to redevelop these areas.

PROPOSAL:

The developers propose to renovate the former cleaners building located at 7-15 Chestnut Street into 15 two-bedroom dwelling units. Included in the proposal is the demolition of a portion of the existing non-conforming structure to be replaced with a more conforming structure containing 7 dwelling units. The newer portion of the existing building will be retained to accommodate 8 of these dwelling units. The parking areas will be redesigned for a more efficient use of land and improved traffic circulation. Areas around the building will be landscaped in order to integrate the development with surrounding residentially developed lots. All construction will meet new construction standards as prescribed by the BOCA Building Code, Life Safety Code, National Electrical Code and Maine State Plumbing Code. Development cost is $450,000.

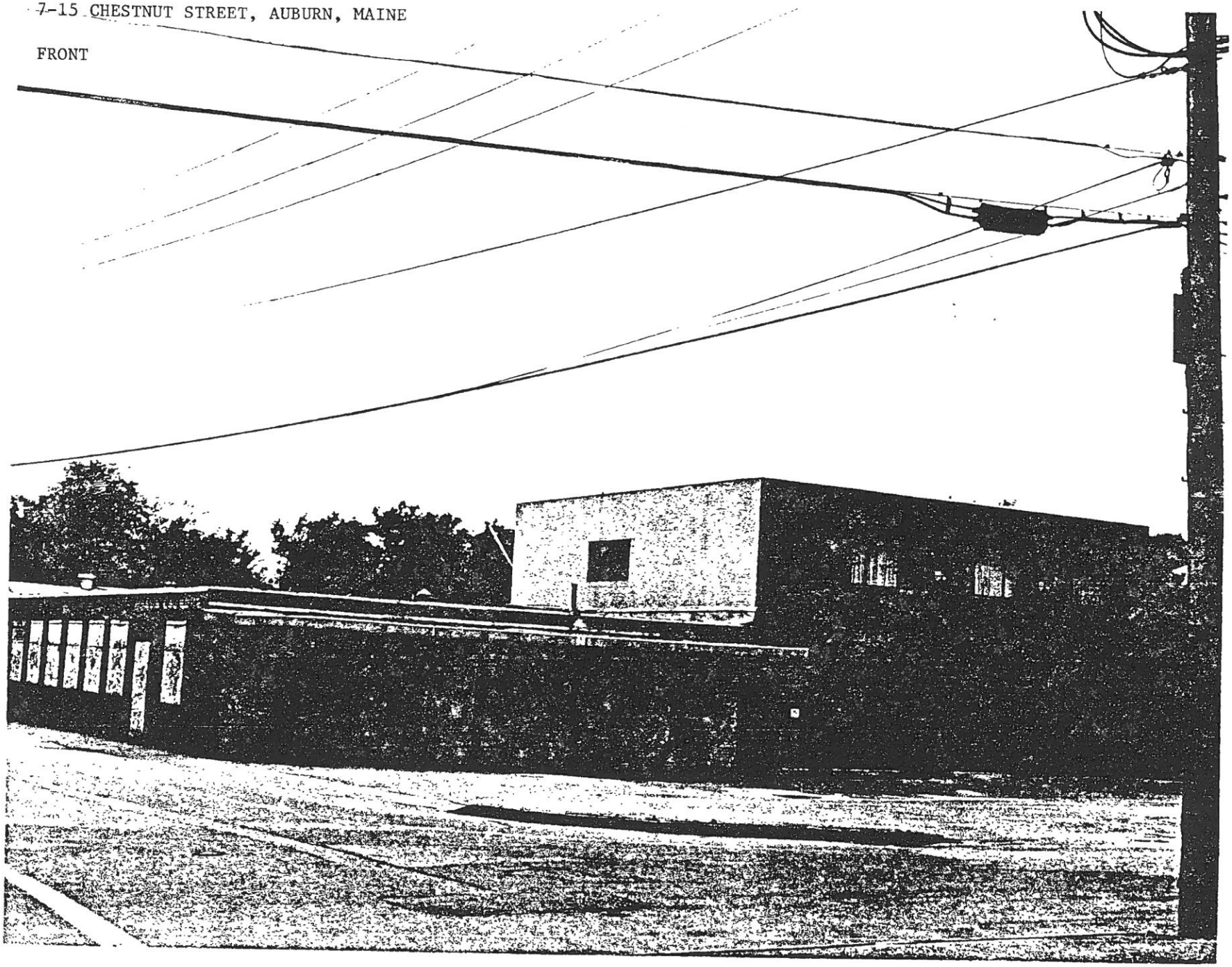
There is evident public support for this project. At a public hearing, many neighborhood property owners spoke in favor of the proposed development. The City of Auburn Councilors and Rehabilitation Finance Committee voted unanimously in favor of the project and for making funds available.

Results of not completing this project would be detrimental to the community and neighborhood. It is likely that the existing structure would continue to deteriorate at an accellerated pace since the owners no longer need or occupy the space. Further, if a tenant were found for the building as is, it is likely to be as a non-conforming use of light manufacturing - not suitable for the neighborhood.


MID MAINE PROPERTIES
(GERHARD LE COMPTE)
CHESTNUT STREET
MANLEY STREET
BEARCE ST.
TEMPLE STREET
WINTER STREET
WOOD STREET
STREET
ST. EXT.
SUMMER
BURNS STREET
Map # 8-2-30/31/32

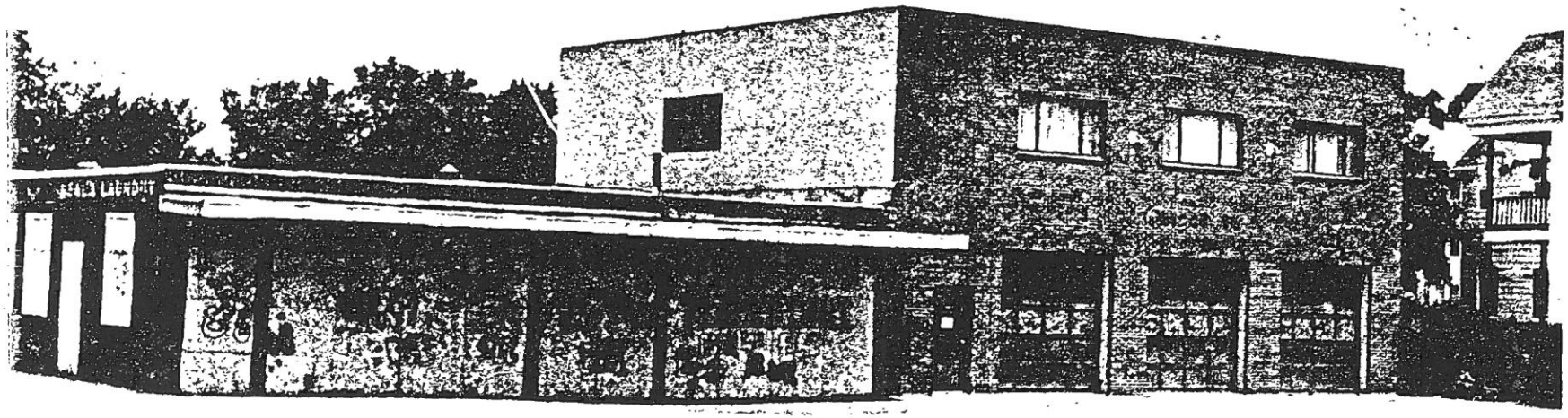
7-15 CHESTNUT STREET, AUBURN, MAINE

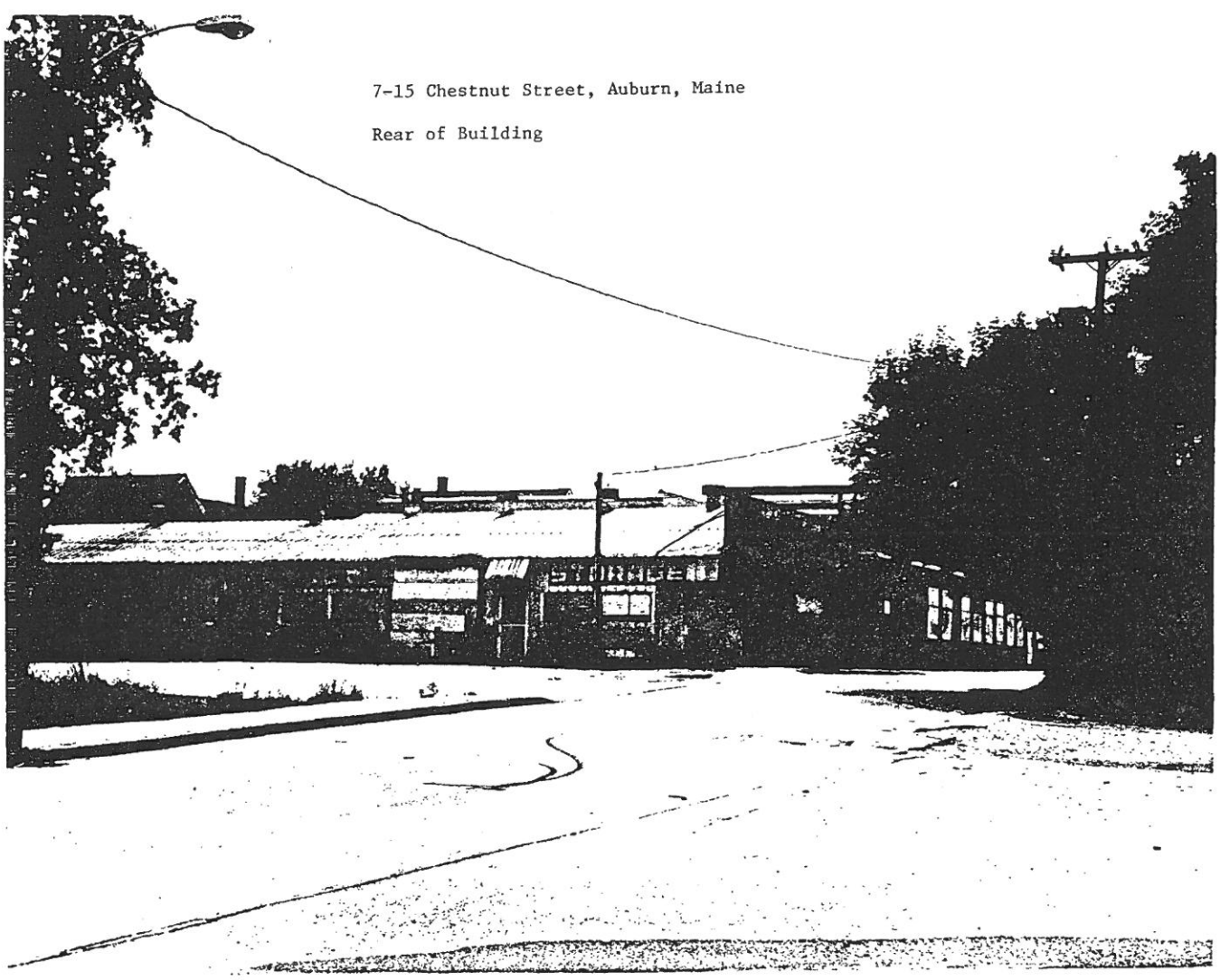
FRONT



7-15 Chestnut Street, Auburn, Maine

Front





7-15 Chestnut Street, Auburn, Maine

Rear of Building

ENVIRONMENTAL REVIEW RECORD

Statement of Process and Status of Environmental Analysis

The Environmental Review was performed by Community Development staff. Many of the contacts to obtain information were done by telephone and through written correspondence. Information on file at the City Building was also utilized. Field inspections of the site were made.

Upon receiving or viewing the information, staff analyzed the applicability and its affect on the project. Notations were made to the Environmental Review Record as needed.

Environmental Assessment Checklist

page 1

Project Name and Identification No. Parview Terrace R.R. 23

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Additional material may be attached.
Land Development							
Conformance With Comprehensive Plans and Zoning	X	X					Conversation with Charles Watson Exhibit #1
Compatibility and Urban Impact	X	X					Conversion compatible with other buildings in theneighborhood. Neighbors in favor of conversion at public hearing. Exhibit #2 - Land Use Map
Slope	X						Less than 9% - Acceptable slope. See Master Plan 5-1 - Constraints
Erosion	X						HfB Hartland - Sandy loam over clay over bedrock - Acceptable Master Plan 5-3 - Soil Types
Soil Suitability	X						Adequate - See Chapter 5 of the Master Plan - Land Suitability and Natural Resources. Serviced by City Sewer
Hazards and Nuisances, Including Site Safety	X						No potential hazard Exhibit #3
Energy Consumption		X					Conversation with Richard Lecompte Exhibit #4
Noise							
Effects of Ambient Noise on Project and Contribution to Community Noise Levels	X		X				Noise Assessment Exhibit #5

Environmental Assessment Checklist
(continued, page 2)

Project Name and Identification No. _____

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Additional material may be attached.
Air Quality							
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	X						Conversation with Leighton Carver Exhibit #6
Environmental Design and Historic Values							
Visual Quality—Coherence, Diversity, Compatible Use, and Scale	X	X					Exhibit #7
Historic, Cultural, and Archaeological Resources	X						See letter from Maine Historic Preservation Commission Exhibit #8
Socioeconomic							
Demographic/ Character Changes	X	X					See Exhibit #9
Displacement	X	X					No displaced persons or businesses. Abandoned building to be used for low income housing. Will create new living space for small families.
Employment and Income Patterns	X	X					Conversation with Paul Luce, Maine Employment Security Bureau Exhibit #10
Community Facilities and Services							
Educational Facilities	X						See Chapter 9 of the Master Plan. Conversation with Charles Watson Exhibit #11
Commercial Facilities	X						See LACTS Land Use Map Variety store 400 feet, restaurant 700 ft. Doctor's office 700 feet, Major grocery store 2000 feet.
Health Care	X						Conversation with Auburn Health Department Exhibit #12
Social Services	X						Conversation with Earle Edgeley, Auburn Welfare Department Exhibit #13

Environmental Assessment Checklist

(continued, page 3)

Project Name and Identification No. _____

Impact Categories		1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Additional material may be attached.
Community Facilities and Services (Continued)								
Solid Waste		X		X				Conversation with Robert Belz, Auburn City Engineer Exhibit 14
Waste Water		X						Conservation with Bob Palmer, Auburn Sewer District Exhibit 15
Storm Water		X						Conservation with Richard Plourde Exhibit 16
Water Supply		X						Conversation with Bob Palmer Auburn Water District Exhibit 17
Public Safety	Police	X						Conversation with Lieutenant Keene, Auburn Police Department Exhibit 18
	Fire	X						Conversation with Deputy Dewitt, Auburn Fire Department Exhibit 19
	Emergency Medical	X						Conversation with Deputy Dewitt, Auburn Fire Deparmtment Exhibit 19
Open Space and Recreation	Open Space	X						Conversation with Norris Ingersoll, Auburn Parks & Recreation Department Exhibit 20
	Recreation	X						Conversation with Norris Ingersoll Auburn Parks & Recreation Department Exhibit 20
	Cultural Facilities	X						Cultural facilities typical to a city with population of 25,000 people. Library ½ mile from site.
Transportation		X						Conversation with Bill Eaton, LACTS Exhibit 21

Environmental Assessment Checklist
(continued, page 4)

Project Name and Identification No. Parkview Terrace R.R. 23

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Additional material may be attached.
Natural Features							
Water Resources	X						Conversation with Steve Ranney, Acting City Engineer, Auburn Engineering Department Exhibit 22
Surface Water	X						Conversation with Steve Ranney, Acting City Engineer, Auburn Engineering Department Exhibit 22
Floodplains	X						Property does not lie in a flood plain. Reference map #230001 0006 B Zone B.
Wetlands	X						Property does not lie in a wetland Master Plan - 5-1 Constraints
Coastal Zone	X						No coastal zone in Auburn
Unique Natural Features and Agricultural Lands	X						Conservation with Bryce McKewen, Soil Conservation Service Exhibit 23
Vegetation and Wildlife	X						Conversation with Bryce McKewen, Soil Conservation Service Exhibit 23

Summary of Findings and Conclusions:

A review of all impact categories has been completed. There was no potentially adverse information provided by the professionals contacted. It was everyone's feeling that the project is much too small to impact any services to Auburn citizens.

In many instances, there is a potential for improved conditions, especially in the areas of land use and neighborhood compatibility, visual quality, energy consumption, creating jobs and new housing available for low to moderate income households. This leads to the conclusion that the project will have a positive impact on the neighborhood as well as the community.

Summary of Environmental Conditions:

There is no evidence of negative impacts in any of the categories with the exception of solid waste. This is due to an already overburned system for disposing of the waste. There are many alternatives being pursued to improve this problem. The creation of a new small scale housing project is not expected to affect any of the decisions made by the municipality to correct this or impact the system to any degree.

Project Modifications and Alternatives Considered:

1) Fence to be installed on gully side.

2) A fire alarm system will be installed with pull stations at all entry doors. There will be panic lights in hallways.

Environmental Assessment Checklist

(continued, page 6)

Additional Studies Performed (Attach Study or Summary)

None

Mitigation Measures Needed:

1) During demolition stage, dust and dirt will be minimized by wetting debris.

2) To reduce noise infiltration into the building, walls will be insulated (6" thick). Doors and windows will be caulked and weatherstripped.

3) Landscaping will include retaining of trees for animal habitats.

4) Structure will be moved away from the road to meet set back requirements and increase open space for the tenants.

Environmental Assessment Checklist

(continued, page 7)

1. Is project in compliance with applicable laws and regulations? ☒ Yes ☐ No

2. Is an EIS required? ☐ Yes ☒ No

3. A Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment. ☒ Yes ☐ No

Prepared by Charles Morrison

Title City Manager

City of Auburn
45 Spring Street
Auburn, Maine 04210
Tel: 207-786-2421

Date September 26, 1985

Statutory Checklist

Checklist of Applicable Statutes and Regulations

Project Name and Identification No. Parkview Associates, 7-11-15 Chestnut St., Auburn, Maine 04210

Are all activities of this project exempt from NEPA procedures? ☐ Yes ☒ No
(If yes, this Statutory Checklist need not be filled out.)

Are activities of this project categorically excluded from NEPA procedures? Yes ☒ No
(If yes, this Statutory Checklist and all required actions must be completed.)

Area of Statutory—Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist. Full discussion of each is provided in Appendix B of this Guide.)	Not Applicable to This Project	Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals, Permits Obtained	Conditions and/or Mitigation Actions Required*	Note Compliance Documentation
Historic Properties		X					See attached letter from State Historical Preservation Officer
Floodplain Management	X						Property does not lie in a flood plain. Reference Map # 2300010006B
Wetlands Protection	X						Property does not line in a wetland
Noise	X						Construction will be done during daytime hours. Noise during construction will not exceed acceptable levels.
Air Quality	X						Activity will not change emissions or the prevalence of ash, smoke, fumes or odors in the vicinity. Appropriate steps will be taken to mitigate any dust associated with the rehab.
Manmade Hazards							
Thermal/Explosive Hazards							No explosions will be used for the rehabilitation activity.
Airport Clear Zones	X						The property is not located within an airport clear zone.
Water Quality	X						The activity will not change river, lake, stream or ground water quality or quantity, or alter existing drainage patterns
Navigable Waters							
Aquifers							Ground water will not be affected.
Solid Waste Disposal	X						This activity will not significantly increase amounts of solid waste or litter. Any debris resulting from the activity will be disposed at an approved land fill.
Coastal Areas Coastal Zone Management	X						The property does not lie in a coastal zone area.
Coastal Barrier Resources							The property does not lie in a coastal zone area.
Endangered Species	X						The activity will not affect any endangered species.

*Attach evidence that required actions have been taken

FORM #4

STATE STATUTORY CHECKLIST

State Laws Most Commonly Applicable to Community Development Projects

Area of Statutory–Regulatory Compliance	Not Applicable to This Project	Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals Permits Obtained	Conditions and/or Mitigation Actions Required*	Reference to Notes Providing Documentation Sources and Correspondence
Site Location Law	X						Project does not cover 20 acres or 60,000 square feet.
Coastal Wetlands Law	X						No coastal wetland in Auburn
Stream Alteration Law	X						No river or stream affected by this rehabilitation activity.
Submerged Lands Law	X						The rehabilitation does not affect submerged land.
Protection of Waters Law	X						No surface waste anticipated for this project. All waste channeled into public drainage system.
State Plumbing Code	X						Sewerage waste for this property is through the City's public sewer system.
State Safe Drinking Law	X						No contamination of public water supply.
Protection of Air Law	X						No new sources of air contamination.
Auburn Zoning Ordinance (Others)				X			Variance granted 3/26/85

* Attach evidence that required actions were taken

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 1

Conformance with Comprehensive Plans and Zoning

7/23/85 Conversation with Charles Watson

Chapter 6 of the Master Plan refers to multiple unit housing -
Land Utilization and Use Patterns -
Section C

Land zoned Multi-Family Suburban - calls for high density uses

Variance required from Board of Appeals - see attached

AUBURN BOARD OF APPEALS

Case # 118 Notice of Appeal Tax Map # 8-2-30,31, & 32

The request for permission to increase the dwelling unit density from a permitted seven (7) units to fifteen (15) units on property containing 26,000 sq. ft.

located at 7 Chestnut Street

which property is in the Multi-family Suburban zoning district, is denied because would violate Section 3.44 C.I.e which requires a minimum of 45,000 sq. ft. lot area for buildings housing fifteen (15) dwelling units.

Date February 27, 1985

James P. McNeil
Auburn Building Inspector and/or
Auburn Zoning Officer

The undersigned hereby appeals the above decision of the Auburn Building Inspector and/or Auburn Zoning Officer to the Auburn Board of Appeals and petitions for a variance.

I state that I have and will present true and correct information and exhibits to the Building Inspector and/or Zoning Officer and Board.

Address 17 Champlain Avenue
Lewiston, ME
Telephone 784-6151

Appellant's Signature:
Richard R. LeClair
Mid Maine Properties

This Notice was prepared in duplicate and a $40 filing fee was received in this office at 2:45 p.m. on February 27, 1985.

Attest Diane T. Langlois
Secretary

Hearing on this appeal will be held on March 26, 1985 at 7:00 P.M. in the City Council Chambers, 2nd Floor, City Building, 45 Spring Street. I hereby certify that notice of this hearing will be sent to the appelant and affected property owners, as required by law.

Attest Diane T. Langlois
Secretary

NOTICE

The Auburn Appeals Board will hold a public hearing on Tuesday, March 26, 1985 in the City Council Chambers, 2nd floor, City Building, 45 Spring Street at 7:00 p.m. to hear the following appeals:

The tabled appeal of Janice Sidelinger, 197-199 Manley Road, to subdivide a parcel of property in violation of dimensional regulations, located at 197-199 Manley Road, which property is in the Suburban Residence zoning district and is denied because it would violate Section 3.42C.1, 2 & 3 which requires that all lots maintain minimum lot area, width and depth requirements; and Section 3.1H which states that no lot shall be reduced in any manner that violates any dimensional regulations.

The appeal of Mid Maine Properties (Richard R. LeCompte) to increase the dwelling unit density from a permitted seven (7) units to fifteen (15) units on property containing 26,000 sq. ft. located at 7 Chestnut Street, which property is in the Multi-Family Suburban zoning district, and is denied because it would violate Section 3.44C.1.e which requires a minimum of 45,000 sq. ft. lot area for buildings housing fifteen (15) dwelling units.

The appeal of Tim & Debra Connolly, 18 Garden Street, Boston, MA to construct a deck within 30 feet of the high water mark of Taylor Pond located at "I" Street, Taylor Pond, which property is in the Agriculture & Resource Protection, Taylor Pond Overlay and Shoreland zoning districts, and is denied because it would violate Section 5.4.D.1 which states that all new buildings and structures shall be constructed not less than 75 feet inland from the normal high water mark.

The appeal of James R. Anderson to subdivide a parcel of land containing approximately 21,022 sq. ft. into two parcels, one containing approximately 7,262 sq. ft. and the other approximately 13,760 sq. ft. as per attached descriptions located at 150-158 Minot Avenue, which property is in the General Business zoning district, and is denied because of non-conformity with dimensional regulations of Section 3.62.3(a) (10,000 sq. ft. area requirement) and Section 3.62.3(c)(2) (25' side yard setback requirements) and 3.1(h).

AUBURN BOARD OF APPEALS

Lew. Daily Sun
Thurs, Mar 14, 1985

NOTICE

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The appeal of Mid Maine Properties (Richard R. LeCompte) to increase the dwelling unit density from a permitted seven (7) units to fifteen (15) units on property containing 26,000 sq. ft. located at 7 Chestnut Street, which property is in the Multi-Family Suburban zoning district, and is denied because it would violate Section 3 44C.1.e which requires a minimum of 45,000 sq ft. lot area for buildings housing fifteen (15) dwelling units.

The appeal of Tim & Debra Connolly, 18 Garden Street, Boston, MA to construct a deck within 30 feet of the high water mark of Taylor Pond located at "I" Street, Taylor Pond, which property is in the Agriculture & Resource Protection, Taylor Pond Overlay and Shoreland zoning districts, and is denied because it would violate Section 5 4.D.1 which states that all new buildings and structures shall be constructed not less than 75 feet inland from the normal high water mark.

The appeal of James R. Anderson to subdivide a parcel of land containing approximately 21,022 sq. ft. into two parcels, one containing approximately 7,262 sq. ft. and the other approximately 13,760 sq. ft as per attached descriptions located at 150-158 Minot Avenue, which property is in the General Business zoning district, and is denied because of non-conformity with dimensional regulations of Section 3.62.3(a) (10,000 sq. ft. area requirement) and Section 3.62.3(c)(2) (25' side yard setback requirements) and 3.1(h).

AUBURN BOARD OF APPEALS

Lew. Daily Sun
Thurs., Mar. 21, 1985

REQUEST FOR VARIANCE

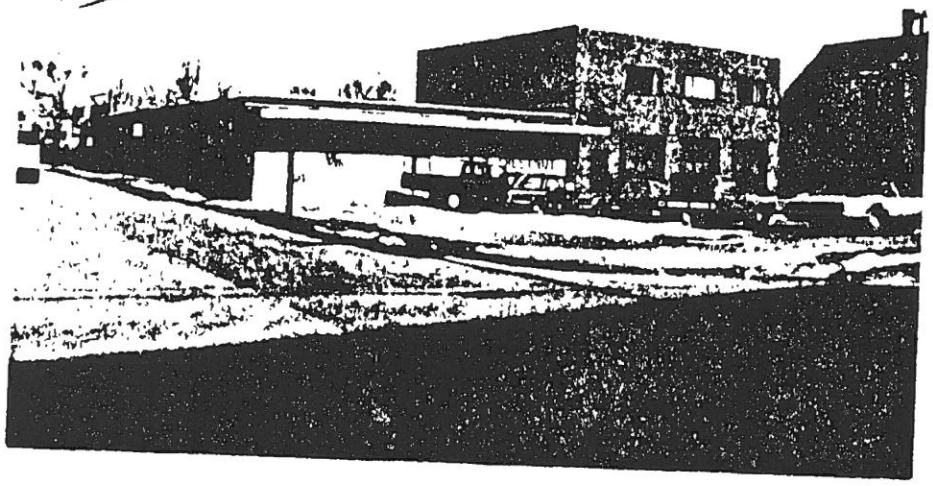
BEAL'S LAUNDRY PROPERTY

SUBMITTED TO: City of Auburn
Board of Appeals

SUBMITTED BY: Richard R. LeCompte, Pres.
Mid Maine Properties

DATE: March 26, 1985

Beal's Laundry Property
7 Chestnut Street
Auburn, Maine 04210



BEAL'S LAUNDRY PROPERTY

INTRODUCTION

This application for a zoning variance is brought by Mid Maine Properties, which seeks permission to rehab the former Beal's Laundry into fifteen (15) two-bedroom apartments. The property, located at 7 Chestnut Street, is currently zoned multi-family suburban. The current zoning allows multi-family apartments; however, the square footage of the site does not allow the proposed density of fifteen (15) units. The zoning officer has denied permission for this project on the grounds that it would violate Section 3.44 C.I.(e).

I. PROJECT DESCRIPTION

Mid Maine Properties proposes to convert the existing Beal's Laundry Property into fifteen (15) two bedroom apartments. There are two buildings involved, containing a total of 16,760 square feet of floor space. Currently only 4,000 square feet (new addition) is being used by one commercial tenant. Approximately 12,760 square feet is unoccupied and deteriorating rapidly.

Due to the dilapidated condition of the metal building in the rear, and of the main building in the front, they will be completely razed. The new two story addition (4,000 square feet), will be saved, and converted to apartments, and new construction will be added to it, to accomodate a total of fifteen (15) apartments. (See attached existing site and proposed site and floor plans.) By razing deteriorated sections of the buildings, we will also be able to achieve an approximate fifteen (15) foot setback from the property line along Chestnut Street where existing buildings appear to be built directly on or near the property line with almost no setbake. With the new addition, we will also be able to achieve approximatley thirty (30) feet of setback from the abutting property owners line, where approximately three (3) feet exists now.

The site itself will be landscaped and additional parking spaces will be provided.

II. APPLICABLE PROVISIONS OF THE ZONING ORDINANCE

The Beal's Laundry site is zoned multi-family suburban. Section 3.44 C.I.(e), requires a minimum of 45,000 square feet of lot area for buildings housing fifteen (15) dwelling units. The Beal's site contains 26,000 square feet.

III. POSITION OF THE APPLICANT

Because of the undue hardship caused by the application and the zoning restrictions to it, Mid Maine Properties now requests this Board to grant it a variance from the strict enforcement of the ordinance. Specifically, Mid Maine Properties seeks the Board to grant a density variance permitting Mid Maine Properties to rehabilitate the existing Beal's Laundry Property into fifteen (15) apartments currently prohibited by Section 3.44 C.I.(e).

A. NEED FOR A REASONABLE RETURN

Under Section 9.4, a variance may be granted whenever a hardship is created for the owner by reason of his inability to realize a reasonable return on the property unless the variance is granted. The current square foot site requirements of the zonine ordinance would allow seven (7) apartments on the existing Beal's Laundry Property. This would not generate sufficient income to produce a reasonable return.

B. UNIQUE CIRCUMSTANCE OF THE PROPERTY

Section 9.4 further provides for the granting of a variance by reason of special hardships caused by the unique circumstances of the property. Mid Maine Properties maintains that, due to the size, shape and condition of the existing buildings, and the size of the existing lot, a circumstance unique to the general neighborhood has been created, and suggests the priority of granting the variance requested. It is the only building in a multi-family neighborhood that was used for industrial purposes.

C. The requested variance will not change the essential character of the neighborhood.

The neighborhood in the vicinity of Manley and Chestnut Streets currently consists of small multi-family residential units (two-six units per structure). The current Beal's Laundry Building is industrial, and totally out of character with the existing neighborhood. The rehabilitation of this building would serve to compliment the existing neighborhood.

D. The hardship is not caused by Mid Maine Properties or previous owner actions.

There have been no actions taken by Mid Maine Properties or the previous owner that have caused the hardship. The proposal by Mid Maine Properties is to take an abandoned, unproductive industrial building and convert it to functional housing units, utilizing the compatible portion of one existing building, and adding new residential construction to it.

Wednesday morning March 27, 1985

Rehab plan OK'd

Apartment complex to 'improve eyesore'

By Joel Davison
Sun staff writer

A major rehabilitation project planned for Auburn cleared its first hurdle Tuesday night when the Zoning Board of Appeals granted a variance to allow the former Beal's Cleaners building to be developed into 15 apartments, rather than the seven the zoning ordinance prescribed.

Richard LeCompte of Mid-Maine Properties said he planned to develop the cleaners' former building at 7 Chestnut St. into an apartment complex which would entail razing one of the two existing buildings on the property and partially demolishing the other.

He appealed to the board for a variance because the land is zoned multi-family suburban, which permits only seven rental units.

In their rezoning process, city planners have developed the multi-family urban district which allows a higher-density residential use, and the staff report from the Community Development Department recommended granting the appeal for this reason.

As part of his presentation, LeCompte gave figures justifying why 15 units are needed to assure a reasonable profit. He also said the complex would include three low-income units as required by the Maine State

high-water mark, instead of the 75 feet prescribed by the shoreland-zoning ordinance,

- Janice Sidelinger was denied a variance to subdivide a lot containing two houses on Manley Road;
- Tim and Debra Connolly of Boston were denied a variance to build a front deck within 30 feet of the high-water mark on a camp at Taylor Pond; and
- the board tabled an appeal of James R. Anderson to subdivide a parcel of land on Minot Avenue.

Ms. Sidelinger, who was represented at the hearing by realtor George Boyce, appealed for a dimensional variance to make two lots out of one that contains two single-family residences.

Boyce argued that Ms. Sidelinger has been unsuccessful in trying to sell the property as is for the past year, largely because the second-mortgage lending institutions like the Maine State Housing Authority won't finance the sale since there are two houses on the same lot.

"This is a classic case why the Appeals Board sits," said Boyce. "Precedent has been set along these lines."

Ms Sidelinger lives in one of the houses on the lot and rents out the other.

"Whatever she gets (in rent) goes right back in for maintenance," said

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 2

Compatibility and Urban Impact

Land Use Map

Circled numbers refer to # of dwelling units in each building.

Area is predominantly residential.

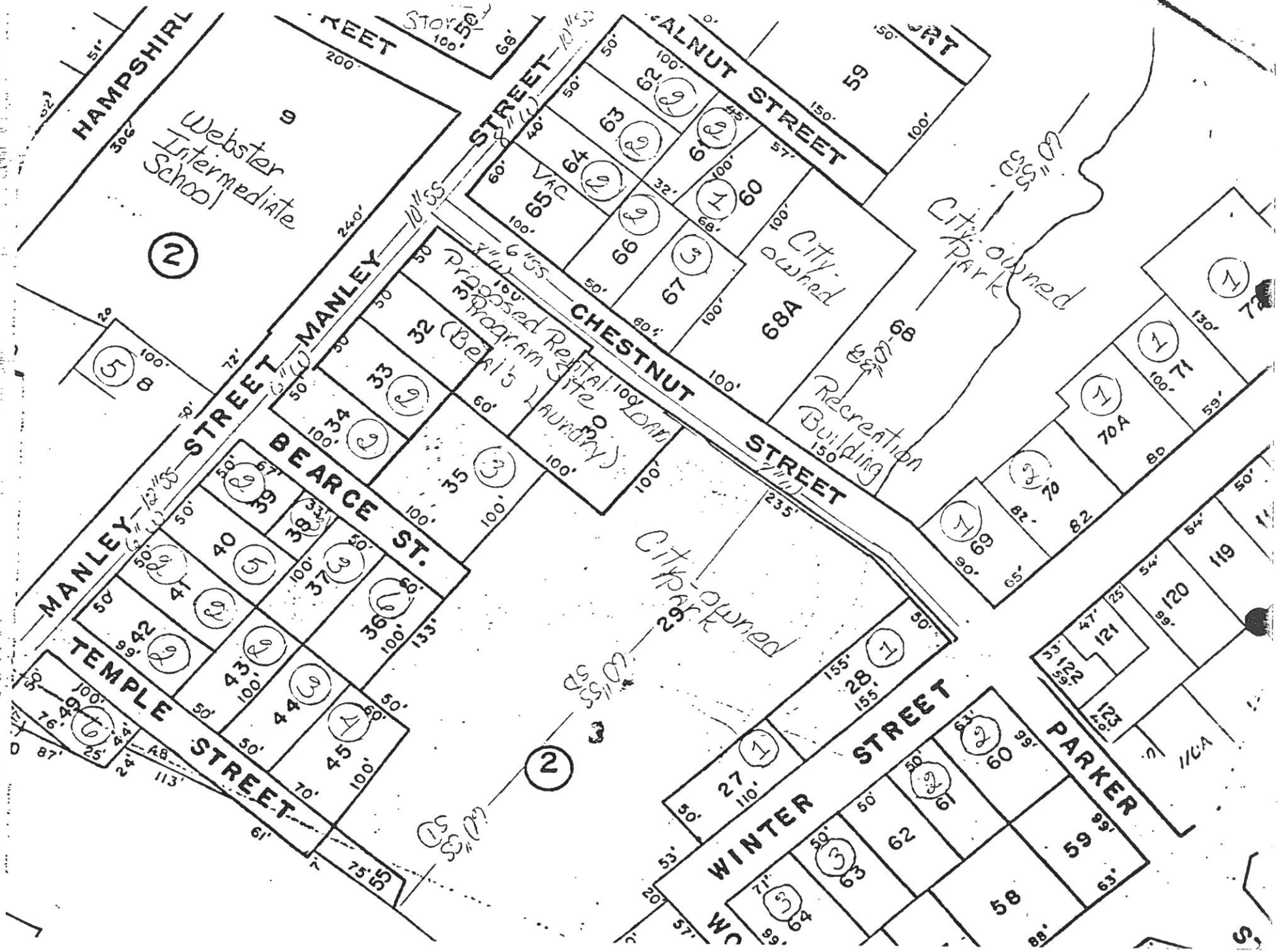

HAMPSHIRE
STREET
MANLEY
STREET
MANLEY
STREET
BEARCE ST.
TEMPLE STREET
CHESTNUT STREET
WALNUT STREET
WINTER STREET
PARKER
Webster Intermediate School
Proposed Rental Loan Program Site (Beal's Laundry)
City-owned
City-owned Park
Recreation Building
City-owned Park
VAC
Store
10"SS
8"W
6"SS
6"W
12"SS
6"W
7"W
60"SS
60"SS
60"SS
11CA

EXHIBIT 3

Hazards and Nuisances Including Site Safety

Potential health and safety problems review:

Noise - see Noise of ERR.

Vibration - see Noise of ERR.

Odor - No problem - there is no dumps in area - trash is removed as a City service - no septic systems in this area.

Lack of Light - Three street lights within 100 feet of the site. Lights are incandescent open - to be upgraded to sodium enclosed within the next few years.

Air Pollution - None other than normal inner city pollution.

Toxic Chemical Dump - none.

Uranium Mill Tailings - none.

Reclaimed Phosphate Land - none.

Chemical Storage - not in 1000 foot vicinity.

Site Hazard - Gully adjacent to site. Fence will be installed.

Traffic - Circulation adequate. Entry to site controlled with curb cuts.

Airport Clear Zone - not in this area of Auburn.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 4

Energy

7/29/85 Conversation with Dick Lecompte

Location - Centrally located. Proximity to most services and goods 4/10 mile. Serviced by public transportation.

Site Planning - Sheltered naturally by other buildings and trees on northern exposure.

Building Design - R-25 wall insulation
R-55 Ceiling insulation
Thermal pane windows with caulking
Hot water provided within each apartment, hot water set at 120° and includes insulation jacket.
Use flourescent lights in hallways.

Units designed for good cross ventilation.

Units designed for optimum size.

See Energy Audit.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 5

Noise Assessment

1. No commercial jet port or military airport within 15 miles.

2. Railway noise assessment results in a level of 61.75 day-night average sound level.

3. No major highway within 1,000 feet that would indicate high ambient vehicular noise levels.

To reduce noise impact upon occupants of these units, the developers will lessen intensity by providing 6" thick wall insulation, caulk and weatherstrip all doors and windows.

List All Railways within 3000 feet of the site:

1. Maine Central Railroad
2.
3.

Necessary Information:	**Railway No. 1**	**Railway No. 2**	**Railway No. 3**
1. Distance in feet from the NAL to the railway track:	900		
2. Number of trains in 24 hours:			
a. diesel all	6		
b. electrified			
3. Fraction of operations occuring at night (10 p.m. – 7 a.m.): 33%	2		
4 Number of diesel locomotives per train	3		
5. Number of rail cars per train.			
a. diesel trains	50-100		
b. electrified trains			
6. Average train speed:	30		
7. Is track welded or bolted?	Bolted		
8. Are whistles or horns required for grade crossings?	Yes*		

9/12/85 Conversation with Mr, Gallant, Chief Train Dispatcher

* Whistle sign 100 feet from Bridge, 150 feet from road.

Adjustments for Diesel Locomotives

	9 No. of Locomotives / 2		10 Average Speed Table 9		11 Horns (enter 10)		12 Night-time Table 5		13 No. of Trains (line 2a)		14 Adj. No. of Opns.	15 DNL Workchart 3		16 Barrier Attn.		17 Partial DNL
Railway No. 1	1.5	x	1	x	10	x	1.77	x	6	=	159.3	61.75	-	0	=	61.75
Railway No. 2		x		x		x		x		=			-		=	
Railway No. 3		x		x		x		x		=			-		=	

Adjustments for Railway Cars or Rapid Transit Trains

	18 Number of cars / 50		19 Average Speed Table 10		20 Bolted Rails (enter 4)		21 Night-time Table 5		22 No. of Trains (Line 2a or 2b)		23 Adj. No. of Opns.	24 DNL Work-chart 4		25 Barrier Attn.		26 Partial DNL
Railway No. 1	1.5	x	1.	x	4	x	1.78	x	6	=	64.08	45	-	0	=	45
Railway No. 2		x		x		x		x		=			-		=	
Railway No. 3		x		x		x		x		=			-		=	

Combined Locomotive and Railway Car DNL

Railway No. 1 61.75 Railway No. 2 _____ Railway No 3 _____

Total DNL for all Railways 61.75 - within noise acceptable range standards developed by HUD Noise Assessment Guidelines

Combining Calculations

61.75
45.00
16.75 difference

Table 1 - Combination of Sound Levels
Greater than 16=0

Signature _____ Date _____

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 6

Air Quality

9/25/85 Conversation with Leighton Carver, Division Director of Bureau of Air Quality

1) No need for air emission license - no boiler, no incinerator at site.
2) Not within vicinity of monitoring station.

   Monitoring station at Lepage's Bakery - typically operates without violation

   1983 - no violations

   1982 - 1 violation exceeding Air Quality Standards for the total Suspended Particulates

   No impact anticipated
3) During demolition phase minimize dust and dirt by keeping debris wet down.
4) Project will not establish a trend which may lead to violation of Air Quality Standards in the future.
5) Project will not have parking facility of 1,000 cars or generate traffic of a corresponding magnitude.

STATE OF MAINE
Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17, Augusta, 04333

JOSEPH E. BRENNAN
GOVERNOR

HENRY E. WARREN
COMMISSIONER

September 25, 1985

Reine Mynahan
City of Auburn
45 Spring Street
Auburn, Maine 04210

Dear Ms. Mynahan:

This letter is in response to your request for information on the air quality at the location of the planned 15 dwelling unit complex at 7-15 Chestnut Street in Auburn.

1. The project is within an attainment area, as determined by the Maine Department of Environmental Protection, for the following criteria pollutants: Total Suspended Particulates (TSP), Sulfur Dioxide (SO_2), Nitrogen Dioxide (NO_2), Carbon Monoxide (CO), and Lead (Pb).

   High concentrations of TSP have been measured in the downtown area of Auburn on Second Street during the winter months, with the standard being violated once in the last 2 1/2 years. These violations were due to re-entrained road sand from the winter's sanding and salting operations. During the rest of the year, TSP values remain below the standard.

2. The project is within a nonattainment area, as determined by the Maine DEP, for the criteria pollutant ozone (O_3) only. The project is anticipated to have a minimal impact on the air quality affecting ozone. Therefore the project is determined to be in compliance with the State's Implementation Plan (SIP) as it pertains to ozone nonattainment areas.

3. Since the proposed project has no air emission source (i.e. electric heat and no incineration), the project will have no direct impact on air quality in the area. Vehicles owned by the tenants in the project will be a new source of TSP, nitrogen dioxide, carbon monoxide and lead for the area. However, the vehicles will have no measurable effects on air quality and thus the impacts will be insignificant.

4. The greatest impacts on air quality will be during the construction phase. As I indicated to you a dust suppressant should be used during this phase of the operation to minimize the amount of dust.

If you require more detailed information or have any questions, please contact me at 289-2437.

Sincerely,

Leighton E. Carver

LEIGHTON E. CARVER
Division Director
Air Quality Services
Bureau of Air Quality Control

LEC/jcc

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 7
Visual Quality/Compatibility

Physical Alteration of Natural or Man-made Environment

There is an overgrowth of trees on a side and rear boundary to the site. These will be thinned to allow for open space for the tenants. Selected trees will be left for shade and a buffer between other properties. This will improve the landscape which now has an appearance of wild uncontrolled growth.

Nonconformity with Existing Environment

The physical building structure will be changed to blend in with that of the neighborhood. The structure will contain one and two stories which will not exceed the building heighth of neighboring dwellings. There will be a pitched roof and vinyl siding which will also blend.

Description of the Ambient Environment

The project will not increase the ambient levels of air or noise pollution, vibration, odor, heat or glare. Dust occurring during demolition will be kept at a minimum by watering to alievate problems for neighbors.

This project is a positive improvement to the neighborhood since the existing structure is deteriorating, the former use was disruptive to residential dwellings in the vicinity due to noise, heat exhaust and air quality. Any proposed use of light manufacturing would also be detrimental to the neighborhood.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 8

Historic, Cultural and Archaeological Resources

MAINE HISTORIC PRESERVATION COMMISSION
55 Capitol Street
State House Station 65
Augusta, Maine 04333

Earle G. Shettleworth, Jr.
Director

Telephone:
207-289-2133

July 18, 1985

Reine Mynahan, Rehab. Coordinator
City of Auburn
45 Spring Street
Auburn, Maine 04210

re: Conversion of Dry Cleaners to 15 Dwelling Units, Chestnut Street, Auburn, Maine

Dear Ms. Mynahan:

In response to your recent letter, I have reviewed the above noted project.

I find that this project will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

If I can be of further assistance concerning this matter, please do not hesitate to let me know.

Sincerely,

Earle G. Shettleworth, Jr.
State Historic Preservation Officer

Dept C D D
CITY OF AUBURN
REC'D JUL 19 1985

EGS/slm

July 16, 1985

Earl G. Shettleworth
State Historic Preservation Officer
Historic Preservation Commission
55 Capital Street
State House Station #65
Augusta, Maine 04333

Dear Mr. Shettleworth:

The City of Auburn is proposing to undertake a rehabilitation project for rental property. The location and improvements are as follows:

Address: 7-11 & 15 Chestnut Street
Type of Improvements: Convert dry cleaners to 15 dwelling units.

In looking over this building, it is my impression that this would not be considered as a historic property. Please examine this project in accordance with the procedures for protection of historic and cultural properties (36 CFR Part 800) to determine whether the subject property is an historic or cultural resource.

Please provide a written determination of your findings which will be included as part of our Environmental Review Record.

Thank you for your prompt attention to this request.

Sincerely yours,

Reine Mynahan
Rehab Coordinator

RM/cb
Encs.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 9

Demographic/Community Character Changes

Neighborhood Description

This is the Union Street Neighborhood as defined by the Master Plan; it is bounded in part by major traffic arterials (Court Street and Union Street), and severe topography; it is a densely settled development of single and two-family homes; it is centered around the Webster Intermediate School (grades 4-6); it is located just on the edge of the downtown, yet adjacent to Pettengill Park, a well-developed in-town recreation area.

Demographic Characteristics

The proposed activity creates 15 units of housing on a site 100 feet by 160 feet; while this particular use is of higher density than other similarly sized parcels, it will not alter demographic characteristics significantly.

Access

The structure is only slightly larger than other structures of similar use, however, this one is located adjacent to a large urban park; access by residents of the neighborhood to other facilities will not be impeded.

Commercial, Residential and Industrial Uses

The proposed project will eliminate a blighted/abandoned industrial building and create a new residential use; there will be no widespread change in use.

Community Institution

No community institution will be harmed or destroyed.

EXHIBIT 10

Employment Patterns

9/25/85 Conversation with Paul Luce, Chief of Field Inspection Service Section of Research Division, Maine Employment Security Bureau

Permanent Jobs

Housing Project is not likely to produce permanent jobs. The maintenance up-keep of such a small housing project does not support the need for an employee and will probably be performed by custodial services through local businesses. Does not support managerial or clerical staff.

Temporary Jobs

This project is also not likely to create temporary jobs. However, it is possible that 5 to 10 skilled and unskilled employees could be added to the contractor's payroll, depending on the employer's obtaining other business during the construction period. This project combined with good economic conditions may create more job retention for the winter months.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 11

Educational Facilities

7/23/85 Conversation with Charles Watson

Recent date shows a decline in school enrollment. Plenty of classroom space.Will not affect elementary bus schedule.

For more specific information, see Chapter 9 of the Master Plan.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 12

Health Care

9/25/85 Conversation with Brenda Rivet, Auburn Health Officer

Health Care services are in close proximity to the project. Within 1 mile or less, these are offices for dentists, gynecology, community health care (walk-in) and home health care. Within two miles is a full service hospital.

The Health Office of the municipality is located less than ½ mile from the site. Services offered are blood pressure readings and free immunizations. Assistance is provided for health complaints and referrals of various natures.

Ambulance service response time is 4 minutes.

No impact on these services is anticipated.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 13

Social Services

9/25/85 Conservation with Earle Edgeley, Auburn Welfare Department

Many social services are located within 1 mile or less of the proposed site. These include day care, training for handicapped, Social Security office, a community action office with assistance specifically for low income persons, a home health office, a municipal general assistance office and municipal housing assistance program. All sites are located on public transportation routes. Within less than 5 miles are agencies for mental health, adult and child protection, food stamps and Aid to Dependent Children. In addition to public transportation, a shuttle service is available for many people subject to income restrictions and priorities.

The demand for these social services will not increase significantly or cause an overburden to existing facilities.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 14

Solid Waste

9/25/85 Conversation with Robert Belz, City Engineer, Auburn Public Works

The Energy Recovery Facility burns solid waste. It is presently handling Auburn's waste as well as that of many small communities in the area. The volume of waste generated exceeds the capacity to process it.

The project will have a minimum of 30 people. If each person generates 2 pounds of waste per day (the average is 1 to 3 pounds per day for residential), this will produce 11 tons of waste per year. The facility has a capacity to burn 54,000 tons per year.

The City is encouraging surrounding towns to drop out and for commercial facilities to find alternative disposal methods. The City is also promoting recycling of material.

The project is not expected to be a straight line increase - more of a relocation increase and should not have a significant impact on this service.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 15

Waste Water

7/23/85 Conversation with Bob Palmer, Auburn Sewer District

6" main serving Manley Street

12" main serving Chestnut Street

either one will be adequate to service a 15-unit project

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 16

Storm Water/Waste Water

9/25/85 Conversation with Richard Plourde, Auburn Engineering Department

The storm water in this area is running into a combined waste water/storm water line. There should be no increase in water run-off since there will be a balance when the old foundation is removed and replaced with a new smaller one, and a new small area of hot top is provided for off-street parking.

Some of the runoff will naturally drain into the park behind the project site. There is no impact anticipated with the change in use. There may be less waste water generated with the residential use as opposed to that of a cleaner.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 17

Water Supply

7/23/85 Conversation with Bob Palmer and Steve French, Auburn Water District

Site is in a low pressure zone. Pressure on street level is 30 PST. - Low. Adequate for plumbing on first floor. Pressure to 2nd floor will be reduced - not serious enough for a pump.

Water supply is adequate - 50 gallons per minute or higher.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 18

Police

9/25/85 Conversation with Lieutenant Keene, Auburn Police Department

Project site provides adequate access for police services. Response time is 2 minutes. Central Police Station is located less than ½ mile from project. There are no obstacles impeding response and none will be created.

The quality of police protection service is adequate to meet the needs of the project and no increase in staffing or equipment is anticipated.

The crime in the area is typical for an inner city area. There have been problems of disturbances by aggrevated tenants within buildings and minor criminal mischief. The neighborhood has improved in the last few years.

The building design is such that it can be easily patrolled by police from the street.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 19

Fire and Emergency Medical

9/25/85 Conversation with Deputy DeWitt, Auburn Fire Department

Project will not produce need for additional staffing or equipment by Auburn Fire Department. Project has good access to all dwelling units where emergency vehicle or fire truck can drive directly to the building from two points. There are no obstacles to access from the road. The project will not create any obstacle. The Fire Department is adequately staffed to meet the needs of the City and this project.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 20

Open Space and Recreation

9/25/85 Conversation with Norris Ingersoll, Director, Auburn Parks and Recreation Department

There is adequate open space area and recreational facilities in walking distance from the project site. Adjacent to the site there are 4 tennis courts, a combined football/soccer field, a basketball court, some playground equipment, a hill for winter sliding and a winter ice rink for hockey and public skating.

Less than ½ mile away, there is another full range park with playground staff in the summer. Streets leading to Pettingill Park are small side streets with very little traffic.

There is adequate green space at the rear of the project to provide a play area for small children.

The project will not overload the existing facilities.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 21

Transportation

7/23/85 Conversation with Bill Eation - LACTS

Area is serviced by bus line every half hour - bus comes down Summer Street 600 feet from site. Hours 12-5 and 6-8.

Also, serviced by Western Maine Transportation on call basis for elderly, handicap and low income.

Taxi cabs available at higher cost.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 22

Water Resources/Surface Water

9/25/85 Conversation with Steve Ranney, Acting City Engineer, Auburn Engineering Department

The water supply for the City of Auburn is taken from Lake Auburn. The Lake is 2.13 miles away from the development site. Surfact water runoff from this site not expected to have any affect on the quality of the City's drinking water.

The project will not utilize a septic system; therefore, there will be no underground discharge of waste. All waste will be channeled into the public sewer system. The raw sewerage is pumped across to Lewiston where it is processed by a joint Lewiston/Auburn sewerage treatment plant.

There is no anticipated change in the absorption of water below grade since there will be no significant alteration of surfact textures. Surface water not absorbed through the ground will be channeled into a combined water/sewer line.

ENVIRONMENTAL REVIEW RECORD

EXHIBIT 23

Natural Features, Vegetation & Wildlife

9/25/85 Conversation with Bryce McKewen, Soil Conservation Service

Unique Natural Features

There are none. All are man made; therefore, there will be no impact.

Vegetation

The project will not damage or destroy existing rare or endangered species since there are none Landscaping will include thinning of trees, but will not eliminate them altogether. The conditions considered favorable to nuisance species will be eliminated.

Animal Life

Animal life in the area consists of squirrels and song birds. Provided some trees are left on the site, their habitats will not be affected. Front landscape will actually improve living conditions for animals.

There are no more than usual problems of pests in this area.

LEWISTON DAILY SUN

September 26, 1985

CITY OF AUBURN COMBINED NOTICES

Finding of No Significant Impact and Intent to Request a Release of Grant Funds

On or about October 11, 1985, the City of Auburn will request the U.S. Department of Housing and Urban Development to release Federal funds under Section 17 of the United States Housing Act of 1937 and Titlt I of the Housing and Community Development Act of 1974 for the following Project:

Parkview Terrace
7-15 Chestnut Street
Auburn, Maine

The project location is the site of the former Beal's Laundry facility and will involve conversion of a portion of the existing structure to eight (two-bedroom) dwelling units, demolition and new construction for an additional seven (two-bedroom) dwelling units. The total development project cost is $450,000.

NOTICE OF NO SIGNIFICANT IMPACT

The federal Department of Housing and Urban Development (HUD) requires the City of Auburn conduct an environmental review of this project to determine positive and negative impacts of the environment on the project and the effects of the project on the environment. The review has been completed and as a result, a determination has been made that the project will have

NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

The Environmental Review Record is available for public examination and copying at the Department of Community Development and Planning, Auburn City Building, 45 Spring Street, Auburn, Maine on Monday through Friday from 8:00 a.m. to 4:30 p m. All interested agencies, groups or persons are invited to submit written comments to the Department of Community Development and Planning, Auburn City Building during the 15-day review period. These comments will be included in the Request for Release of Funds to HUD. The review period expires October 10, 1985.

RELEASE OF FUNDS

On October 11, 1985, the City of Auburn will submit a Request for Release of Funds and Certification to the Department of Housing and Urban Development under the Section 17 and Title I to provide funding for this project. The City of Auburn is certifying to HUD that the City and Charles Morrison, City Manager, in his official capacity, consent to accept jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, the City of Auburn may use the Block Grant and Rental Rehab funds and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and other environmental responsibilities listed in 24 CFR Part 58. HUD will acccept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

(a) The certification was not in fact executed by the recipient's Certifying Officer.

(b) The recipient has filed to make one of the two findings pursuant to §58.41 or to make the written determination decision required by §§58.47, 58.53 or 58.64 for the project, as applicable.

(c) The recipient has omitted one or more of the steps set forth at Subparts F and G for the preparation and completion of an Environmental Assessment.

(d) (1) With respect to Title I and Section 17 projects, no opportunity was given to the Advisory Council on Historic Preservation or its Executive Director to review the effect of the project on a property listed on the National Register of Historic Places, or found to be eligible for such listing by the Secretary of the Interior, in accordance with 36 CFR Part 800.

(e) With respect to a project for which a recipient has decided that §§58.57, 58.53 or 58.64 apply, the recipient has failed to include in the record the written decision required, or its decision is not supported by facts specified by the objecting party.

(f) Another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objection must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to the Department of Housing and Urban Development, Manchester Area Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, N.H 03103. Objections to the release of funds on bases other than these stated above will not be considered by HUD. No objection received after October 25, 1985 will be considered by HUD.

Charles Morrison
City Manager
City of Auburn
September 26, 1985

ENVIRONMENTAL REVIEW RECORD

Distribution List for Disseminating Notices

1. Federal Agencies

Neil Sieminski
Field Representative
HUD Area Office
Norris Cotton Federal Building
275 Chestnut Street
Manchester, N.H. 03101

James Joyce
Rehabilitation Specialist
HUD Area Office
Norris Cotton Federal Building
275 Chestnut Street
Manchester, N.H. 03101

Barbara Kropf
HUD Environmental Officer
15 Charles Street
Boston, MA 02114

2. State Agencies

William Burney
Maine State Housing Authority
P.O. Box 2669
Augusta, Maine 04330

Stanley Provus
Finance Authority of Maine
Western Avenue
Augusta, Maine 04330

Paul Luce
Field Inspection Research
Maine Employment Security Bureau
20 Union Street
Augusta, Maine 04330

Earle Shettleworth, Jr.
Maine Historic Preservation Commission
State House Station #65
Augusta, ME 04333

Leighton Carver
Bureau of Air Quality
Department of Environment Protection
Hospital Street
Augusta, Maine 04330

3. Regional Agencies

John Jaworski
AVCOG
70 Court Street
Auburn, Maine 04210

William Eaton
Lewiston-Auburn Comprehensive
Transportation Study
70 Court Street
Auburn, ME 04210

Bryce McKewen
Soil Conservation Service
1 Great Falls Plaza
Auburn, ME 04210

4. Local Agencies

Roy Loux, Superintendent
School Department
23 High Street
Auburn, ME 04210

Earle A. Tarr, Jr.
General Manager
Water & Sewerage District
P.O. Box 414
Auburn, ME 04210

Richard Whiting, Director
Auburn Housing Authority
P.O. Box 3037
Auburn, ME 04210

Chief Peter Mador
Police Department
1 Minot Avenue
Auburn, ME 04210

Earle Edgeley
Auburn Welfare Department
45 Spring Street
Auburn, ME 04210

Steven Ranney, PE
Engineering Department
45 Spring Street
Auburn, ME 04210

Norris Ingersoll, Director
Department of Parks & Recreation
Hasty Memorial Armory Building
Pettengill Park
Auburn, ME 04210

Jeffrey Gongall, Manager
Auburn-Lewiston Municipal Airport
Junction Road
Auburn, ME 04210

Chief Clifton Smith
Fire Department
550 Minot Avenue
Auburn, ME 04210

Brenda Rivet
Auburn Health Department
45 Spring Street
Auburn, ME 04210

5. Public Communications

Radio Station WLAM
Washington Street
Auburn, ME 04210

Lewiston Daily Sun
Park Street
Lewiston, Maine 04210

6. Other Interested Parties

Steven Weems
Casco Northern Bank
Great Falls Plaza
P.O. Box 220
Auburn, ME 04210

Parkview Associates
17 Champlain Avenue
Lewiston, ME 04240

Peter Garcia
Skelton, Taintor, Abbott & Orestis
Attorneys at Law
465 Main Street
P.O. Box 1121
Lewiston, Maine 04240

City of Auburn

COMBINED NOTICES

Finding of No Significant Impact and
Intent to Request a Release of Grant Funds

On or about October 11, 1985, the City of Auburn will request the U.S. Department of Housing and Urban Development to release Federal funds under Section 17 of the United States Housing Act of 1937 and Title I of the Housing and Community Development Act of 1974 for the following Project:

Parkview Terrace
7-15 Chestnut Street
Auburn, Maine

The project location is the site of the former Beal's Laundry facility and will involve conversion of a portion of the existing structure to eight (two-bedroom) dwelling units, demolition and new construction for an additional seven (two-bedroom) dwelling units. The total development project cost is $450,000.

NOTICE OF NO SIGNIFICANT IMPACT

The federal Department of Housing and Urban Development (HUD) requires the City of Auburn conduct an environmental review of this project to determine positive and negative impacts of the environment on the project and the effects of the project on the environment. The review has been completed and as a result, a determination has been made that the project will have

NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

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(a) The certification was not in fact executed by the recipient's Certifying Officer.

(b) The recipient has failed to make one of the two findings pursuant to §58.41 or to make the written determination decision required by §§58.47, 58.53 or 58.64 for the project, as applicable.

(c) The recipient has omitted one or more of the steps set forth at Subparts F and G for the preparation and completion of an Environmental Assessment.

(d)(1) With respect to Title I and Section 17 projects, no opportunity was given to the Advisory Council on Historic Preservation or its Executive Director to review the effect of the project on a property listed on the National Register of Historic Places, or found to be eligible for such listing by the Secretary of the Interior, in accordance with 36 CFR Part 800.

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Charles Morrison
City Manager
City of Auburn
September 26, 1985