

RESOLUTION 21-001

***Traffic Impact Fee Resolve- Downs TMP
IN TOWN COUNCIL ORDER***

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 187, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to establish impact fee ordinances that require developers to make payments to the Town so the Town can undertake specific improvements; and

WHEREAS, pursuant to the Act, the Town has enacted various impact fee ordinances identified in the Town's ordinances in Chapter 400 - Building, Land Use and Development Impact Fees and mitigation fees pursuant to Town ordinance, including the following: Chapter 405B, Site Plan Review Ordinance, Oak Hill mitigation fee consistent with Section IV.B(1); Chapter 410, Scarborough Roadway Impact Fee Ordinance, Payne Road Area Capital Improvement Districts; and

WHEREAS, the Act and the referenced mitigation fee require the Town to use the funds that have accumulated pursuant to such applicable ordinances for the improvements identified therein; and

WHEREAS, the Town expects to terminate the collection of impact fees relating to the named Impact Fee Ordinances herein (Payne Road Area Capital Improvement Districts) following the appropriation of fees collected and expected to be collected in the near terms relating to projects under development but not yet under construction; and

WHEREAS, Crossroads Holdings, LLC, the developer of the Scarborough Downs property, has received a Maine Department of Transportation Traffic Movement Permit which requires various offsite improvements be undertaken on intersections that are also identified in the impact fee ordinances; and

WHEREAS, there is a five-year plan outlined for the contemplated improvements addressed in the Crossroads Holdings, LLC Traffic Movement Permit and are summarized in the "'OFF-SITE' IMPROVEMENTS SUMMARY, Downs Traffic Movement Permit dated 8/27/21" (the "Plan") presented to the Council with this Order and incorporated by reference herein; and

NOW THEREFORE, ORDERED AS FOLLOWS:

Section 1. Impact Fee Appropriation Authorization. The Town Council hereby appropriates the following impact and mitigation fees to the improvements in the Plan, plus up to an additional 15% of such amounts to reflect anticipated impact and mitigation fees to be paid by developers of projects approved by the Planning Board but not yet under construction, such total appropriations to be implemented by the Town Manager at such time as the traffic/infrastructure improvement projects are undertaken pursuant to a requisition process:

2023- Oak Hill, \$96,500
2024- Payne Rd., District 1, \$84,400
 District 2, \$228,400
 District 3, \$864,900

To the extent any of the impact and mitigation fees from approved projects have not been paid to the Town at the time of the Town Manager appropriation, they will not be expended pursuant to this appropriation authority.

Section 2. Business Partnership Program Application Authorization. The Town Council hereby authorizes and directs the Town Manager to apply to the Business Partnership Initiative Program of the Maine Department of Transportation whereby a portion of the costs of the improvement projects identified in the Plan may be paid for with State funds in addition to funds from the Town's approved Capital Improvement Projects (FY 20 North Scarborough Traffic Signal Improvement Plan; FY22 Route 1 Adaptive Traffic Controls), impact and mitigation fees identified above, and funds from Crossroads Holdings, LLC.

Signed and sealed this 6th day of October, 2021, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by

/S/Paul M. Johnson
Council Chair

Attested by:

/S/Yolande P. Justice
Town Clerk