

AGENDA
SCARBOROUGH TOWN COUNCIL
WORKSHOP WEDNESDAY – FEBRUARY 15, 2023
WORKSHOP RE: GMO – 5:30 P.M.
HYBRID MEETING

TO VIEW TOWN COUNCIL MEETING & OFFER PUBLIC COMMENT:

https://scarboroughmaine.zoom.us/webinar/register/WN_XcWNZJy6Sfe3IW6ieOkt3w

TO VIEW TOWN COUNCIL MEETING ONLY:

<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

- Item 1.** Call to Order.
- Item 2.** Those Present.
- Item 3.** Presentation and Discussion on the GMO.
[\[Link to Supporting Documentation\]](#)
- Item 4.** Adjournment.



GMO Workshop

February 15, 2023



Why are we here today?

- ▶ Order No. 22-100. Act on the request to authorize Councilor's McGee and Anderson to facilitate a comprehensive review of Chapter 413: Scarborough Growth Management Ordinance. Utilizing Town Staff and Committees to advise on potential amendments for the Council to consider, with frequent progress updates to the full Council and a final recommendation no later than April 5th, 2023.
- ▶ **Workshop Objectives:**
 - ▶ Test Recommended Concept with Councilors to gather additional feedback to finalize recommendations for an April 5th, 2023 first reading of an amended rate of growth ordinance.
- ▶ **Next Steps:**
 - ▶ Councilor Corner Live: March 02, 2023 @6PM at the Public Safety Building
 - ▶ Include recommendation in Agenda Packet by Friday March 31st for 1st Read on April 5th 2023.
 - ▶ Target 2nd Reading no later than June 30th, 2023 – Allow for prolonged public comment period to help with communication, education and public input.



Problem Statement

The existing GMO has been in place for over a year with learnings that need to be addressed:

- **Residents** concerned the pace of growth has been **too fast**
- Too much **uncertainty on the pace of growth** with the **number of exempted use cases** and the introduction of the **Council exemption process**
- **Lack of predictability** with the development community and the ability to plan and finance **multi-family development projects**
- **Not aligned** with our **planning process**
- **Restricts pace of development in CPD zone**, without having to go through a Council Exemption process
- **Subjectivity** with “**public benefit**”
- Ability to **amend the ordinance with a majority vote** with a Council exemption process that requires a supermajority – essentially makes **Council exemption process obsolete**
- **Too complex**

What We Heard - Principles Applied to Recommendations

2021 Survey

General Public Input

Committee Input

Staff Input

Developer Feedback

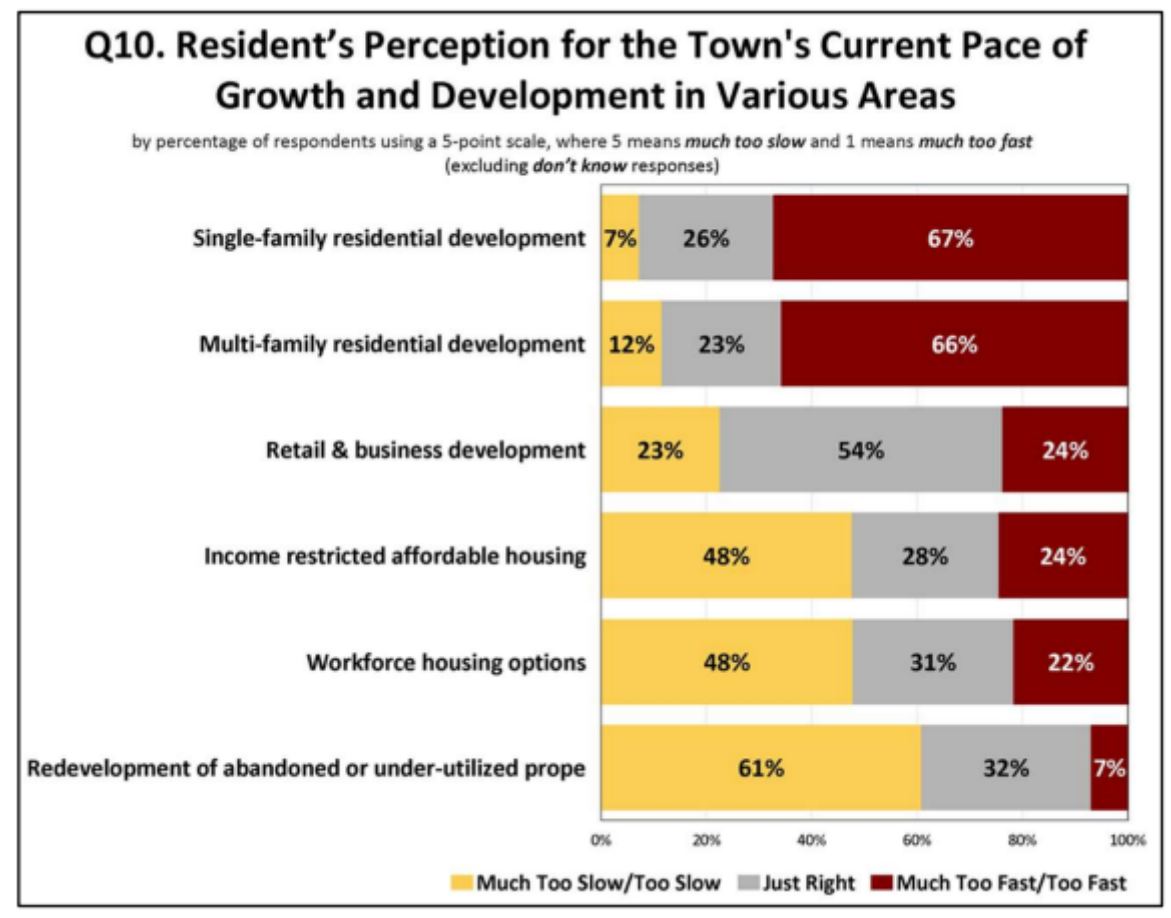
- Slow the pace of growth, especially compared to the last few years
- Protect character of existing neighborhoods
- Protect rural areas
- Conserve green space
- Plan for service expansion – particular for the schools, public safety and infrastructure to absorb the growth
- Address Traffic concerns
- Provide developer flexibility given the building cycle
- Provide clear expectations to developers
- Take politics out of the equation
- Simplicity
- Better define an Exemption process if one exists
- Easy to administer by Town staff


Growth Concerns - 2021 Town-Wide Community Survey

A quarter (25.2%) of residents indicated they were either very satisfied or satisfied with how well the Town is managing residential growth; 22.8% were neutral and 52.0% were either dissatisfied or very dissatisfied.

QUALITY OF LIFE

Traffic Flow: 41.8% satisfied
Public Education: 72.6% satisfied
Public Safety: 91.9% satisfied
Parks & Recs: 77.3% satisfied





Development Program & Growth Management Tools

- ▶ Comp Plan – Vision for Growth and Development in a Town
- ▶ Zoning – What type of development is allowed and where in the Town; density as a tool to limit growth
- ▶ Impact Fees – Ensuring new development pays it's share of the impact to schools, roads, and other areas impacted by growth
- ▶ Growth Management Ordinance – The pace at which we grow to

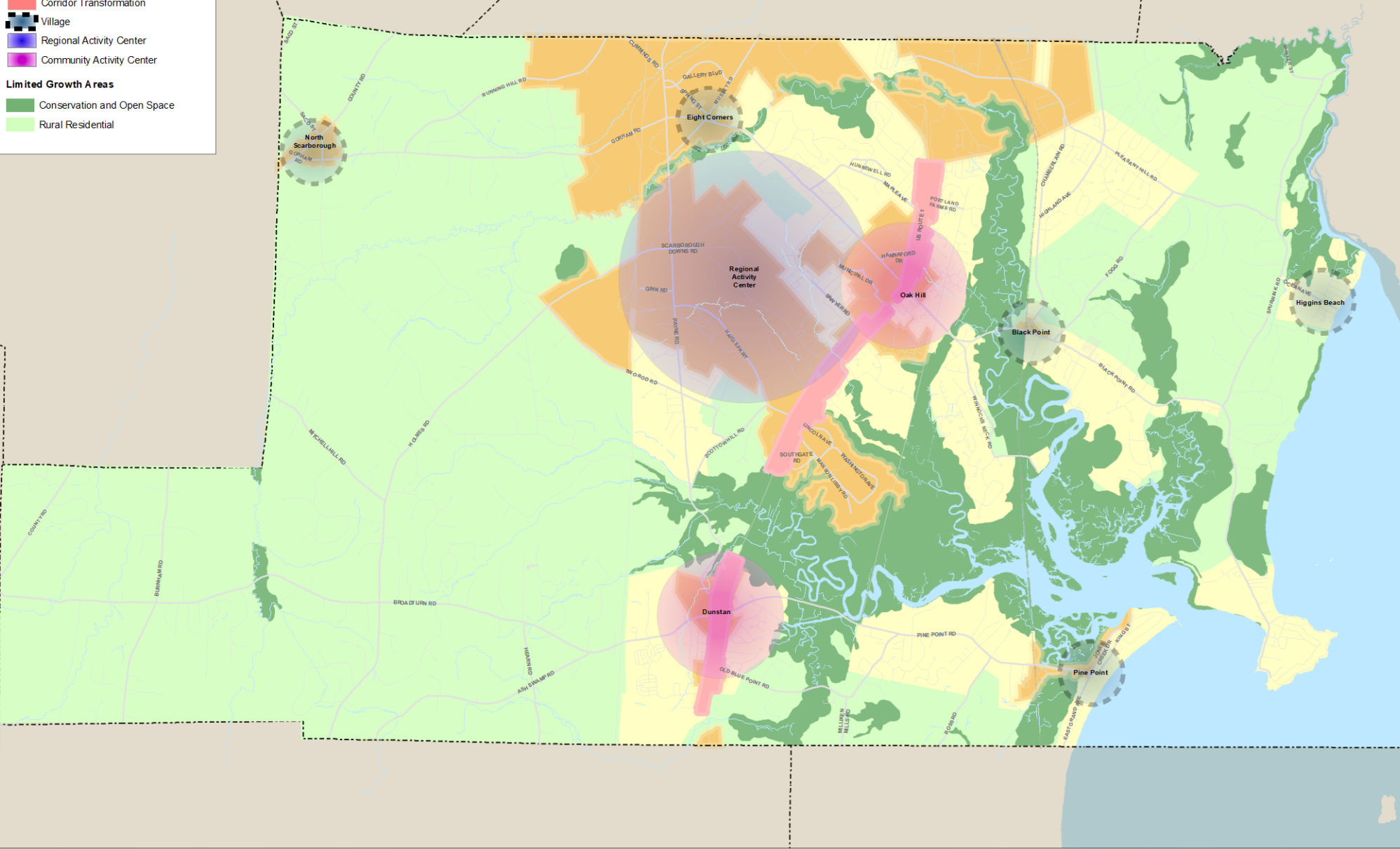
Conservation & Growth Map

Growth Area

- Low to Moderate Density Non-Res
- Low to Moderate Density Res
- Corridor Transformation
- Village
- Regional Activity Center
- Community Activity Center

Limited Growth Areas

- Conservation and Open Space
- Rural Residential



Historical Permit Numbers

Calendar Year	Single Family Units	Duplex (Units)	Multi-Family Units	<u>Total Units</u>	Total Growth Permits	Affordable Units (MF & SF)
	Includes Affordable Units					
2010	55	6	0	61	54	0
2011	49	0	0	49	45	0
2012	61	10	8	79	69	0
2013	75	2	0	77	77	0
2014	68	2	0	70	70	0
2015	91	6	32	129	113	3
2016	80	6	6	92	92	3
2017	76	4	182	262	191.72	41
2018	61	6	313	380	218	41
2019	87	26	151	264	210.12	0
2020	67	8	139	214	150.74	79
2021	94	22	221	337	251.2	39
2022	71	10	225	306	126	91

Historical Permit Averages

Calendar Year	Single Family Units	Duplex (Units)	Multi-Family Units	Total Units	Total Growth Permits	Affordable Units (MF & SF)
	Includes Affordable Units					
10 Year Average 2019	70.3	6.8	69.2	146.3	113.984	8.8
10 Year Averages 2020	71.5	7	83.1	161.6	123.658	16.7
10 Year Averages 2021	76.00	9.20	105.20	190.40	144.28	20.60
10 Year Averages 2022	77.00	9.20	126.90	213.10	149.98	29.70
10 Year Average Plus 5%				223.76	157.48	



Existing GMO Summary

1. The existing GMO allows an **annual allocation** (fixed number) of residential permits per calendar year. This number is revised every two years.

- ▶ **144** total permits each year (each permit equals one residential unit)
 - ▶ No more than 30 permits in the Rural Districts (west of the turnpike)
 - ▶ No more than 20% (29) of total permits in a common scheme, except no more than 30% (43) of the total in the Crossroad Planned Districts (The Downs)

2. The existing GMO also allows for **exemptions** including:

- ▶ All Repair and Replacement Units and Gift Lots
- ▶ All Affordable Housing Units
- ▶ All Manufactured Housing Units in a Licensed Community
- ▶ Up to (100) One-Bedroom Multi-Family Units (until 12/31/2024)
- ▶ Up to 10 Workforce Housing Units Per Year
- ▶ Up to **(289)** Mixed Use or MF in Crossroads Planned Development (until 12/31/2025)

3. Exemption process to be heard through the Town Council if the unit is within the designated growth areas, the unit is part of mixed-use or multi-family, and provides public benefit.

Current GMO Summary

Calendar Year	Current GMO Exemptions				AREA 1 - Rural and SF Districts & Running Hill	AREA 2 - Growth Areas	AREA 3 - CPD		Townwide Total Units (plus exemptions)
	Affordable	MF	Workforce	100 One Bedroom Units	Up to 30 per year	Up to 144 per year	(SF) existing GMO	CPD (MU & MF) existing GMO	
								289	
2023	open	open	10	50	30	71	43	97	301
2024	open	open	10	50	30	71	43	97	301
2025	open	open	10		30	71	43	96	250



Input Received from Committees & Boards

Survey Sent to Town Boards and Committees November – December

- ▶ Community Services
- ▶ Conservation Commission
- ▶ Housing Alliance
- ▶ Library Trustees
- ▶ Long Range Planning Committee
- ▶ Planning Board
- ▶ SEDCO
- ▶ Sustainability Committee
- ▶ Transportation Committee
- ▶ Zoning Board of Appeals
- ▶ Town Staff – Fire, Police, PW, Engineering, Assessing



Survey Results

1. Does the number of new residential units built each year affect your board?

- ▶ Yes – we need housing and a mix of types
- ▶ Yes – service calls are based on units and population
- ▶ Yes – more people equals more participation and more offerings
- ▶ Yes – there needs to be a balance between residential and commercial
- ▶ Yes – more people equals more draw on our services and traffic
- ▶ Yes – growth can be positive in the right location
- ▶ Yes – direct and indirect impacts to environment



Survey Results

2. Does the effect of residential units vary based on type of housing?

- ▶ Yes – Single family is less efficient and requires more resources
- ▶ Multi-family requires more of fire – same for police
- ▶ All units have an effect on community service needs
- ▶ Balance is needed – value of mf is much higher – pays for itself
- ▶ Strain on schools from both – number of bedrooms & type
- ▶ Location of types is important to consider – strain on services or available services & proximity to jobs
- ▶ Impervious surface varies by type – SF increases land footprint and makes conservation harder



Survey Results

3. The existing GMO allows an **annual allocation** (fixed number) of residential permits per calendar year. This number is revised every two years.

- ▶ 144 total permits each year (each permit equals one residential unit)
 - ▶ No more than 30 permits in the Rural Districts (west of the turnpike) **VERY GOOD**
 - ▶ No more than 20% (29) of total permits in a common scheme, except no more than 30% (43) of the total in the Crossroad Planned Districts (The Downs)
 - ▶ **Managing growth is a must – but housing is an issue in Southern Maine and MF is harder with the GMO**
 - ▶ **First come, first serve is not equitable - small and large projects need to be able to acquire permits**
 - ▶ **Predictability is important – hard to develop when we change the numbers**
 - ▶ **Entitlement Phase should be linked to growth permits**
 - ▶ **20% per year is too small for larger projects**
 - ▶ **Annual allocation does not take into consideration impacts of other development**



Survey Results

4. The existing GMO also allows for **exemptions** including:

- ▶ All Repair and Replacement Units and Gift Lots - OK
- ▶ All Affordable Housing Units – GOOD – NEED DEED RESTRICTIONS
- ▶ All Manufactured Housing Units in a Licensed Community - NA
- ▶ Up to (100) One-Bedroom Multi-Family Units (until 12/31/2024) - GOOD
- ▶ Up to 10 Workforce Housing Units Per Year – NEED MORE WITH DEED RESTRICTIONS
- ▶ Up to (289) Mixed Use or MF in Crossroads Planned Development (until 12/31/2025) – OK – BUT OTHER PLACES TOO



Survey Results



5. Is an exemption process beneficial?

- Exemption Process is necessary, but ordinance should be revised to reduce the instances where an exemption is necessary - a more realistic number and set of circumstances and be very defined
- Timing is unfair – better projects may be penalized due to timing
- Public benefit is beyond standard requirements – however seems unfair due to timing – first in might not be the best, but it's easier
- Why not make all go through the public benefit process?
- No – allows for development to outpace planning and conservation
- No – giving an out to a rule set in place



Survey Results

6. & 7. What is Public Benefit?

- Affordable – Workforce – Diversity of Housing
- Sustainable – Open Space – Space – Trails - Conservation
- Low Energy Consumption – Less Impervious, Coastal Water Protection
- Specialized Services - Access
- Recreational Facility – Parks – Athletic Facilities – Meeting Spaces – Skating Rinks – Pools – Schools
- Alignment with Comp Plan Goals
- Redevelopment - Aesthetic Improvements



Survey Results

8. Overarching Principles

Following the Comprehensive Plan & Town Ordinances

Affordability & Diversity in Housing

Access to Transportation & Employment - Reducing Dependency on Automobiles

Active & Passive Recreation

Low Energy Consumption, Leed, Net Zero

Complete Streets, Multi-modal Connectivity, Trails, Connectors, Safety

Open Space & Conservation of Land

Environmental Protections- Habitat & Species, Scarborough Marsh, Water & Air Quality



Interesting Ideas

- Removing the CPD from the GMO – addressing growth in the Zoning Ordinance and placing limits and thresholds for development
- Getting ahead on the public benefit side – adding to the list of ordinances that should be ‘required’
- Unit type does matter – not all are equal in impact
- Mixed use should be exempt in growth areas
- Growth is not all bad – provides opportunities for the things we want (define)
- There are ongoing conflicting goals - which needs to be managed. We want transit, but density can seem overwhelming. Council needs to look at the whole system to figure out the balance
- Creating a select committee to evaluate annual growth in Town (separate from ordinance discussions)



Developer Feedback



- ▶ The GMO is obsolete in light of other growth management tools such as Impact fees and good zoning.
- ▶ The GMO is not aligned with the Zoning Ordinance and the Comprehensive Plan. GMO can't be a one size fits all approach.
- ▶ Growth, managed correctly, holds down property taxes through the creation of new value and the investments in Town infrastructure
- ▶ Predictability is a key aspect to development
- ▶ You follow the rules in the zoning ordinance, but then you can't get permits and the process to seek redress is complicated and not predictable
- ▶ The GMO looks backward, but developers have to follow the market
- ▶ The GMO is good for affordable housing, but not workforce housing. (Affordable is exempt, but not workforce)
- ▶ The GMO creates a timing issue for pulling permits, causing projects to start at the worst time of the year



Developer Feedback



- Get rid of GMO for a few years – no run-on development since there is little room in growth areas to still develop
- Create a more predictable system.
- There is a sense that the GMO is fulfilling a political objective rather than a fiscal or planning objective
- Put out a clear rule book, continue to manage growth through quality zoning and you will get good projects.
- Guaranteeing permits over a multi-year system has merit, but how would it work? Does it just create another rush on permits.
- Less subjectivity and more clarity is needed.
- Articulate what the Ordinance has done for the Community.
- Provide more info to public on benefits of growth, such as steady property tax rates.
- Decide if there is the political will to support growth that invests in the town.



GMO Proposal

Area1 - Rural and SF (Plus Running Hill)


- ▶ 25 per year

Area 2 - Growth Areas

- ▶ 300 every three years in growth areas
- ▶ Maximum 20% three-bedrooms or greater

Area3 - CPD

- ▶ Maintains current GMO and 450 every three years until built out
 - ▶ Will prioritize mixed use development in first wave to activate downtown area
- ▶ Staff recommends amending the CPD to add a maximum number of units that aligns with expectations (Zoning Change)
- ▶ Maximum 20% three-bedrooms or greater for multi-family development

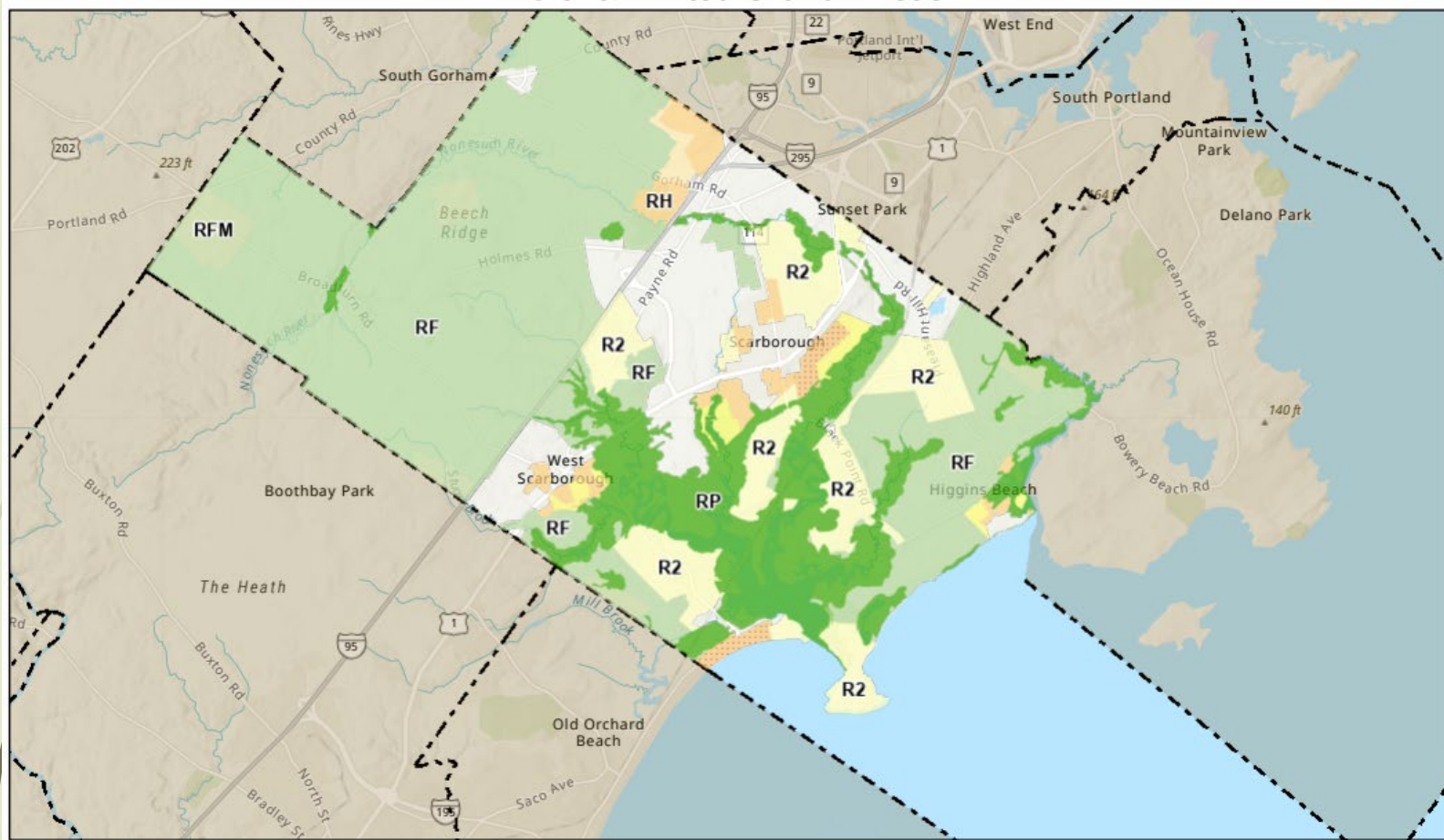


GMO Proposal - Administration

Administration

- ▶ No exemptions
- ▶ All units/permits are the same
- ▶ Allotted maximums would restart January 1 every three years or every one year for outside of growth areas
- ▶ Planning and Codes Department would track building permits and update Town Council on a biannual basis (January & July) as to where we are within the thresholds
- ▶ Site Plan approval would vest larger projects for 12 month period and building permits would vest smaller projects
- ▶ No carryover of permits

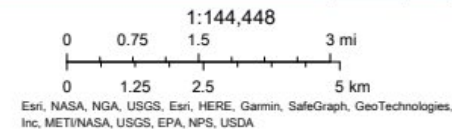
AREA 1 - Rural & Limited Growth Areas



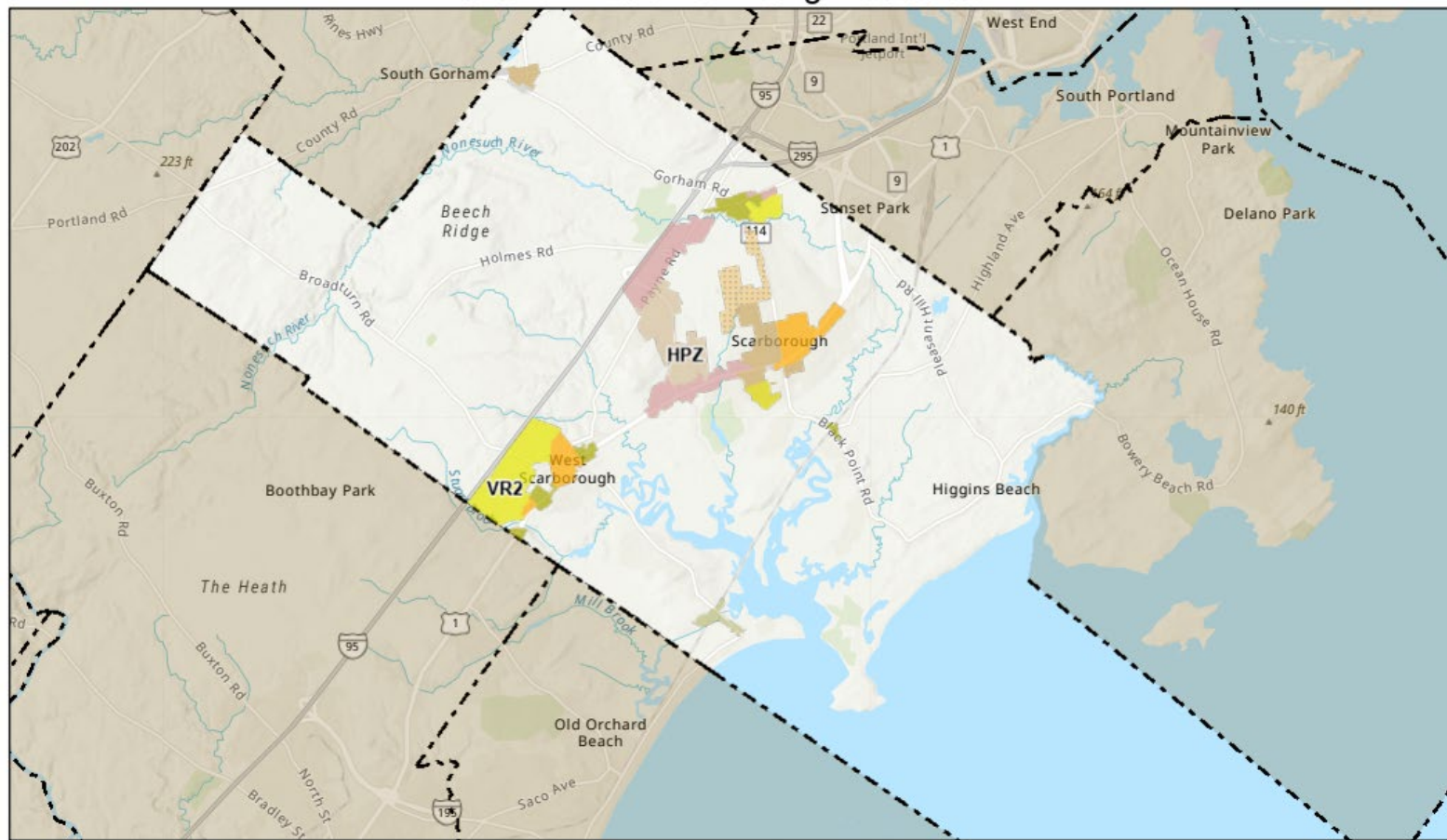
- Zoning Includes:
- RF, RFM, R2, R3, R4, R4A and Running Hill Districts
- 25 Per Year
- No bedroom limitations

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Roads	R3 - Residential 3
RP - Resource Protection	R2 - Residential 2
R4A - Residential 4A	RH2 - Running Hill Transition
R4 - Residential 4	RH - Running Hill Mixed Use



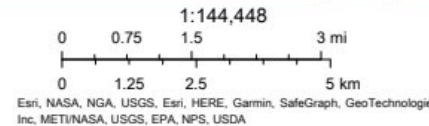
AREA 2 - Growth Areas – Residential Zones



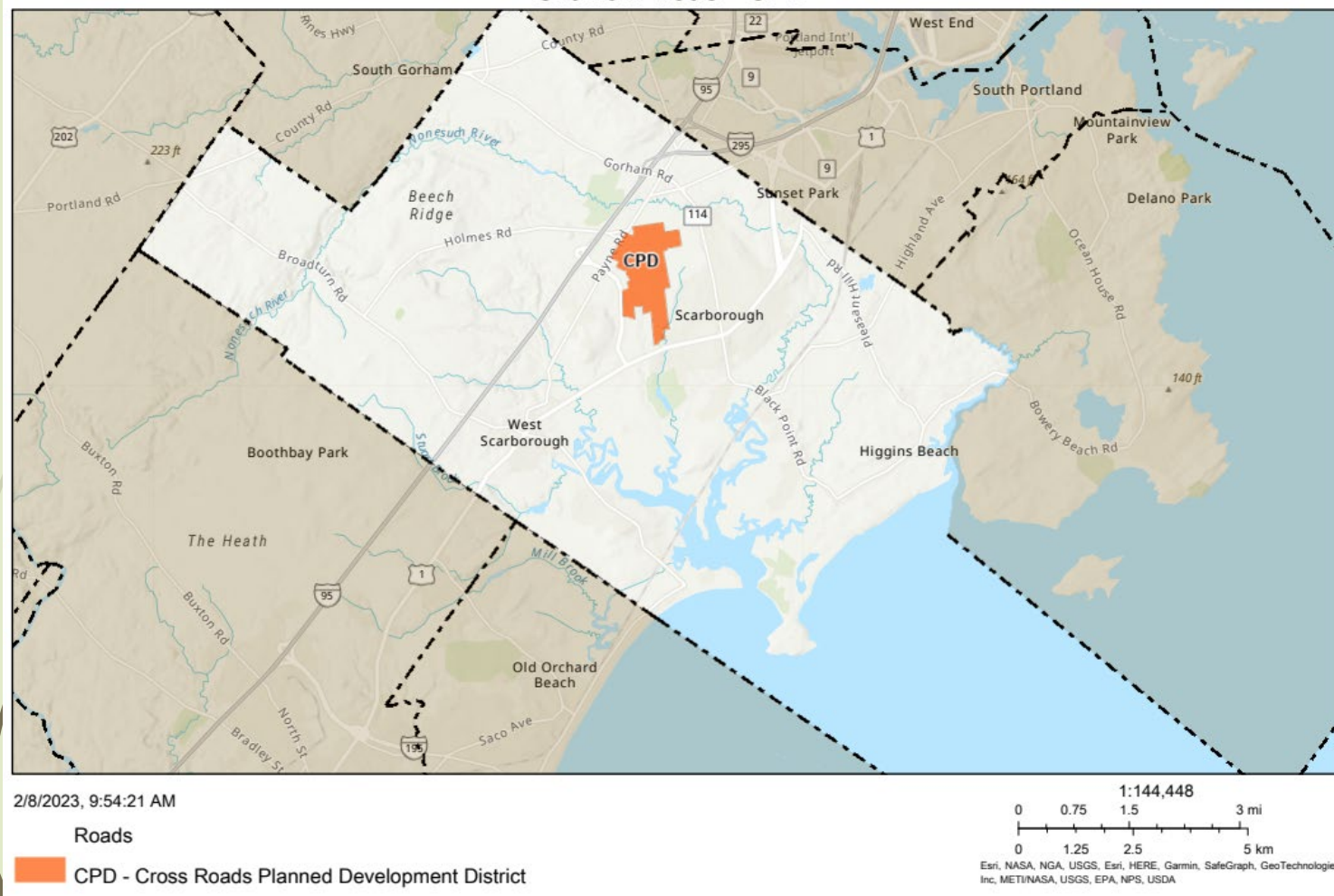
- Residential Zoning Includes:
- TVC, TVC2, TVC3, TVC4, VR-2, VR-4, B-3, HP, RPO, TND
- 300 every three years
- Maximum 20% three-bedrooms or greater

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Roads	B3 - General Business	TVC2 - Town and Village Centers Transition
TND - Traditional Neighborhood	HPZ - Haigis Parkway	TVC - Town and Village Centers Transition
VR4 - Village Residential 4	TVC4 - Town and Village Centers 4 District	RPO - Residential Professional Office
VR2 - Village Residential 2	TVC3 - Town and Village Centers 3 District	



AREA 3 - CPD Zoning



- Maintains current GMO and 450 every three years until built out
- Staff recommends amending the CPD to add a maximum number of units that aligns with expectations
- Maximum 20% three-bedrooms or greater

Calendar Year	AREA 1 - Rural & SF	AREA 2 – Growth Areas	AREA 3 – CPD				Townwide Total Units
	25 per year	up to 300 every 3 years	(SF) existing GMO	CPD (MU & MF) existing GMO	CPD	CPD	
				289	Up to 450 every 3 years	Up to 450 every 3 years	
3 Bedroom Max	NA	20%	NA	20%	20%	NA	
2023	25	100	43	97			265
2024	25	100	43	97			265
2025	25	100	43	96			264
2026	25	100			150		275
2027	25	100			150		275
2028	25	100			150		275
2029	25	100				150	275
2030	25	100				150	275
2030	25	100				150	275

Current GMO vs Proposal

Calendar Year	Current GMO Exemptions				AREA 1 - Rural and SF Districts & Running Hill	AREA 2 - Growth Areas	AREA 3 - CPD		Townwide Total Units (plus exemptions)	Proposal TOTALS
	Affordable	MF	Workforce	100 One Bedroom Units	Max 30 per year	Up to 144 per year	(SF) existing GMO	CPD (MU & MF) existing GMO		
								289		
2023	open	open	10	50	30	71	43	97	301	265
2024	open	open	10	50	30	71	43	97	301	265
2025	open	open	10		30	71	43	96	250	265

Does it Measure Up?

Principle	Does it Measure Up?
Slow the pace of growth, especially compared to the last few years	Yes. Limiting the 3 year allotment further could slow the pace further, but will restrict multi-family development projects
Predictability	Yes, no other exemptions
Protect character of existing neighborhoods	Yes, except for high growth areas allow for greater density
Protect rural areas	Yes, limited growth in majority of Scarborough
Conserve green space	Yes, with focus on development in high growth areas
Plan for service expansion – particular for the schools, public safety and infrastructure to absorb the growth	N/A – Requires separate action: <ol style="list-style-type: none"> 1. Impact Fees 2. New School Solution 3. Town-wide Transportation Plan
Addresses Traffic Concerns	N/A – Requires separate action: <ol style="list-style-type: none"> 1. TMPs 2. Impact Fees
Provide developer flexibility given the building cycle	Yes – multi-year pools will allow for planning larger projects, particularly mixed use with commercial elements
Provide clear expectations to developers	Yes – However there are some projects that are in process that won't be able to proceed
Take politics out of the equation	Yes – No Council Exemption process
Simplicity	Yes – Compared to existing GMO and other options discussed
Better define an Exemption process if one exists	Yes – Removes need for a process
Easy to administer by Town staff	Yes – Easier to track

Pros & Cons

Pros	Cons
<p>Up to 275 units a year average slows the pace of growth relative to the last 5 year average (avg. 300 units)</p> <ul style="list-style-type: none"> • 8% slower compared to avg. 300/year of last 5 years • 8% slower compared to current approach at 301 units/year • 28% slower compared to highest rate in 5 years at 380 units 	<p>Some years may see greater growth than others in the three year time-frame</p>
<p>Allows for more middle to low-income housing options in Scarborough</p>	<p>Desirable projects may have to wait until the pools are replenished every 3 years</p>
<p>Sets clear limits for predictability and for easier for Town and School Management</p>	<p>Potential limits on affordable housing; minimum 10% required</p>
<p>Implements the Comprehensive Plan - limits growth to target areas in Town</p>	<p>No pathway if something extraordinary comes along, but could be handled as a one off</p>
<p>Public & Development community knows what to expect</p>	
<p>Simple approach alleviates need for Council intervention</p>	
<p>Frees up staff and Council for other pressing issues – impact fees, schools, conservation, etc.</p>	
<p>Easily administered and trackable</p>	
<p>Flexibility for larger multi-family projects</p>	
<p>Density and focus of multi-family in high growth areas = lower cost to serve</p>	

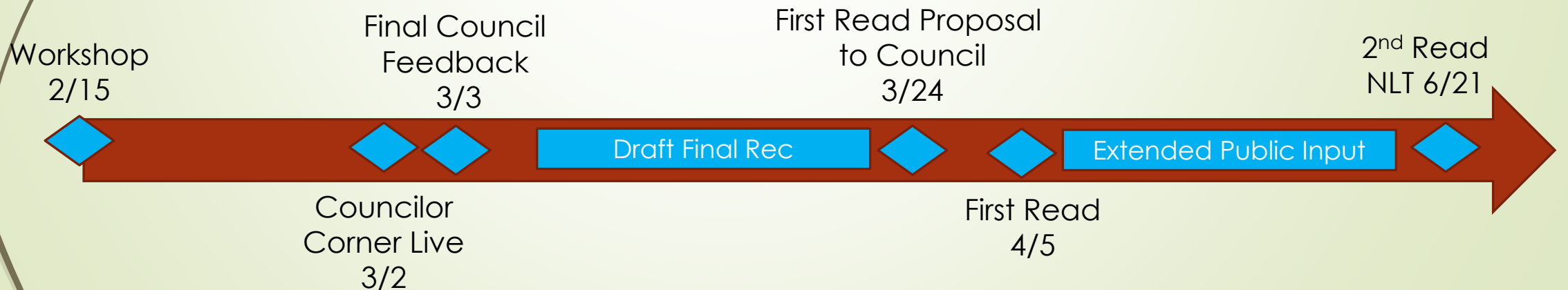


Council Discussion & Feedback

- Questions & Initial Gut Reactions?
- What do you like?
- What gives you pause?
- What don't you like?
- What is important that is considered when the next iteration comes at 1st Read?

Feedback & Next Steps

- ▶ Councilor Corner Live on March 2nd @6PM at the Public Safety Building
- ▶ Incorporate Council and Public Input into recommendation
- ▶ Provide 1st Read Ordinance Language to Council by 3/24





Public Comment

