

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
WORKSHOP RE: OPTION AGREEMENT OBLIGATIONS – 5:30 P.M.
HYBRID REGULAR MEETING – 7:00 P.M.**

TO VIEW TOWN COUNCIL MEETING & OFFER PUBLIC COMMENT:

<https://scarboroughmaine.zoom.us/j/86293913391>

TO VIEW TOWN COUNCIL MEETING ONLY:

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

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

Item 1. Call to Order.

Item 2. Pledge of Allegiance.

Item 3. Roll Call.

Item 4. General Public Comments.

Item 5. Minutes: October 18, 2023 - Town Council Meeting.

Item 6. Adjustment to the Agenda.

Item 7. Items to be signed: a. Treasurer's Warrants.

Item 8. Town Manager Report.

***Procedure for Addressing Council [Councilor Chair will explain process]**

Order No. 23-104, 7:00 p.m. Public hearing and second reading the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments relating to buffers. *[Planning Director]*

Order No. 23-117, 7:00 p.m. Public hearing and second reading on the new request for a Cannabis Establishment License from Nickolas Levasseur, d/b/a Watchtower, LLC, located at 137 Pleasant Hill Road for an Adult Cannabis Products Manufacturing Facility [Tabled from the October 18th]. *[Assistant Town Manager]*

Order No. 23-119, 7:00 p.m. Public hearing and second reading on the proposed Zoning Map change for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD). *[Planning Director]*

Order No. 23-120, 7:00 p.m. Public hearing and second reading to the proposed changes to the official zoning map for R053004, being an approximately 35.8-acre parcel located off of Preservation Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD). *[Planning Director]*

Order No. 23-121, 7:00 p.m. Public hearing and action on the requests for a new Food Handlers License, from James Hartley d/b/a Dustan Smokehouse Co., located at 2 Dunstan Avenue. *[Town Clerk]*

OLD BUSINESS:

Order No. 23-109. Second reading on the Council Order approving the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program, and schedule the second reading for Wednesday, November 8, 2023. *[Town Council]*

Order No. 23-110. Second reading on the Council Order approving the First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings LLC, and schedule the second reading for Wednesday, November 8, 2023. *[Town Council]*

NEW BUSINESS:

Order No. 23-122. First reading and schedule a second reading on the request to use School Impact Fees to make the FY2023 required payments to Crossroads Holdings, LLC beginning on December 1, 2023 through November 2024, or until the Town closes on the purchase of the property with a total maximum exposure of \$175,000. *[Town Manager]*

Order No. 23-123. Act on the request from the Conservation Commission to approve the charge to establish an Ad-Hoc Open Space Committee. *[Conservation Commission]*

Order No. 23-124. Act on the request from the Town Clerk to certify the results of the Municipal General/Referendum Election & the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023. *[Town Clerk]*

Order No. 23-125. Act on the request to approve the Town Manager's Employment Agreement. *[Town Council]*

Item 9. Non-Action Item.

Item 10. Standing and Special Committee Reports and Liaison Reports.

Item 11. Council Member Comments.

Item 12. Adjournment.



To: Scarborough Town Council
From: Thomas J. Hall, Town Manager
RE: Town Manager's Report
Date: November 8, 2023

Below is an initial list of items that will be included in the Town Manager's Update at the regular public meeting of November 8, 2023. I will provide a verbal update on each of these items and will likely include other items of interest.

- **School Building Project Update** -
 - Easterly Access Evaluation -
 - Track View Terrace - Title Review Legal Memo
 - Buyers Obligations under the Purchase Option Agreement -
 - November 8- TIF Expansion/CEA Amendment
 - November 15 - Buffer Reduction and Zone Map Changes
 - Option Fee Authorization
- **Eastern Trail - Close The Gap**
- **Gorham Connector** - Public Engagement Start up
 - Stakeholder Meeting
 - 3 General Public Meetings
- **Dredge Update** - Contractor on site- mobilizing at Ferry Beach
- **Plne Point Pier Improvements**- Update on crane replacement and pier
- **Downs Project Fiscal Model** - Committed to an update by end of the year
- **Curbside Collection**- Private Roads/Condo Associations
- **Affordable Housing** - Jocelyn Place and Village Commons tours

- **2nd Annual Maine Junior Firefighters Muster** - Report on Muster
- **Traffic Calming** - Staff Process for Review
 - Townwide Transportation Plan- “Toolbox” Identified
- **Appointment to Habitat for Humanity BoD** -



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-104. Move approval of the second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments relating to buffers.

Planning Director

Ought to Pass

Sponsor

Recommendation

09/20/2023 – Vote: 6 Yeas, 1 Nay [Councilor Hamill]

First Reading/Vote

11/08/2023

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-104
SUBJECT: 7:00 p.m. Public Hearing and second reading for the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments relating to buffers. <i>[Planning Director]</i>
PURPOSE: To review ordinance amendments required to update the CPD standards relating to buffer distance between municipal uses, schools and residential uses.
BACKGROUND: <p>The CPD District currently requires a 100' setback to be treated as a buffer for all adjacent residential districts or natural resource districts regardless of use in the CPD. The eastern boundary of the CPD abuts three residential zoning districts (VR4, R2, RF). The CPD does not currently abut any natural resource districts.</p> <p>The existing 100' setback and buffer is consistent with other commercial/non-residential zoning districts in Town requiring a specified buffer and separation between zones with different uses and characters (commercial or light industrial to residential) to mitigate any impacts or incompatibilities. These larger buffers are not required in Town between like uses, namely residential uses and zones or municipal and school uses and residential for which they serve. The CPD District is unique, as it permits both non-residential and residential uses.</p> <p>The CPD currently permits heights up to 75', however, it also includes a Maximum Building Height of 35' for any portion of a building located within 150' of a residential district for Planned Developments in the CPD. While, this additional height setback does not address potential use differences, it does provide relief in regards to potential height differences for neighboring zoning districts. The VR4, R2 and RF districts all limit heights to 35' or three stories.</p> <p>To address uses potential use issues, this amendment would maintain the required 100' setback and buffer to abutting residential districts for all non-residential uses in the CPD. The proposed revision is only for the setback and buffer between residential, municipal and school uses and abutting residential and natural resource districts to be reduced to 15'.</p> <p>Further, this amendment would enable a school facility or other municipal use to be appropriately sited within the CPD District and integrated with abutting residential zones.</p> <p>On October 10, 2023, the Planning Board held a public hearing and discussed the proposed amendments. The Board was generally supportive (3-2 straw poll) on the reduction of the buffer between residential uses in the CPD and abutting residential districts to 15 feet, particularly for single family and lower density residential development. The Board was</p>

unanimously in favor of an additional text amendment requiring a 100 foot buffer for all uses in the CPD District from the Rural Farming District (in this area the parcel containing Warren Woods) and they were unanimously in favor of the addition of a caveat for lots developed prior to the adoption of this change to maintain the 100 foot buffer, starting October 31, 2023.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- First Reading before the Town Council: September 20, 2023
- Planning Board Public Hearing: October 10, 2023
- Town Council Public Hearing and Second Reading: November 8, 2023

PROPOSED ACTION:

Recommend move approval of the second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments.

ATTACHMENTS:

- Planning Board Recommendations
- Planning Board Staff Report
- Proposed Amendments Chapter 405 Zoning. Section XX.C. Crossroads Planned Development (CPD), Subsection D.2. Planned Developments.

Planning Board Recommendation

Jonathan Anderson
Chair, Scarborough Town Council
259 U.S. Route 1
P.O. Box 360
Scarborough, ME 04070

RE: Proposed Amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments. Council Order No. 23-104.

Chairman Anderson and members of the Town Council,

On October 10, 2023, in accordance with the Town of Scarborough Zoning Ordinance, the Planning Board reviewed the proposed text amendments to the CPD Zoning District relating to buffers between municipal uses, schools, and residential uses. The Ordinance requires that the Planning Board give its recommendation to the Town Council regarding the land use implications of the request. After consultation with the Board and Chair of the meeting, the recommendation is as follows:

1. The Board was generally supportive (3-2 straw poll) on reduction of the buffer between residential uses in the CPD and abutting residential districts to 15 feet, particularly for single family and lower density residential development. In this assessment, the Board discussed that a smaller buffer is sufficient for single family development in this area given the surrounding uses in the VR4 district, but that the Council should carefully consider larger buffering for multifamily uses. Additionally, the Board noted the importance of a larger buffer for the town's students and outdoor learning opportunities, as well as allowing for connectivity between neighborhoods.
2. The Board was unanimously in favor of an additional text amendment requiring a 100 foot buffer for all uses in the CPD District from the Rural Farming District (in this area the parcel containing Warren Woods).
3. The Board was unanimously in favor of the addition of a caveat for lots developed prior to the adoption of this change to maintain the 100 foot buffer, starting October 31, 2023.

If you would like further clarification or discussion on these items, the Planning Department would be happy to provide any requested information in consultation with the Planning Board.

Sincerely,



Autumn Speer
Director of Planning & Code Enforcement

Planning & Code Enforcement

**Text Amendment Staff Report
Planning Board Public Hearing October 10, 2023**

Submittal Type: Proposed text amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments.
Applicant: Town Initiated

ACTION REQUIRED:

Hold a public hearing and make a recommendation to Town Council for the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments.

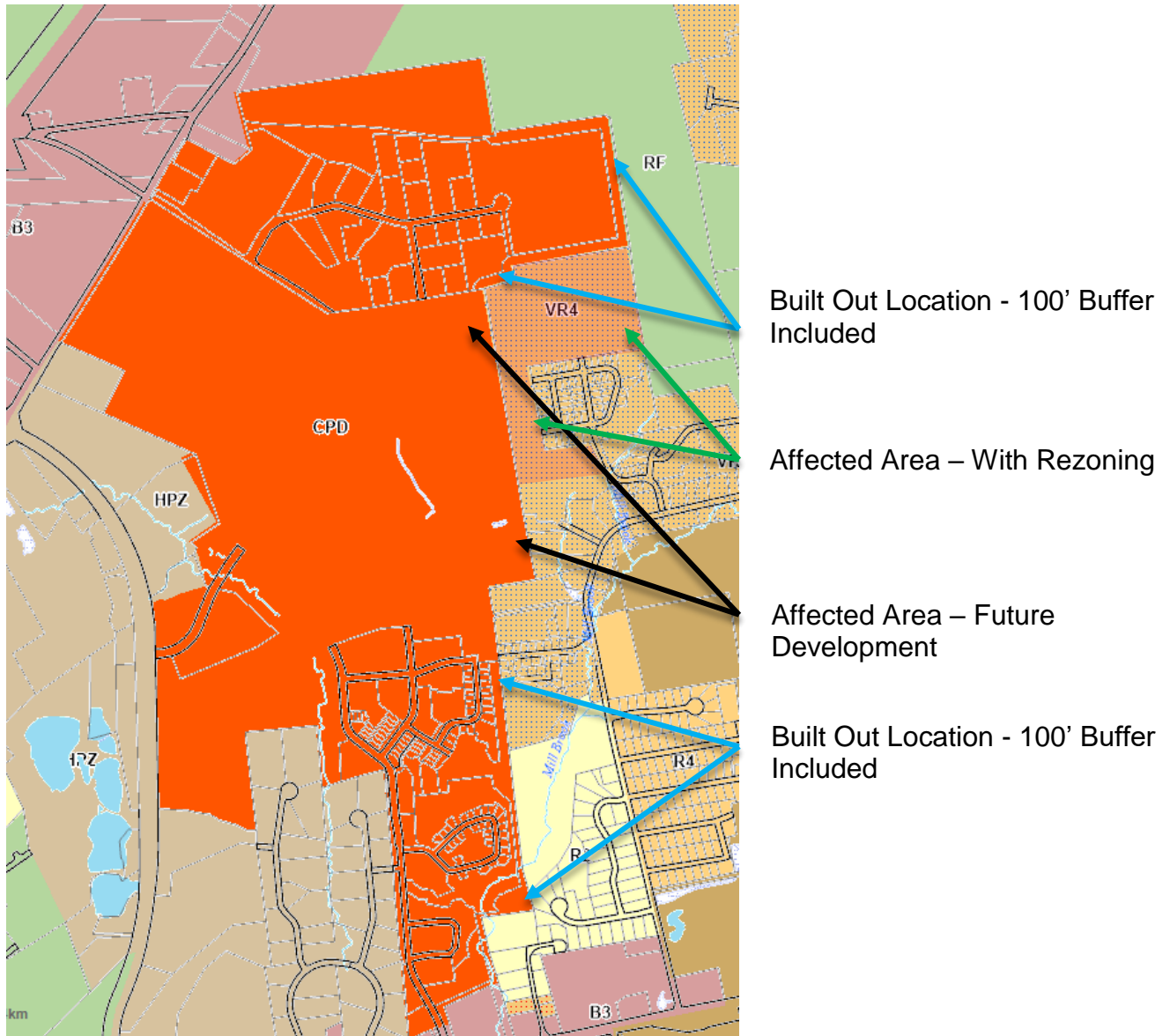
BACKGROUND:

At the regular public meeting on September 6, 2023, Town Council authorized the Town Manager to enter into a purchase Option Agreement with Crossroads Holdings LLC for the purchase of land for a new Unified Primary School. The agreement has a number of buyer obligations that the Town must complete as a condition of closing. In particular, the Town has committed to advancing a change to the Zoning map to include additional parcels of land into the CPD as well as a text change to the CPD regarding buffers for residential and school uses.

The eastern boundary of the Crossroads Planned Development District abuts residential zoning districts (VR4, R2, RF). The existing 100' setback and buffer are consistent with other commercial/non-residential zoning districts in Town requiring a specified buffer and separation between zones with different uses and characters (commercial or light industrial to residential) to mitigation any impacts or incompatibilities. These larger buffers are not required in Town between like uses, namely residential uses and zones or municipal and school uses and residential for which they serve. The CPD District is unique, as it permits both non-residential and residential uses.

This amendment proposes to maintain the required 100' development setback and buffer to abutting residential districts for all non-residential uses in the CPD, but revise the setback and buffer between residential, municipal and school uses and abutting residential and natural resource districts to 15' given the compatibility between them and to be more consistent with other zoning in Town. Further, this amendment will enable a school facility or other municipal use to be appropriately sited within the CPD District and integrated with abutting residential zones.

The eastern property boundary includes the Innovation District which has been developed with the 100' buffer in place on the Northern portion of the site. The development in the Southern portion along Pacer Way and Gristmill Lane also includes the 100' buffer, including a trail system and wetlands.



Staff recommends the Planning Board consider adding a caveat for lots developed prior to the adoption of this change to maintain the 100' buffer as follows:

Adjacent Zoning District	Land Use in CPD	Minimum Setback
"Residential District" or "Natural Resource District"	<u>All Land Uses Developed prior to October 31, 2023</u>	100 feet
"Residential District" or "Natural Resource District"	<u>Municipal Buildings or Uses; Elementary and secondary schools; Residential Uses Developed after October 31, 2023</u>	<u>15 feet</u>
"Residential District" or "Natural Resource District"	<u>All other Land Uses Developed after October 31, 2023</u>	100 feet

PRIOR ACTION AND NEXT STEPS:

- Town Council First Reading: September 20, 2023
- Town Council Public Hearing and Second Reading: October 18, 2023

PUBLIC NOTIFICATION:

Publication of this text amendment was included in the newspaper on September 27, 2023 and October 3, 2023.

ATTACHMENTS:

- Town Manager Memo Initiating Change
- Chapter 405 Zoning Ordinance, Section XX.C. Crossroads Planned Development Subsection D.2. Planned Developments Draft Markup

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

SECTION XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

[Adopted 08/21/13; Amended 10/07/15; Amended 05/16/18; Amended 05/20/2020; Amended 04/21/2021; amended 05/17/2023]

D. SPACE AND BULK REGULATIONS (CPD)

1. Conventional Developments

The space and bulk regulations of the B2 Regional Business District are applicable to all conventional developments.

2. Planned Developments

The space and bulk standards applicable to planned developments and the individual lots and buildings within an approved planned development shall be the development standards set forth in the approved Master Plan for the planned development subject to the following limits:

Maximum Net Residential Density	The Residential Density Factors in Section VIIC. apply to all residential uses in this district. The maximum allowed residential density is 20 units per net residential acre.
Maximum Building Height	75 feet, except that any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. [Amended 05/20/2020]
Maximum Impervious Surface Ratio	75 percent

Buildings and related parking and access drives must be setback from the boundary of the CPD District in accordance with the following standards and the minimum required setback area shall treated as a buffer in accordance with Section VIII. if applicable. This requirement shall not preclude the construction of streets or utilities that cross the buffer strip. (Amended 05/16/18)

Adjacent Zoning District	Land Use in CPD	Minimum Setback
“Residential District” or “Natural Resource District”	<u>Municipal Buildings or Uses;</u> <u>Elementary and secondary schools;</u> <u>Residential Uses</u>	15 feet
“Residential District” or “Natural Resource District”	<u>All other Land Uses</u>	100 feet

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Oder No. 23-117. Move approval on the new request for a Cannabis Establishment License from Nickolas Levasseur, d/b/a Watchtower, LLC, located at 137 Pleasant Hill Road for an Adult Cannabis Products Manufacturing Facility.

Assistant Town Manager

Ought to Pass

Sponsor

Recommendation

10/04/2023 – Vote: 7 Yeas.
To table this Order to the November 8, 2023
Town Council meeting

First Reading/Vote

10/04/2023 – Tabled to the November 8th Town
Council meeting.
11/08/2023

Public Hearing

11/08/2023

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-117.
SUBJECT: 7:30 p.m. Public hearing and second reading on the new request for a Cannabis Adult Use Manufacturing Establishment License from Nickolas Levasseur, d/b/a Watchtower, LLC, located at 137 Pleasant Hill Road for an Adult Cannabis Products Manufacturing Facility. <i>[Assistant Town Manager]</i>
PURPOSE: Approve adult use cannabis manufacturing licenses for the establishment listed above.
BACKGROUND: Application has been received and the facility will be inspected prior to the public hearing and second reading.
FISCAL IMPACT: \$2,500 (+)
STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• The application is under review• First reading before Town Council: October 4, 2023• Public hearing and second reading before the Town Council: October 18, 2023 - Tabled• Public hearing and second reading before the Town Council: November 8, 2023
PROPOSED ACTION: Recommend move approval of the second reading on Order No. 23-117.
ATTACHMENTS:

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-119. Move approval of the second reading on the proposed amendment to the Official Zoning Map, for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD).

Planning Director

Ought to Pass

Sponsor

Recommendation

10/18/2023 – Vote: 6 Yeas, 1 Nay [Councilor Hamill]

First Reading/Vote

11/08/2023

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-119.
SUBJECT: 7:00 p.m. Public hearing and second reading on the proposed Zoning Map change for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD). <i>[Planning Director]</i>
PURPOSE: To consider a zoning change request for approximately 9.4 acres of property located off of Haigis Parkway.
BACKGROUND: On September 6, 2023, Town Council authorized the Town Manager to enter into a purchase Option Agreement with Crossroads Holdings LLC for the purchase of land for a new Unified Primary School. The agreement has a number of buyer obligations that the Town must complete as a condition of closing. In particular, the Town has committed to advancing a change to the Zoning map to include additional parcels of land into the CPD as well as a text change to the CPD regarding buffers for residential and school uses.
ZONING COMPARISON: <p>The HP district was established to be one of the gateways into Scarborough, and anticipates high quality uses such as office parks, hotels, small scale retail, convention centers, places of cultural and civic assembly, high technology and research, and multi-family housing as part of mixed-use development. The development standards are intended to encourage a high quality of campus-style landscape and architectural design, preservation of natural features, integration of pedestrian circulation, and interconnection of open spaces and resource protection areas.</p> <p>The CPD district was established to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost-effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths. The maximum density of the CPD is 20 units per acre.</p> <p>The overall purpose of both zoning districts to provide for mixture of non-residential and multifamily or mixed-use development are very similar in nature. The residential density of the CPD district is significantly higher than the HP District. The CPD permits up to 20 units per acre while the HP District permits up to 5 units per acre. Both districts utilize density factors for bedroom size. Both districts include performance measures in place requiring 100' (CPD)</p>

and 50' (HP) buffers for non-residential uses adjacent to residential uses and Planned Development and Site Plan standards.

Planning Board Recommendation:

The Ordinance requires that the Planning Board give its recommendation to the Town Council regarding the land use implications of the request.

At the meeting on September 18, 2023, the Planning Board held a public hearing and made a recommendation to Town Council as follows:

1. The Board finds the mix of permitted uses permitted in both the HP and CPD zoning districts is similar in nature, making the change reasonable from a land use perspective.
2. The CPD district allows a higher residential density than the HP district (20 units per acre in the CPD compared to 4 units per acre in the HP). If the parcels will be used for any type of residential project, the Board has concerns on impacts to natural resources as a result of a possible larger scale development.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- Planning Board Public Hearing and Recommendation: September 18, 2023
- First Reading before the Town Council: October 18, 2023
- Second Reading and Public Hearing: November 8, 2023

PROPOSED ACTION:

Move approval on the proposed Zoning Map change for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD).

ATTACHMENTS:

- Planning Board Staff Report
- Planning Board Recommendation
- Zoning Exhibits and Draft Official Zoning Map
- Section XVIIIIB Haigis Parkway District
- Section XXC CPD District

**Zoning Request Staff Report
Planning Board Public Hearing September 18, 2023**

Submittal Type: Rezoning for a portion of R052006 and U056001 being approximately 9.4 acres from HP to CPD

Location: Vacant Parcel off of Preservation Way

Applicant: Town Initiated

ACTION REQUIRED:

Hold a public hearing and make a recommendation to Town Council for the zoning change request for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD).

BACKGROUND:

At the regular public meeting on September 6, 2023, Town Council authorized the Town Manager to enter into a purchase Option Agreement with Crossroads Holdings LLC for the purchase of land for a new Unified Primary School. The agreement has a number of buyer obligations that the Town must complete as a condition of closing. In particular, the Town has committed to advancing a change to the Zoning map to include additional parcels of land into the CPD as well as a text change to the CPD regarding buffers for residential and school uses.

ZONING COMPARISON:

The HP district was established to be one of the gateways into Scarborough, and anticipates high quality uses such as office parks, hotels, small scale retail, convention centers, places of cultural and civic assembly, high technology and research, and multi-family housing as part of mixed-use development. The development standards are intended to encourage a high quality of campus-style landscape and architectural design, preservation of natural features, integration of pedestrian circulation, and interconnection of open spaces and resource protection areas.

The CPD district was established to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost-effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths. The maximum density of the CPD is 20 units per acre.

The overall purpose of both zoning districts to provide for mixture of non-residential and multifamily or mixed-use development are very similar in nature. The residential density of the CPD district is significantly higher than the HP District. The CPD permits up to 20 units per acre while the HP District permits up to 5 units per acre. Both districts utilize density factors for bedroom size. Both districts include performance measures in place requiring 100' (CPD) and 50' (HP) buffers for non-residential uses adjacent to residential uses and Planned Development and Site Plan standards.

ADJACENT ZONING AND USES:

North: HP Future Acura Dealership and CPD
South: CPD - Haigis District and Market Street
East: CPD – Mix of Uses
West: HP – Beacon at Gateway Apartments

COMPREHENSIVE PLAN:

The Town of Scarborough
Comprehensive Plan identifies this
location as part of a Regional Activity
Center.

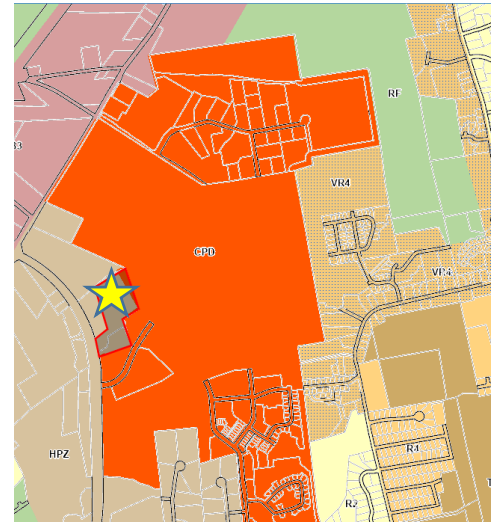
*REGIONAL ACTIVITY CENTER -
Scarborough Downs has been identified as a
potential development site that provides
tremendous opportunity to create an authentic
and complete town center within Scarborough
that could have regional draw – a mixed-use
and walkable area where people live, shop,
work, and play. This would be the most
intensely developed area of the town. The
Regional Activity Center includes the
Scarborough Downs property as well as other
parcels generally within a one-mile radius.
This radius of possible development includes
the Haigis Parkway properties where
infrastructure has already been provided with
easy access to I-95.*

PUBLIC NOTIFICATION:

No request for amendment or change shall be referred to the Town Council for consideration until the Planning Board has held a public hearing on that request, notice of which shall be given at least ten (10) days prior to such hearing in a newspaper of general circulation in the Town of Scarborough.

Publication of this zoning change was included in the Portland Press Herald on September 7, 2023 and September 12, 2023. Abutter notification was mailed to 11 adjacent property owners on September 7, 2023.

STAFF RECOMMENDATION:



The Planning Director or designee shall review all requests for amendments or changes and make a recommendation to the Planning Board and/or Town Council in regards to the Comprehensive Plan.

The proposed rezoning is in compliance with the Comprehensive plan. The zoning change request is reasonable given the surrounding uses and the future potential for the immediate area. Staff recommends approval of the requested zoning change.

PLANNING BOARD ACTION:

The Planning Board shall review all requests for amendments or changes and make its recommendations to the Town Council regarding the land use implications of the request. If a substantial change or alteration is contemplated by the Town Council, approval by the Town Council shall not be granted without submitting the proposed changes to the Planning Board for comment.

ATTACHMENTS:

Town Manager Memo Initiating Change
Chapter 405 Section XVIII B Haigis Parkway District
Chapter 405 Section XXC CPD District
Official Zoning Map Exhibit
Newspaper Notification Proof
Abutter List

NEXT STEPS:

- Town Council Public Hearing – October 4

Planning Board Recommendation

Jonathan Anderson
Chair, Scarborough Town Council
259 U.S. Route 1
P.O. Box 360
Scarborough, ME 04070

RE: Rezoning of a portion of R052006 and a portion of U056001 being approximately 9.4 acres from HP to CPD.

Chairman Anderson and members of the Town Council,

On September 18, 2023, in accordance with the Town of Scarborough Zoning Ordinance, the Planning Board reviewed the rezoning request for a portion of R052006 and a portion of U056001 being approximately 9.4 acres from HP to CPD located off Haigis Parkway. The Ordinance requires that the Planning Board give its recommendation to the Town Council regarding the land use implications of the request. After consultation with the Board Chair, the recommendation is as follows:

1. The Board finds the mix of permitted uses permitted in both the HP and CPD zoning districts is similar in nature, making the change reasonable from a land use perspective.
2. The CPD district allows a higher residential density than the HP district (20 units per acre in the CPD compared to 4 units per acre in the HP). If the parcels will be used for any type of residential project, the Board has concerns on impacts to natural resources as a result of a possible larger scale development.

If you would like further clarification or discussion on these items, the Planning Department would be happy to provide any requested information in consultation with the Planning Board.

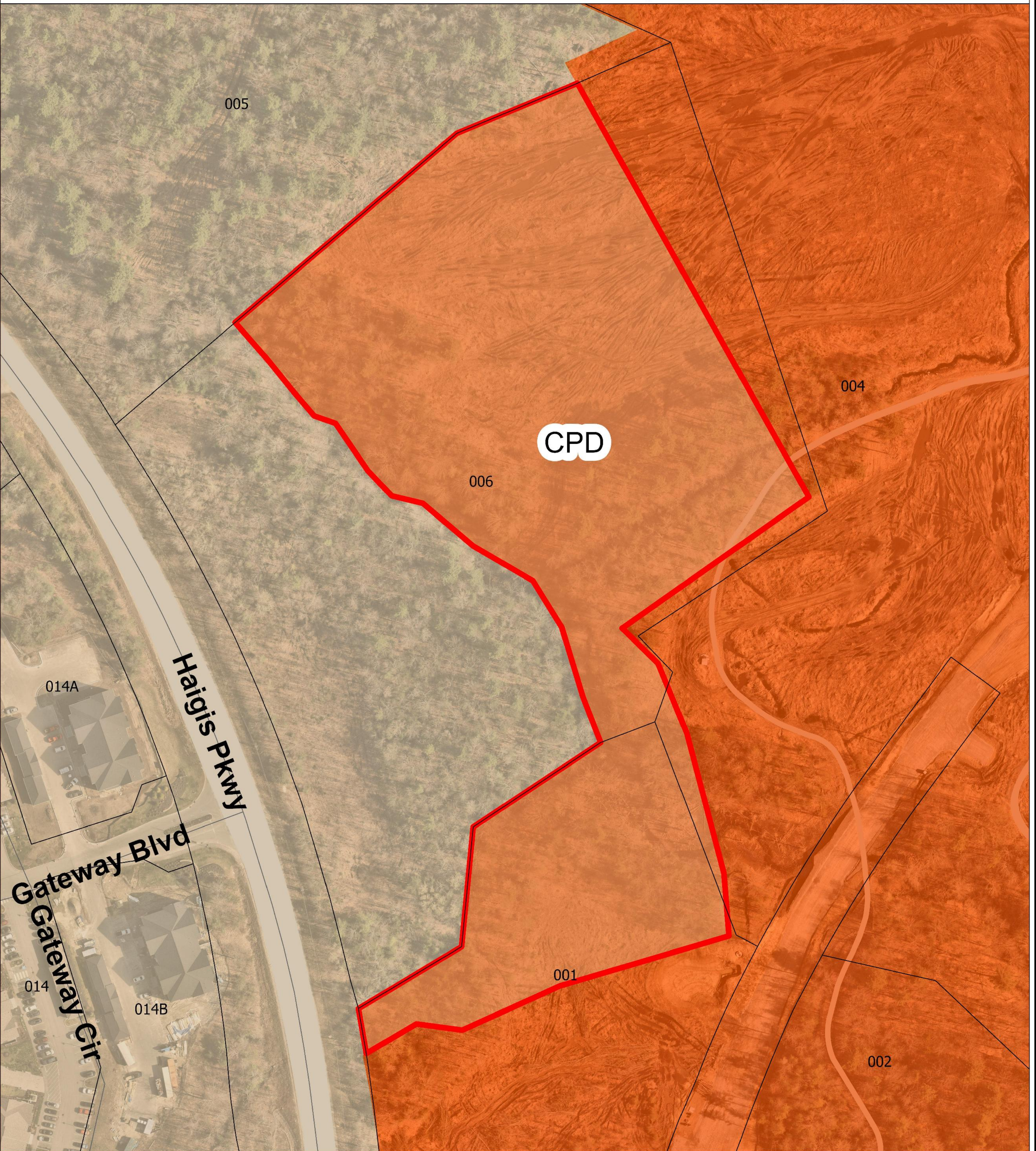
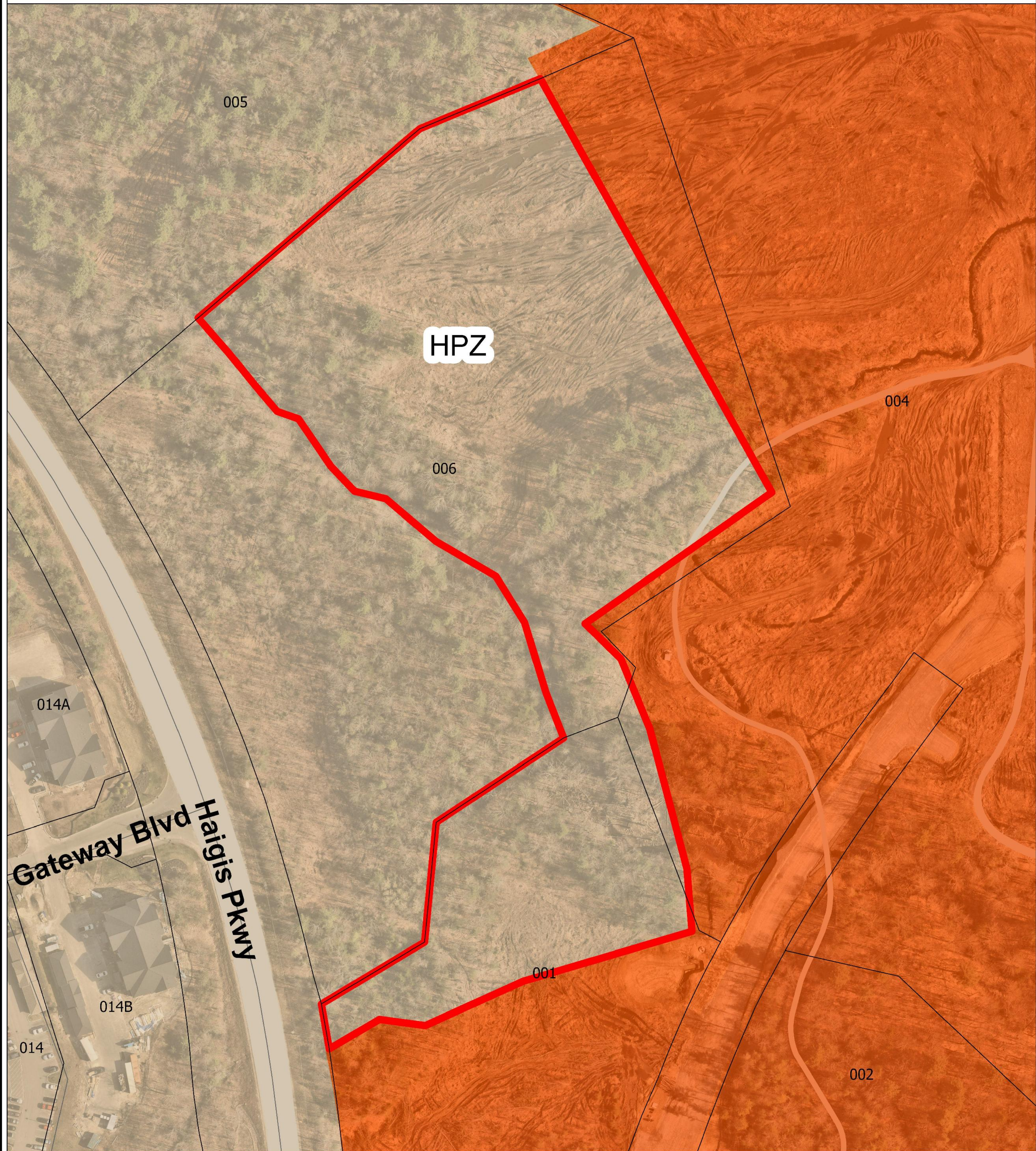
Sincerely,



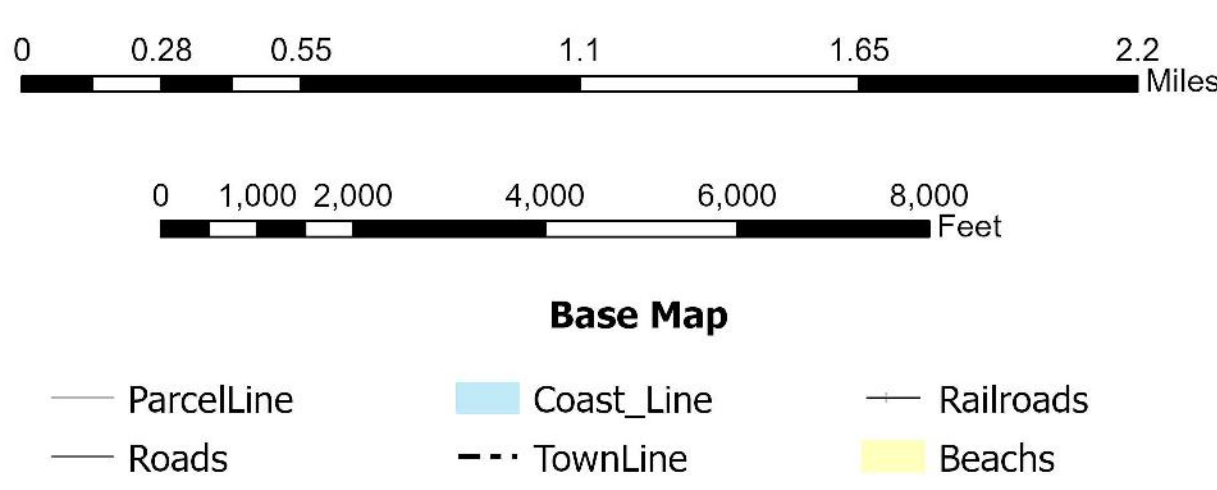
Autumn Speer
Director of Planning & Code Enforcement

Current Zoning
Haigis Parkway(HPZ)

Proposed Zoning
Crossroads Planned Development(CPD)



Town Of
Scarborough
Maine
Official Zoning Map
www.scarboroughmaine.org



Note: The depictions of the boundaries of the Zoning Districts, including the Shoreland Zone, Resource Protection Zone, and Stream Protection District on this GIS Zoning Map, are merely illustrative of their approximate boundaries. The exact boundaries shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

Revised as of: 8/31/2023

As Approved By Council - XX-XXX

Previous Zoning Amendments:

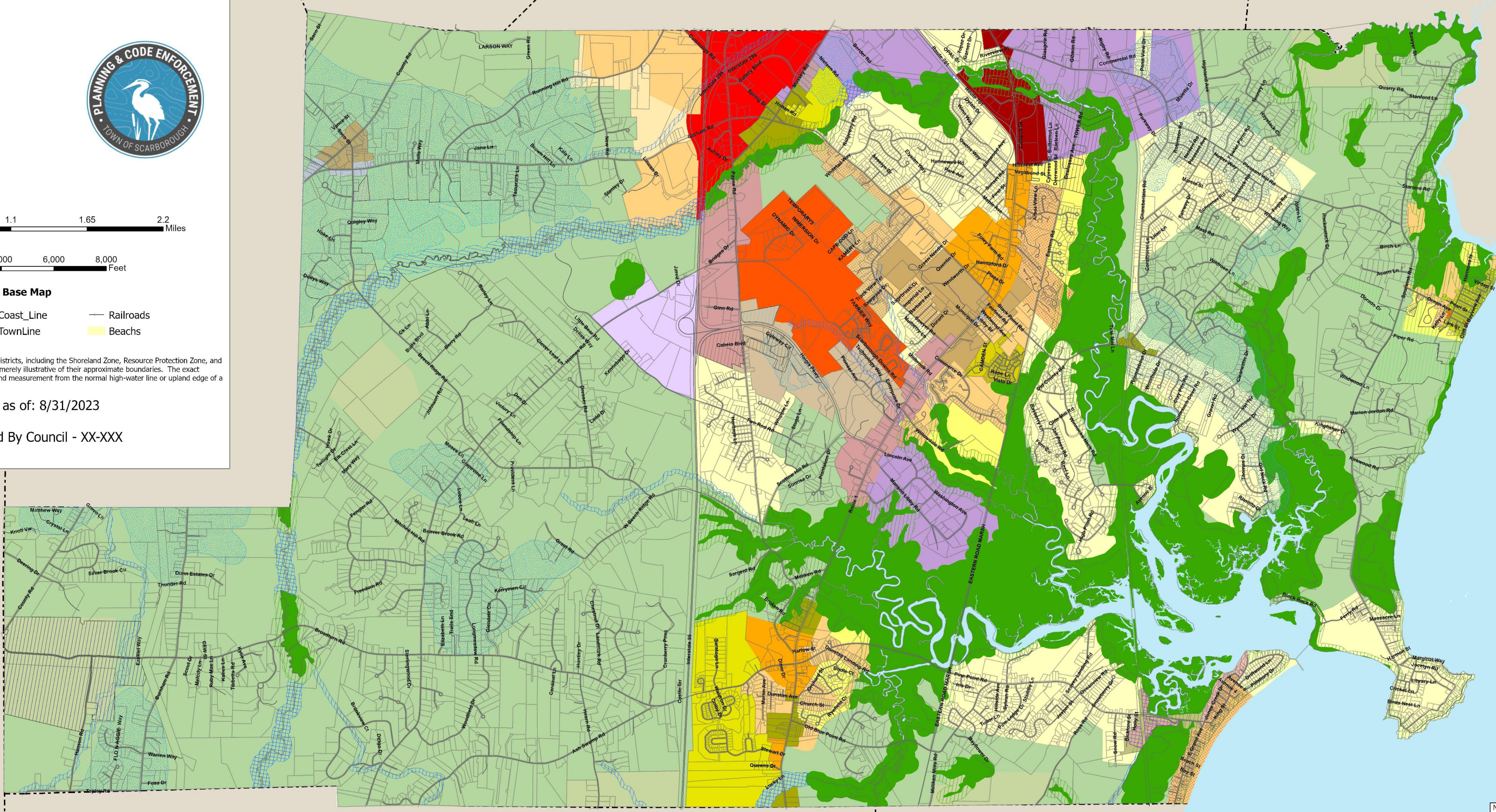
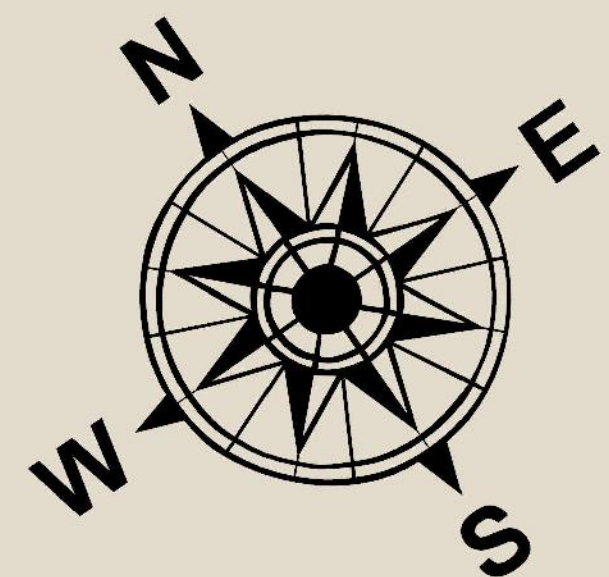
Resolution 23-001 - Approved 4/19/2023

Resolution 23-065 - Approved 7/19/2023

- Zoning Classifications**

 - Beach/Mixed Use
 - Regional Business
 - General Business
 - Business Office - Research District
 - Coastal Mixed Use 1
 - Crossroads Planned Development
 - Coastal Residential 1
 - Haigis Parkway Busines
 - Industrial
 - Light Industrial
 - Residential 2
 - Residential 3
 - Residential 4
 - Residential 4A
 - Rural Residence & Farming
 - Rural Residence Farming & Manufacture
 - Running Hill Mixed Use District
 - Running Hill Transition District
 - Resource Protection
 - Residential & Professional
 - Traditional Neighborhood
 - Town & Village Centers
 - Town & Village Centers Transition 2
 - Town and Village Centers Fringe
 - Town & Village Centers 4
 - Village Residential 2
 - Village Residential 4
- Contract Zones**

 - Contract Zone 1
 - Contract Zone 10
 - Contract Zone 11
 - Contract Zone 12
 - Contract Zone 2
 - Contract Zone 3
 - Contract Zone 5
 - Contract Zone 7
 - Contract Zone 8
 - Contract Zone 9
 - Industrial Overlay
 - Shoreland Zoning
 - Stream Protection 1
 - Stream Protection 2
 - Aquifer Protection Overlay



Map Prepared By:

Micah Warnock, GISP
GIS Administrator

Attested to by:

TOWN CLERK

DATE

See "Town of Scarborough Maine Official Shoreland Zoning Map" for Shoreland zoning districts.

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP [Amended 05/20/2020; 02/17/2021]

I. BASIC STANDARDS

A. PURPOSE

The land immediately surrounding the Haigis Parkway between Payne Road and Route One is unique in its topography, water features, visibility, accessibility and road frontage. Its proximity to Exit 42 makes it highly desirable as a regional center for employment, entertainment, and cultural activities. The Haigis Parkway District is intended to be one of the gateways into Scarborough, and anticipates high quality uses such as office parks, hotels, small scaled retail, convention centers, places of cultural and civic assembly, high technology and research, and multi-family housing as part of mixed-use development. The standards listed below are intended to encourage a high quality of campus-style landscape and architectural design, preservation of natural features, integration of pedestrian circulation, and interconnection of open spaces and resource protection areas. The Haigis Parkway District is a significant commercial and mixed-use growth area off of Exit 42 of the Maine Turnpike and a vital complement to the Oak Hill town center.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES [Adopted 02/17/2021]

Depending on the acreage, scale, uses, and design of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards and development standards for Conventional Developments set out in this section or may be reviewed as a Planned Development in accordance with the procedures set forth in Section VIIE. Additional Requirements for Planned Developments and applying the qualitative standards and design criteria for Planned Developments set out in this Section.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a Conventional Development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing any of the following are required to be reviewed as Planned Developments in accordance with Section VIIE. and conform to the applicable standards of this section for Planned Developments:

- a. Develop or redevelop five (5) acres or more of land,
- b. Exceed the space and bulk standards for conventional developments, or
- c. Establish a use that is allowed only as part of a Planned Development.

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

NON-RESIDENTIAL USES [Amended 06/20/18; Amended 02/17/2021]

The following non-residential uses are permitted in both conventional and planned developments:

1. Professional offices
2. Financial, insurance, and real estate offices
3. Business services and business offices
4. High technology facilities, subject to the performance standards of Section IX(M) of this ordinance

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

5. Research, development and light industrial with no outdoor storage, subject to the performance standards of Section IX(M.1) of this ordinance
6. Hotels and motels, provided all guest rooms are accessed by interior corridors
7. Restaurants, with no drive-through service [Amended 02/17/2021]
8. Group day care homes, nursery schools and day care centers
9. Retail sales and services with less than 20,000 square feet of retail floor area per unit of occupancy, excluding car washes, automobile repair and service facilities, and outdoor sales and services
10. Municipal buildings and uses
11. Public utility facilities
12. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.
13. Health clubs
14. Personal services
15. Non-municipal government offices
16. Medical/diagnostic facilities
17. Places of assembly, amusement, recreation, culture or government, exclusive of arcades, video arcades, amusement parlors, video gambling, casino gambling and off-track betting, fully enclosed within a building or buildings
18. Golf courses and campgrounds
19. Educational institutions
20. Places of worship and adjunct uses, places of worship
21. Small-scale energy facilities, subject to the performance standards of Section IX(W)
22. Commercial outdoor recreation, subject to the performance standards of Section IX(U)
23. Telecommunication Facilities
24. Food processing facilities, subject to the performance standards of Section IX.(M.2.)
25. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[adopted 10/07/15]
26. Climate Controlled/Internal Access Storage Facility, subject to Section IX(H) Performance Standards and only within an approved subdivision. [10/04/17]
27. Marijuana Manufacturing Facility. [Adopted 01-08-2020]
28. Marijuana Testing Facility. [Adopted 01-08-2020]

The following residential uses are permitted only in planned developments:

29. Boarding care facilities for the elderly, subject to the performance standards of Section IX(C)
30. Nursing homes
31. Dwelling units in a mixed-use building, limited to a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.
32. Multi-family dwellings, limited to a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.
33. Live / work units and only as part of a mixed-use planned development as specified under subsection II.C.4.
34. Restaurant with drive-through service in a mixed use building only as part of a planned development as specified under subsection II.C.6 [Adopted 02/17/2021]

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

C. SPACE AND BULK STANDARDS

The following space and bulk regulations are applicable to CONVENTIONAL DEVELOPMENTS:

1. Minimum Lot Area and Dimensions

Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential and Mixed-Uses	40,000	200 for lots abutting Haigis Parkway and Payne Rd; 50 for lots not abutting Haigis Parkway and Payne Rd	50

2. Minimum Yard Standards

Abutting Streets	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)
Payne Road and Haigis Parkway	25	15 ^{1& 2}
All other streets	15	15 ^{1 & 2}

¹When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

² When a site abuts a residential district the minimum yard shall be 50 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

3. Maximum Building Coverage, Lot Coverage, and Building Height.

Use Types	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height (ft.)
Non-Residential and Mixed Uses	50%	75%	75 feet [Amended 05/20/2020]
Residential Uses	50%	75%	45 feet [Amended 05/20/2020]

The following space and bulk regulations are applicable to PLANNED DEVELOPMENTS:

4. Minimum Lot Area and Dimensions

Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential, Residential and Mixed-Uses	40,000	200 for lots abutting Haigis Parkway and Payne Rd; 50 for lots not abutting Haigis Parkway and Payne Rd	50

5. Minimum Yard Standards – Determined by the Planning Board under Section II.C.3, flexible yard standards, except that when a site abuts a residential district the minimum yard shall be 50 ft. and the buffering requirements of Section VIII of this Ordinance shall apply. [Amended 02/17/2021]

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height [Amended 02/17/2021]

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
Determined by the Planning Board under Section II.C.2 , flexible lot coverage	Determined by the Planning Board under Section II.C.2 , flexible lot coverage	75' [Amended 05/20/2020]

RESIDENTIAL DENSITY REGULATIONS

Within this zoning district the Residential Density Factors in Section VIIC(A) of this Ordinance shall apply to live/work, dwelling units in a mixed-use building, and multi-family dwellings.

7. Maximum Residential Density –

Live/work units, dwelling units located in a mixed-use building, and multifamily dwelling units	5 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
---	---

II. ADDITIONAL DEVELOPMENT STANDARDS

A. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS [Amended 02/17/2021]

To ensure attractive, high quality development that is designed and developed in a manner that minimizes impacts on the community and adjacent properties, all uses are subject to following performance standards:

1. Off-Street Parking:

- a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.
- b. In addition, the establishment of off-street parking shall be located to the side or rear of the principal building on the site to the extent practical. In a development with more than one principal building, the off-street parking shall be located to the side or rear of the principal building or group of principal buildings located closest to the abutting street(s) to the extent practical. If locating the parking to the side or rear of the principal building(s) is not practical due to the shape, size or topography of the lot or the building(s) design or orientation, any parking between the buildings and the abutting

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

street(s) shall be screened by landscaping, preservation of existing vegetation and natural features, berms, hardscape, or a combination of these approaches. The Planning Board shall use the Site Plan Review Ordinance and the Commercial Design Standards in reviewing and approving the exact location and design of the off-street parking and its corresponding landscaping and screening.

- c. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses.

2. Commercial Design Standards

All development in the HP District must be consistent with the Design Standards for Scarborough's Commercial Districts. [Adopted 02/17/2021]

3. Signs

Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance. [Amended 02/17/2021]

4. Vehicular Access

- a. Vehicular access to and from Payne Road and Haigis Parkway shall be strictly controlled to limit the number of curbs cuts along these roadways, and in the case of the Haigis Parkway, to curb cuts that are approved by Maine DOT. In addition, provisions shall be made for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections and to reduce the overall number of curb cuts on all streets.
- b. There shall be no vehicular access to adjacent residential districts, except for emergency vehicle access approved by the Fire Department and Planning Board.

5. Visual Impacts

Visual impact of structures as viewed from adjacent streets shall be taken into consideration during Site Plan Review. Any application for site plan review within the Haigis Parkway District shall be accompanied by graphic representations of how the development will look upon completion, utilizing artists' renderings, photo manipulation, computer generated imaging or similar techniques, unless the Planning Board determines that the location, scale or nature of the proposed development does not warrant such graphic representations in order for the Planning Board to evaluate the application. [11/06/02]

6. Landscape and Streetscape Buffer

Landscaping and streetscape buffer strips shall be used throughout the district to reinforce the parkway landscape, provide an attractive streetscape on any new streets, and provide buffering and screening between uses and development sites. To this end, a landscaped or naturally vegetated buffer strip shall be established and/or maintained along the property line(s) of a lot where it abuts a street. The width of the buffer strip shall be a minimum of twenty-five (25) feet when it abuts Haigis Parkway and a minimum of fifteen (15) feet to all other streets, and shall be designed to separate the development from the street, enhance

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

the visual environment, and help screen parking from view from the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to water bodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In other areas, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance and Design Standards for Scarborough's Commercial Districts. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

B. PLANNED DEVELOPMENT STANDARDS

The Haigis Parkway (HP) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the HP District. This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VII(E) Planned Development.

1. Walkable, Pedestrian-Oriented Design Required of all Planned Developments within the HP District

Appropriately designed and oriented sidewalks and other pedestrian amenities are critical to promote walk-ability, pedestrian activity, and a sense of place within planned developments in the HP District. Sidewalks shall be designed to provide linkages and continuity between each use and building within a planned development as well as existing or future connections to abutting uses and/or the pedestrian network along the adjacent roadways.

2. Unified and Coordinated Building Architecture, Signage, and Lighting

Development and redevelopment of larger parcels in the HP District requiring Planned Development Review shall exhibit a high level of architectural planning and design. Planned Developments with multiple buildings and/or building lots shall establish unified and coordinated architectural themes that are exhibited throughout the development. Likewise, a coordinated signage and lighting plan shall be required of the Planned Development that establishes a theme and sense of place within the development.

3. Open Space and Natural Resource Conservation

Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

4. Required of Planned Developments Incorporating Live/Work Units, Residential Dwellings within a Mixed-Use Building and/or Multi-family Dwellings [amended 03/06/19]

Live/work units, residential dwellings within a mixed-use building and multifamily dwellings are allowed as part of a planned development provided they meet the requirements of this section. In

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

reviewing a planned development with residential uses, the Planning Board shall only permit residential uses that are designed in a manner and sited in locations that are appropriate and conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

- a. Given the HP District, the maximum amount of residential use(s) shall not exceed 40% of the non-residential use(s) at full build-out. Determination of the full build out use ratio is calculated as described below:
 - i. For planned development projects that consist of a single lot or building, the floor area of all residential uses shall be a maximum of 40% of the total non-residential use floor area at the time of approval.
 - ii. For planned development projects that consist of multiple lots or buildings the maximum amount of residential use is based on the amount of total non-residential use floor area that can be accommodated on the lots and/or buildings, as determined by the applicant and approved by the Planning Board. In determining the total non-residential floor area the applicant shall complete a conceptual build-out analysis for each lot and/or building, including all typical and necessary supporting infrastructure associated with the assumed building size; including, but not limited to, parking fields, stormwater facilities, landscaping, etc. The Planning Board shall verify the applicant's analysis, and may require modifications, prior to approval.
- b. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents.
- c. Any other non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.
- d. Residential uses are designed with outdoor amenities, open spaces or common spaces usable for the active or passive recreation. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each.

5. Required of Planned Developments Incorporating Boarding Care Facilities for the Elderly and/or Nursing Homes

Boarding care facilities for the elderly and nursing homes are allowed within this district as planned developments provided they meet the requirements of this section the following standards:

- a. Given the HP District is principally a business district, boarding care facilities for the elderly and nursing homes shall be adequately screened and buffered from adjacent properties and non-residential uses. This buffering shall provide a visual screen as well as minimize the impacts of noise or odors that may be generated by abutting uses. Buffering may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard.
- b. The proposed facility shall be sufficiently setback and/or buffered from major roadways so as to ensure a safe, sanitary, and healthful environment for residents.

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP

- c. If other non-residential uses are proposed within the same planned development, these other uses must be compatible with a boarding care facility or nursing home with respect to noise, odors, intensity of use, health and safety, and aesthetics.

6. Required of Planned Developments Incorporating Restaurant with Drive-Through Service in a Mixed-Use Building [Adopted 02/17/2021]

Restaurants with drive-through service are allowed within this district as planned developments provided they meet the requirements of this section the following standards:

- a. Restaurant with drive-through service use may not exceed 50% of the gross leasable area of the building.
- b. Only one restaurant with drive through service is permitted in a Planned Development.
- c. The entire building must be located within one thousand and two hundred fifty (1,250) feet of the point of intersection of the centerlines of Payne Rd and Haigis Parkway.
- d. The parcel on which the use is located shall be a minimum of one acre.
- e. A minimum of 300 feet drive aisle must be maintained between the required stacking lane for the drive-up ordering station and the intersection with the public roadway.

C. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS

The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

1. On-street parking – On-street parking is a primary characteristic of compact and pedestrian friendly development. On-street parking can provide spaces directly in front of buildings that are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using a sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

2. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes “green building” technology or approaches that compensate for the additional lot coverage proposed. Examples of “green building” approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection I.C.3. of this district

3. Flexible yard standards - The Planning Board shall determine the yard requirements for a planned development by applying the standards of subsection II.B In reviewing a planned development, the Planning Board may use the Yard Standards under subsection I.C.2. as a guideline, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to the street than conventional development to meet the standards of subsection II.C. and further the purpose of this district.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

SECTION XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

[Adopted 08/21/13; Amended 10/07/15; Amended 05/16/18; Amended 05/20/2020; Amended 04/21/2021]

I. BASIC STANDARDS

A. PURPOSE (CPD)

The purpose of the Crossroads Planned Development District is to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This largely undeveloped area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths.

B. PERMITTED USES (CPD)

i. The following uses are permitted in both conventional and planned developments:

1. Harness racing facilities.
2. Commercial outdoor recreation uses.
3. Fully enclosed places of assembly, amusement, culture and government, exclusive of video gambling, casino gambling and slot machine facilities.
4. Municipal buildings and uses.
5. Public utility facilities.
6. Accessory uses.

ii. The following uses are permitted only in planned developments:

7. Single-family dwellings but only as part of a planned development that includes a variety of housing types.
8. Two-family dwellings but only as part of a planned development that includes a variety of housing types.
9. Multifamily dwellings.
10. Multiplex dwellings.
11. Townhouses, limited to no more than eight (8) dwelling units per building.
12. Senior housing.
13. Residential and long-term care facilities for the ill, aged, or disabled. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply.
14. Dwelling units in a mixed use building.
15. Live/work units.
16. Accessory units.
17. Retail business and service establishments.
18. Personal service establishments.
19. Restaurants with no drive-through service.
20. Hotels and motels.
21. Business and professional offices.
22. Financial, insurance and real estate offices.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

- 23.** Business services.
- 24.** Medical/diagnostic facilities.
- 25.** Health clubs.
- 26.** Non-municipal government buildings and uses.
- 27.** Elementary and secondary schools.
- 28.** Instructional and educational services.
- 29.** Libraries.
- 30.** Museums.
- 31.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions.
- 32.** Funeral homes.
- 33.** Places of worship.
- 34.** Adjunct uses, Place of worship.
- 35.** Golf courses.
- 36.** Casinos or slot machine facilities, as defined in Chapter 31 of Title 8 of the Maine Revised Statutes, that are located within the same planned development as a harness racing facility and are licenses by the State of Maine in accordance with the requirements of Chapter 31 of Title 8 of the Maine Revised Statues, including the requirements that the casino or slot machine facility must be approved by the voters of the Town in a municipal referendum and that the Town Council has entered into a revenue-sharing agreement with the owner and/or operator of the casino or slot machine facility.
- 37.** Pet care facilities. [Adopted 05/16/18]

iii. The following uses are permitted only in planned developments and are subject to specific performance standards set forth in Section IX.

- 38.** Home occupations.
- 39.** High technology facilities.
- 40.** Family day care homes.
- 41.** Group day care homes and day care facilities.
- 42.** Nursery schools.
- 43.** Passenger transportation facilities.
- 44.** Small-scale energy facilities.
- 45.** Telecommunication facilities.
- 46.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance with the exception of size limitation. Small batch processing facilities shall be limited to no more than 10,000 square feet of floor area included any accessory uses, such as retail area, a tap room, sampling area, storage or warehousing. [Adopted 10/07/15; amended 05/17/2023]
- 47.** Research, development and light industrial. [Adopted 05/16/18]
- 48.** Gasoline filling stations whether as a principal or accessory use and located so that all fueling facilities are located within one thousand (1,000) feet of the point of intersection of the centerlines of Payne Road and Holmes Road. Gasoline filling stations shall also be subject to the performance standards of Section IX.(X.) of this Ordinance. [Adopted 05/16/18]

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

- iv. The following uses are permitted only in planned developments and are subject to the additional development standards of subsection D, of this district, including the standards on location and buffers under subsection D.14.: [Adopted 05/16/18]

49. Manufacturing and assembly.

50. Food processing facilities.

51. Mini-warehouse/storage facilities.

52. Contractors offices, shops and storage yards.

53. Motor vehicle repair and service facilities including auto body shops, facilities for the repair or recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.

54. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).

55. Marijuana Manufacturing Facility. [Adopted 01/08/2020]

56. Marijuana Testing Facility. [Adopted 01/08/2020]

C. SPECIAL EXCEPTIONS (CPD)

There are no special exception uses in the Crossroads Planned Development District.

D. SPACE AND BULK REGULATIONS (CPD)

1. Conventional Developments

The space and bulk regulations of the B2 Regional Business District are applicable to all conventional developments.

2. Planned Developments

The space and bulk standards applicable to planned developments and the individual lots and buildings within an approved planned development shall be the development standards set forth in the approved Master Plan for the planned development subject to the following limits:

Maximum Net Residential Density	The Residential Density Factors in Section VIIC. apply to all residential uses in this district. The maximum allowed residential density is 20 units per net residential acre.
Maximum Building Height	75 feet, except that any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. [Amended 05/20/2020]
Maximum Impervious Surface Ratio	75 percent

All buildings and related parking and access drives must be setback from the boundary of the CPD District in accordance with the following standards and the minimum required setback area shall be treated as a buffer in accordance with Section VIII. if applicable. This requirement shall not preclude the construction of streets or utilities that cross the buffer strip. (Amended 05/16/18)

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

Adjacent Zoning District	Minimum Setback
A “Residential District” or “Natural Resource District”	100 feet

E. OFF-STREET PARKING (CPD)

Off-street parking shall be provided in accordance with the requirements of Section XI. In approving the development standards set forth in the Master Plan for a planned development including the Conceptual Development Master Plan for a Planned Mixed-Use Development, the Planning Board may allow the provision of fewer off-street parking spaces than is required by Section XI., including considerations for reduced or shared parking, if the Planning Board finds that less parking will adequately serve the development taking into account the provision of on-street or other public parking, provisions for long-term support of public transit to serve the development, provisions for pedestrian and bicycle movement within and to/from the development, and/or the type and mix of uses within the development and their demonstrated parking demand.

F. SIGNS (CPD)

Signs in the CPD District shall be regulated in accordance with the requirements of Section VIIIE.

II. ADDITIONAL DEVELOPMENT STANDARDS

A. DEVELOPMENT DESIGN AND REVIEW PROCEDURES (CPD)

Depending on the acreage, type of use, and design of a proposed project, a development/redevelopment project within this district may undergo: **1)** a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards and development standards for Conventional Developments set out in this section; or **2)** may be reviewed as a Planned Development in accordance with the procedures set forth in Section VIIIE. Additional Requirements for Planned Developments applying the quantitative standards and development standards and design criteria for Planned Developments set out in this Section; or **3)** if the project involves a Planned Development involving a parcel with more than fifty (50) acres, may be reviewed as a Planned Development under a modified version of the procedures set forth in Section VIIIE. Additional Requirements for Planned Developments applying the quantitative standards and development standards and design criteria for Planned Developments set out in this Section;

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a Conventional Development or as a Planned Development, at the applicant’s option.

2. Planned Developments. Projects that are proposing to develop or redevelop five (5) acres or more of land are required to be reviewed as Planned Developments in accordance with Section VIIIE. and conform to the applicable standards of this section for Planned Developments unless the parcel involved has more than fifty (50) acres and the owner/applicant chooses to use the modified review procedures in B.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

3. Large-Scale Planned Developments. Projects that include a Planned Development on a parcel with more than fifty (50) acres may be reviewed and developed as a Planned Development in accordance with Section VIIE. as modified in B. Review Procedures for Large-Scale Planned Mixed-Use Developments and conform to the applicable standards of this section for Planned Developments.

B. REVIEW PROCEDURES FOR LARGE-SCALE PLANNED DEVELOPMENTS (CPD)

A Large-Scale Planned Development may be reviewed and approved in accordance with the following procedure which modifies the procedures for the review of a Planned Development set forth in Section VIIE. Additional Requirements for Planned Developments:

1. Two Step Process. Any development involving a Large-Scale Planned Development may be reviewed under a two-step process. The first step is the preparation, review, and approval of a Conceptual Infrastructure Plan. This plan must cover all land held in common ownership as of May 1, 2013. The second step is the preparation, review, and approval of a Site Inventory and Analysis and Master Plan for the development of the project. The Master Plan can cover the entire holding or a portion of the holding that includes at least fifty (50) acres. The applicant may choose to submit the Site Inventory and Analysis for review prior to the submission of the Master Plan.

2. Conceptual Infrastructure Plan. The purpose of the Conceptual Infrastructure Plan is to provide a preliminary assessment of the development suitability and potential of the entire holding based on available information and to provide a preliminary layout of the key infrastructure elements to serve the entire parcel. This Plan is intended to guide and coordinate the phased development of the project with the recognition that the Plan may be modified as detailed information and design is undertaken.

The Conceptual Infrastructure Plan shall include the following elements:

a. The Site Inventory and Analysis Phase of the Additional Requirements for Planned Developments set out in Section VIIE. This analysis may be based on information about the site and its natural resources that is available from publically available sources including state and federal databases and information available from the Town of Scarborough and local utilities. The expectation is that the Site Analysis Plan prepared as part of this effort will guide the overall utilization of the site and the conceptual planning of the various infrastructure components.

b. A Preliminary Infrastructure Plan as set out in subsection E. of Section VIIE. Additional Requirements for Planned Developments. In addition to the elements included in E. this Plan shall also:

- 1) Identify the planned primary pedestrian network within the development as well as connections to existing pedestrian facilities adjacent to the site,
- 2) Identify areas of the site that should be preserved as open space including provisions to create an interconnected network of green space within the development and that links to preserved or protected open space in the vicinity of the site.

The Conceptual Infrastructure Plan shall be reviewed in accordance with the procedures set out in Section VIIE. Additional Requirements for Planned Developments for the review of the Site Inventory and Analysis Phase.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

3. Conceptual Master Plan. The Conceptual Master Plan for a Large-Scale Planned Development shall consist of an updated Site Inventory and Analysis based on appropriate field data with respect to the location and extent of natural resources and site features and a Master Plan for the development. These shall be prepared and reviewed in accordance with Section VIII.E. Additional Requirements for Planned Developments.

C. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS (CPD)

1. Commercial Design Standards – All development within the District must be consistent with the Design Standards for Scarborough’s Commercial Districts, with the exception of the uses allowed under subsection D.14.of this district. [amended 05/16/18]

2. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough’s Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

3. Public Sewer Service – All new development or redevelopment within this district shall be served by public sewer.

D. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO PLANNED DEVELOPMENTS

1. Mix of Uses – The intention of the CPD District is that the district will develop with a mix of uses (i.e. retail, office, service, light manufacturing, mixed residential, etc.). The Conceptual Master Plan must address how the proposed development will contribute to this objective either individually or in conjunction with other Planned Developments in the district or development adjacent to the district. While the objective is to encourage Planned Developments that include a mix of uses, the Planning Board may approve a Conceptual Master Plan that does not meet this objective if the applicant demonstrates that the intention of the CDP District as a mixed-use development will be met or will be able to be met on a district-wide basis. After the approval of each Planned Development, the Planning Board will report to the Town Council on the mix of uses in the Planned Development as well as the overall District.

2. Overall Location and Pattern of Development – The overall location and pattern of development within the District must reflect the findings of the Site Analysis Map and Report prepared as part of the Conceptual Infrastructure Plan. Similarly, the overall location and pattern of development within an individual Planned Development must reflect the Site Analysis Map and Report prepared as part of the Conceptual Master Plan.

3. Street Network – The intention of the CPD District is that as development occurs, a coordinated, interconnected street system will be created. This street network must be designed to accomplish the following objectives:

- a) At the overall district level, create a connection through the District from Route One to the Payne Road and to the Haigis Parkway. In addition consideration should be given to

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

connecting the street network to the Gorham Road and Enterprise Drive if feasible. These two connections, if provided, should be designed to provide access to development within the district and should avoid creating direct travel routes that result in the establishment of a “short-cut” through the district.

b) At the Planned Development level, create an interconnected network of streets within the development that allows travel within the development without using collector roads. The network should utilize T- intersections where feasible and avoid the use of dead-end streets or cul-de-sacs.

4. Public Water System – The layout of the overall water distribution system must provide for an interconnected, looped network of mains that avoids dead-ends. This requirement must be met at both the district and Planned Development level unless the Fire Chief approves an alternative layout in conjunction with the Portland Water District.

5. Open Space Network – The intention of the CPD District is to preserve the significant natural resources that exist within the District and to develop an interconnected “green network” throughout the District that links the open spaces within the District and to preserved or protected land in the vicinity of the District. At least twenty (20) percent of the total land area within the District and at least ten (10) percent of the land area within an individual Planned Development shall be set aside and preserved as open space. This can include natural areas, parks or other improved green spaces that are open for use by residents/users of the development or the public, or improved recreational facilities with limited structural development (i.e. golf courses, playing fields, etc.). The land set aside as open space shall generally reflect the Site Analysis Map and Report. As part of the Master Plan for each Planned Development, the provisions for ownership and maintenance of the open space shall be established.

6. Relationship of Buildings to the Street – The intention of the CPD District is to encourage a variety of development patterns and forms with the overall objective of establishing a “village center-like” atmosphere within the District. As a general principle, buildings should be located close to streets with parking located to the side and/or rear of the buildings. A Planned Development shall be designed in a manner that reinforces the CPD District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses. In reviewing and approving the Conceptual Master Plans for individual Planned Developments, the Planning Board must find that the proposed development standards will result in a development that has a “village character” rather than a “suburban commercial” character.

7. Access Management and Interconnections – The development standards for each Planned Development must address the issues of access management and interconnections. Direct vehicular access from individual building sites onto Route One, Payne Road, or new collector streets within the District must be restricted. Site access shall be designed in accordance with the Site Plan Review Ordinance.

8. Streetscape Treatment -- The streetscape along internal streets and driveways within a Planned Development shall exhibit a compact layout, form and scale. The streetscape shall be designed with shade trees on both sides; road widths that are of a compact, urban scale; human-scale street lighting; frequent intersections and crosswalks; and sidewalks. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

The streetscape along Haigis Parkway, Route One and Payne Road that border the district shall incorporate a landscaped or natural vegetated buffer strip. The width of the buffer strip shall be a minimum of twenty-five (25) feet when it abuts the Haigis Parkway and fifteen (15) feet when it abuts Route One and Payne Road.

9. Walkable, Pedestrian-Oriented Design – The objective of the CPD District is to create a walkable, pedestrian-oriented environment. This can be accomplished in a variety of ways. Appropriately designed and oriented sidewalks and other pedestrian amenities, are critical to promote walkability, pedestrian activity, and a sense of place within the District. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a Planned Development as well as connections to abutting uses to establish a greater pedestrian network.

10. Place making – A Planned Development must include a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a Planned Development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but are not counted as a “place” unless they are available for public use.

11. On-street Parking – The use of on-street parking within a Planned Development is encouraged. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. A Planned Development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the review process the on-street parking design shall require approval from all applicable Town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of subsection I.E.

12. Dimensional Standards – The minimum lot size, net residential density, building height, yard and setback, and other space and bulk requirements for individual lots and buildings that are part of a Planned Development shall be determined in the Conceptual Master Plan except as limited by the provisions of I.D.2. The development standards must provide for the setback from and buffering of residential uses and zones abutting the CPD District and for the buffering of residential uses that are part of the Planned Development from nonresidential uses within or adjacent to the District. In approving the Master Plan and the development standards, the Planning Board shall assure that the proposed requirements will result in a development that reflects the Town’s vision for the Crossroads as a village center for the Town of Scarborough.

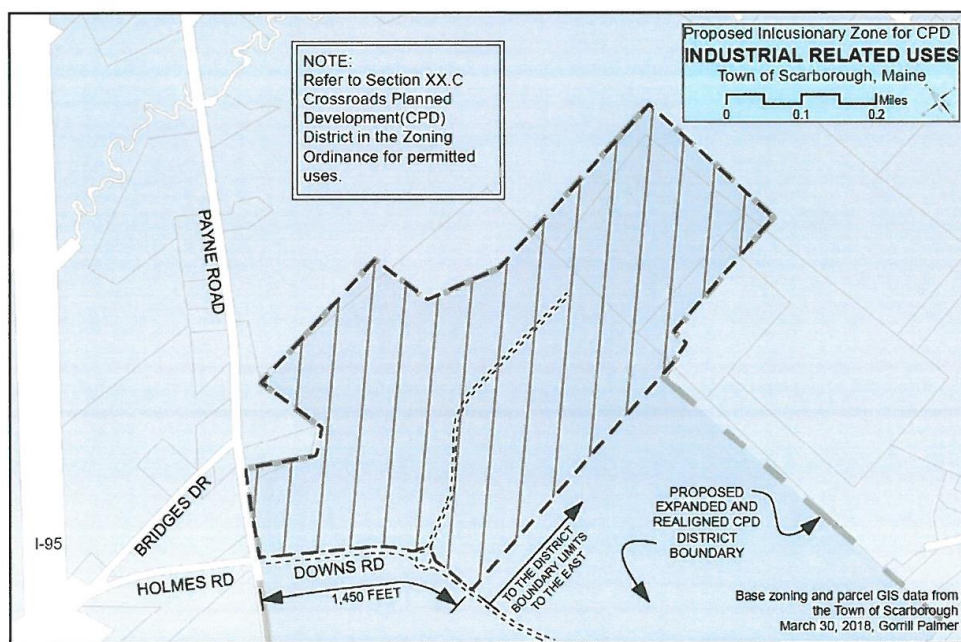
13. Provision of Affordable Housing – A key objective of the Crossroads Planned Development District is the provision of a mix of uses and a mix of housing types. Therefore at least ten percent of the dwelling units in a planned development must qualify as affordable housing in accordance

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

with the definition of affordable housing in this ordinance. This requirement can be met either through affordable housing developments or through providing for affordable units within market-rate housing developments. Since development within a planned development will likely occur incrementally, this requirement must be met cumulatively as development occurs. The initial residential development in a planned development must include affordable housing unless the project has fewer than ten dwelling units. If a housing development provides more than ten percent of its units as affordable or if more than ten percent of the cumulative dwelling units within a planned development are affordable, any balance may be carried forward and applied to future residential development. The Master Plan for the planned development shall address how this requirement will be met and set out any requirements that will be established for assuring the long-term affordability of these units.

14. The land use required to comply with these additional development standards are permitted as part of a planned development with specific standards and limitations on the location within the overall CPD District they are allowed and subject to the buffering requirements below. This inclusionary area within the District is located to the northeast of the Scarborough Downs entrance drive and extending southerly from the Payne Road intersection 1,450 feet and spanning from the Downs Road easterly to the limits of the CPD Zoning District boundary as depicted in the diagram below. The permitted uses specifically allowed within this area are subject to:

- 1) A 250-foot setback from the center line of Payne Road.
- 2) A 250-foot setback from the Downs Road, as depicted on the Approved Conceptual Infrastructure Plan.
- 3) A 100-foot setback and buffer to any adjacent residential district or natural resource district in accordance with subsection D.2. of this District.
- 4) The performance standards of Section IX9(A) of this ordinance.
- 5) The permitted uses specifically allowed within this area shall not be subject to the Design Standards for Scarborough's Commercial District.



SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

The diagram and description above establish the maximum area allowed for these non-residential uses, but does not bind or require this area to be exclusively developed with these specific uses. The planned development process shall be used to establish the design, buffering details, and extent of these non-residential uses within this inclusionary area and whether this area includes other uses and development allowed district wide.

15. Earthwork, Material Extraction and Construction Activities Incidental to Site Development – Activities that are typical of earthwork, material extraction and construction including, but not limited to the excavation of earthen material and aggregate, material processing, material stockpiling and storage, and similar activities are allowed in accordance with the following performance standards:

- a. Material extraction and processing allowed for under this subsection shall be for the sole purpose of supporting development, site work and the installation of infrastructure located exclusively within the CPD District.
- b. Notwithstanding contrary provisions in the Extractive Industry Ordinance, excavation may occur below the seasonal high-water table for the purpose of creating water features within the development project. Any excavation below 12 inches above the seasonal high-water table shall be in accordance with a plan approved by the Planning Board. This plan shall include the limits, design and final restoration of the excavation area and its functions and values.
- c. The stockpiling and processing of aggregate and earthen materials shall comply with a site plan and operations plan to be reviewed and approved by the Planning Board. This operations plan still include: a description and location of the activity; its proximity to existing development within and outside the District; general hours of operation, methods of operation and safeguards in place to mitigate dust, smoke and other environmental factors, and a restoration plan when applicable.
- d. Any deviation and changes to the Operations Plan must be approved in advance by the Planning Director with consultation with other town staff and departments.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-120. Move approval of the second reading on the proposed amendment to the Official Zoning Map, for R053004, being an approximately 35.8-acre parcel located off of Preservation Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD).

Planning Director

Ought to Pass

Sponsor

Recommendation

*10/18/2023 – Vote: 6 Yeas,
2 Nays [Councilors Cloutier and Hamill]*

First Reading/Vote

11/08/2023

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-120.

SUBJECT:

7:00 p.m. Public hearing and second reading to the proposed changes to the official zoning map for R053004, being an approximately 35.8-acre parcel located off of Preservation Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD).
[Planning Director]

PURPOSE:

To consider a zoning change request for approximately 35.8 acres of property located off of Preservation Way.

BACKGROUND:

On September 6, 2023, Town Council authorized the Town Manager to enter into a purchase Option Agreement with Crossroads Holdings LLC for the purchase of land for a new Unified Primary School. The agreement has a number of buyer obligations that the Town must complete as a condition of closing. In particular, the Town has committed to advancing a change to the Zoning map to include additional parcels of land into the CPD as well as a text change to the CPD regarding buffers for residential and school uses.

Approximately 12 acres of the zoning change are included in the proposed school site.

Zoning Comparison:

The VR-4 district was established to provide residential neighborhoods of a higher density and accept a significant share of the Town's residential growth. Residential development shall not exceed 4 dwelling units per net residential acre, plus additional density through development transfer or affordable housing. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of households, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All developments in the VR4 District shall be serviced by public sewer and public water supply.

The CPD district was established to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost-effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths. The maximum density of the CPD is 20 units per acre.

The residential density of the CPD district is significantly higher than the VR-4 District. The CPD district also permits uses other than residential, unlike the VR-4 District. However, the

CPD district includes performance measures in place requiring 100' buffers for non-residential uses adjacent to residential districts and Planned Development and Site Plan standards.

Planning Board Recommendation:

The Ordinance requires that the Planning Board give its recommendation to the Town Council regarding the land use implications of the request.

At the meeting on September 18, 2023, the Planning Board held a public hearing and made a recommendation to Town Council as follows:

1. The CPD district allows a significantly higher residential density than the VR-4 district (20 units per acre in the CPD compared to 4 units per acre in the VR-4). The Board discussed that since this area of Crossroads property has not been included in any master plan or subdivision for The Downs, the town does not know which of the wide range of permitted CPD uses may be proposed. With this parcel so close to existing low-density residential housing, from a land use perspective it does not recommend approval of the zoning change.
2. Similarly, with light industrial uses to the North in the Innovation District, this parcel and its uses must be carefully regulated such as to not impact the abutting, lower density residential uses that exist to the South.
3. The Board has concerns regarding permitted CPD uses adjacent to potential municipal uses.
4. With the parcel bordering a Scarborough Land Trust owned conservation area with significant natural resources (wetlands, etc.), the Board has concerns on impact to those resources from potential uses of the parcel. This includes with respect to stormwater runoff, lighting and sound.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- Planning Board Public Hearing and Recommendation: September 18, 2023
- First reading before the Town Council: October 18, 2023
- Public hearing and second reading: November 8, 2023

PROPOSED ACTION:

Move approval on the proposed changes to the official zoning map for R053004, being an approximately 35.8-acre parcel located off of Preservation Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD).

ATTACHMENTS:

- Planning Board Recommendation
- Planning Board Staff Report
- Zoning Exhibits and Draft Official Zoning Map S
- Section XIV Village Districts
- Section XXC CPD District

Planning Board Recommendation

Jonathan Anderson
Chair, Scarborough Town Council
259 U.S. Route 1
P.O. Box 360
Scarborough, ME 04070

RE: Rezoning of a R053004 being approximately 35.8 acres from VR-4 to CPD.

Chairman Anderson and members of the Town Council,

On September 18, 2023, in accordance with the Town of Scarborough Zoning Ordinance, the Planning Board reviewed the rezoning request for R053004 being approximately 35.8 acres from VR-4 to CPD located off Preservation Way. The Ordinance requires that the Planning Board give its recommendation to the Town Council regarding the land use implications of the request. After consultation with the Board Chair, the recommendation is as follows:

1. The CPD district allows a significantly higher residential density than the VR-4 district (20 units per acre in the CPD compared to 4 units per acre in the VR-4). The Board discussed that since this area of Crossroads property has not been included in any master plan or subdivision for The Downs, the town does not know which of the wide range of permitted CPD uses may be proposed. With this parcel so close to existing low density residential housing, from a land use perspective it does not recommend approval of the zoning change.
2. Similarly, with light industrial uses to the North in the Innovation District, this parcel and its uses must be carefully regulated such as to not impact the abutting, lower density residential uses that exist to the South.
3. The Board has concerns regarding permitted CPD uses adjacent to potential municipal uses.
4. With the parcel bordering a Scarborough Land Trust owned conservation area with significant natural resources (wetlands, etc.), the Board has concerns on impact to those resources from potential uses of the parcel. This includes with respect to stormwater runoff, lighting and sound.

If you would like further clarification or discussion on these items, the Planning Department would be happy to provide any requested information in consultation with the Planning Board.

Sincerely,



Autumn Speer
Director of Planning & Code Enforcement

Planning & Code Enforcement

Zoning Request Staff Report
Planning Board Public Hearing September 18, 2023

Submittal Type: Rezoning for R053004 being approximately 35.8 acres from VR-4 to CPD
Location: Vacant Parcel off of Preservation Way
Applicant: Town Initiated

ACTION REQUIRED:

Hold a public hearing and make a recommendation to Town Council for the zoning change request for R053004, being an approximately 35.8-acre parcel located off of Preservation Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD).

BACKGROUND:

At the regular public meeting on September 6, 2023, Town Council authorized the Town Manager to enter into a purchase Option Agreement with Crossroads Holdings LLC for the purchase of land for a new Unified Primary School. The agreement has a number of buyer obligations that the Town must complete as a condition of closing. In particular, the Town has committed to advancing a change to the Zoning map to include additional parcels of land into the CPD as well as a text change to the CPD regarding buffers for residential and school uses.

ZONING COMPARISON:

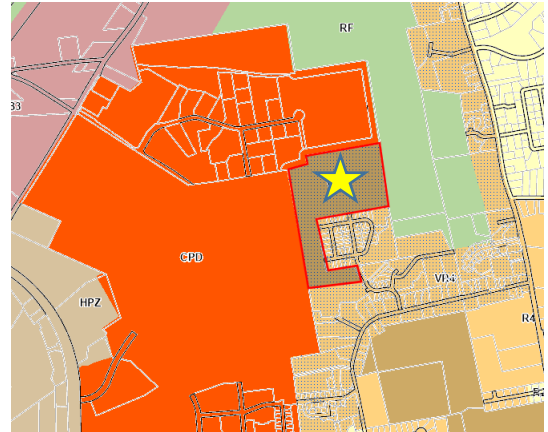
The VR-4 district was established to provide residential neighborhoods of a higher density and accept a significant share of the Town's residential growth. Residential development shall not exceed 4 dwelling units per net residential acre, plus additional density through development transfer or affordable housing. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of households, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All developments in the VR4 District shall be serviced by public sewer and public water supply.

The CPD district was established to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost-effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths. The maximum density of the CPD is 20 units per acre.

The residential density of the CPD district is significantly higher than the VR-4 District. The CPD district also permits uses other than residential, unlike the VR-4 District. However, the CPD district includes performance measures in place requiring 100' buffers for non-residential uses adjacent to residential uses and Planned Development and Site Plan standards.

ADJACENT ZONING AND USES:

North: CPD – Innovation District
South: VR-2 - Single Family Homes, Cottages at Sawyer
East: RF – SLT Warren Woods
West: CPD – Mix of Uses



COMPREHENSIVE PLAN:

The Town of Scarborough Comprehensive Plan identifies this location as part of a Regional Activity Center.

REGIONAL ACTIVITY CENTER - Scarborough Downs has been identified as a potential development site that provides tremendous opportunity to create an authentic and complete town center within Scarborough that could have regional draw – a mixed-use and walkable area where people live, shop, work, and play. This would be the most intensely developed area of the town. The Regional Activity Center includes the Scarborough Downs property as well as other parcels generally within a one-mile radius. This radius of possible development includes the Haigis Parkway properties where infrastructure has already been provided with easy access to I-95.



PUBLIC NOTIFICATION:

No request for amendment or change shall be referred to the Town Council for consideration until the Planning Board has held a public hearing on that request, notice of which shall be given at least ten (10) days prior to such hearing in a newspaper of general circulation in the Town of Scarborough.

Publication of this zoning change was included in the newspaper on September 7, 2023 and September 12, 2023. Abutter notification was mailed to 23 adjacent property owners on September 7, 2023.

STAFF RECOMMENDATION:

The Planning Director or designee shall review all requests for amendments or changes and make a recommendation to the Planning Board and/or Town Council in regards to the Comprehensive Plan.

The proposed rezoning is in compliance with the Comprehensive plan. The request is reasonable given the surrounding uses and the future potential for the immediate area. Staff recommends approval of the requested zoning change.

PLANNING BOARD ACTION:

The Planning Board shall review all requests for amendments or changes and make its recommendations to the Town Council regarding the land use implications of the request. If a substantial change or alteration is contemplated by the Town Council, approval by the Town Council shall not be granted without submitting the proposed changes to the Planning Board for comment.

ATTACHMENTS:

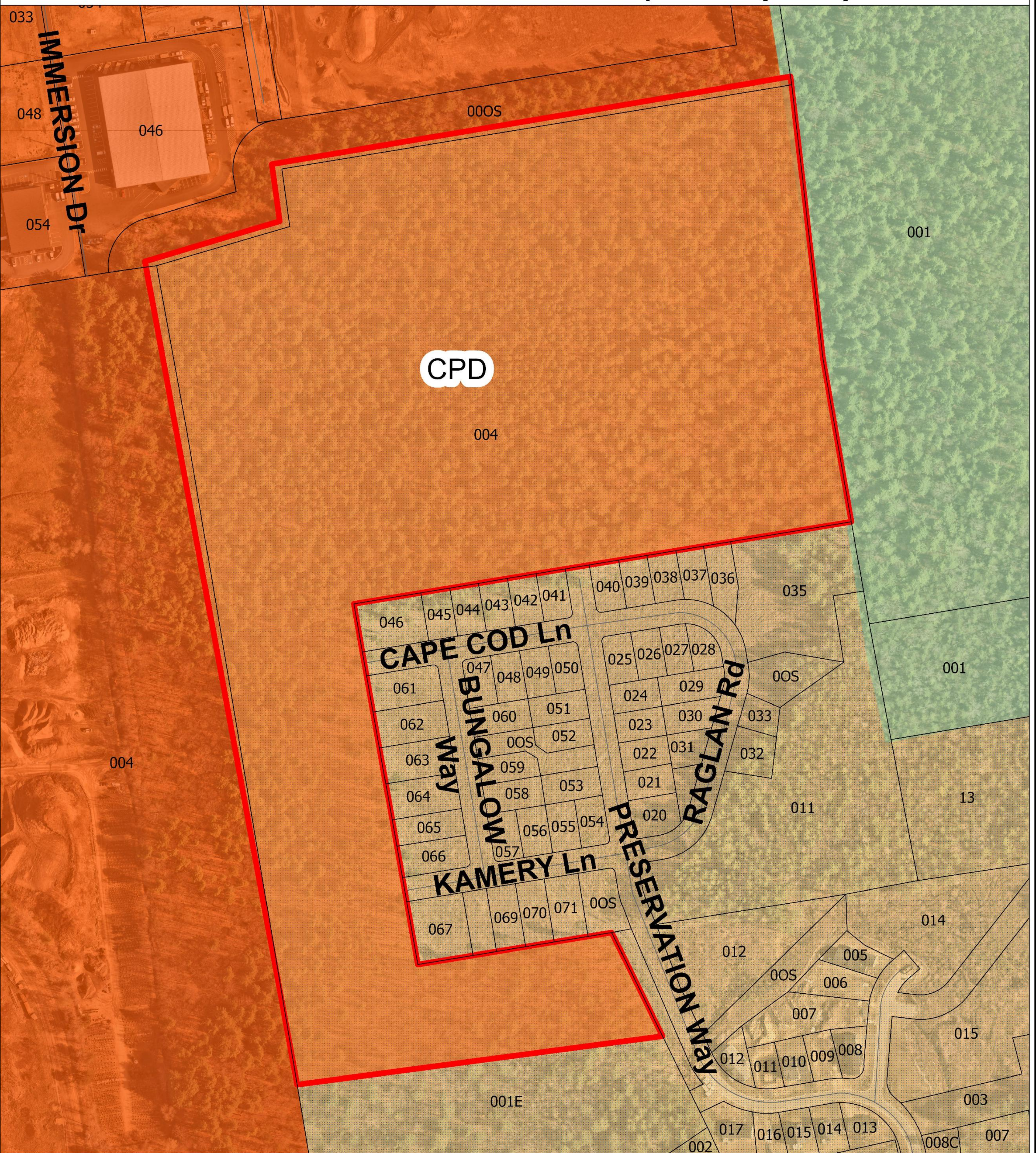
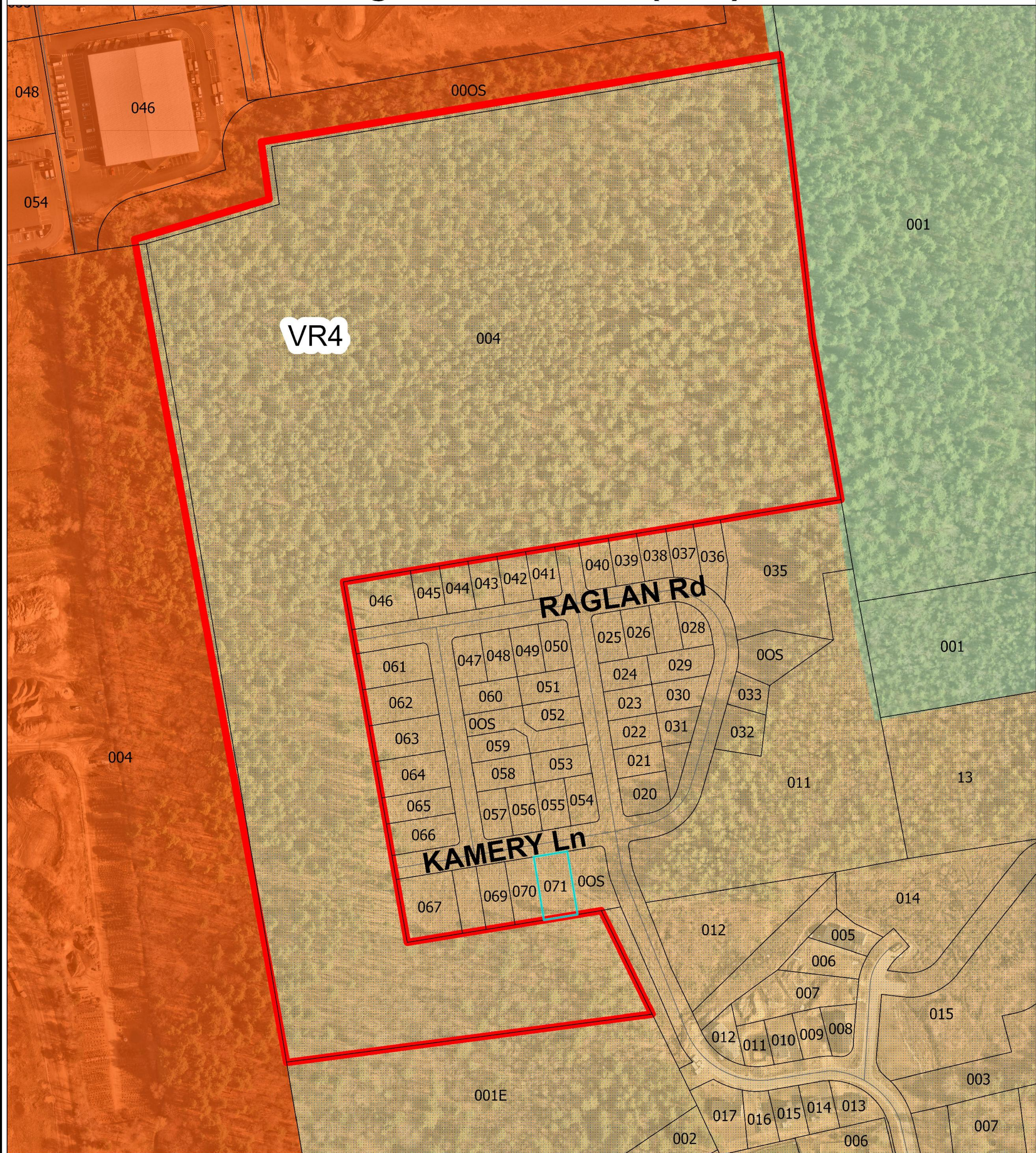
Town Manager Memo Initiating Change
Chapter 405 Section XIV Village Residential Districts
Chapter 405 Section XXC CPD District
Official Zoning Map Exhibit
Newspaper Notification Proof
Abutter List

NEXT STEPS:

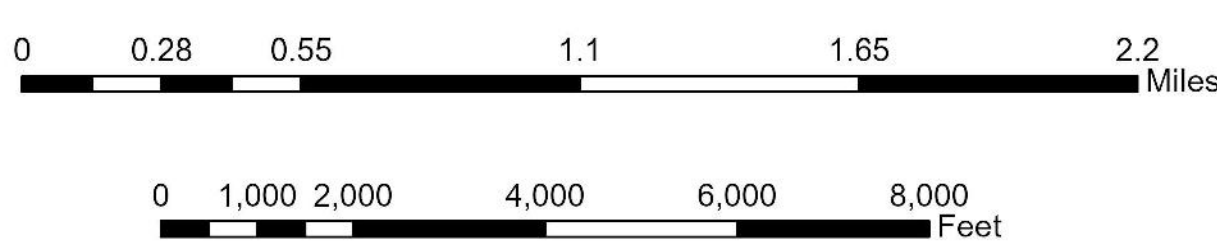
- Town Council Public Hearing – October 4

Current Zoning
Village Residential 4(VR4)

Proposed Zoning
Crossroads Planned Development(CPD)



Town Of
Scarborough
Maine
Official Zoning Map
www.scarboroughmaine.org



Base Map

- ParcelLine
- Roads
- Coast_Line
- TownLine
- Railroads
- Beachs

Note: The depictions of the boundaries of the Zoning Districts, including the Shoreland Zone, Resource Protection Zone, and Stream Protection District on this GIS Zoning Map, are merely illustrative of their approximate boundaries. The exact boundaries shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

Revised as of: 8/31/2023
As Approved By Council - XX-XXX

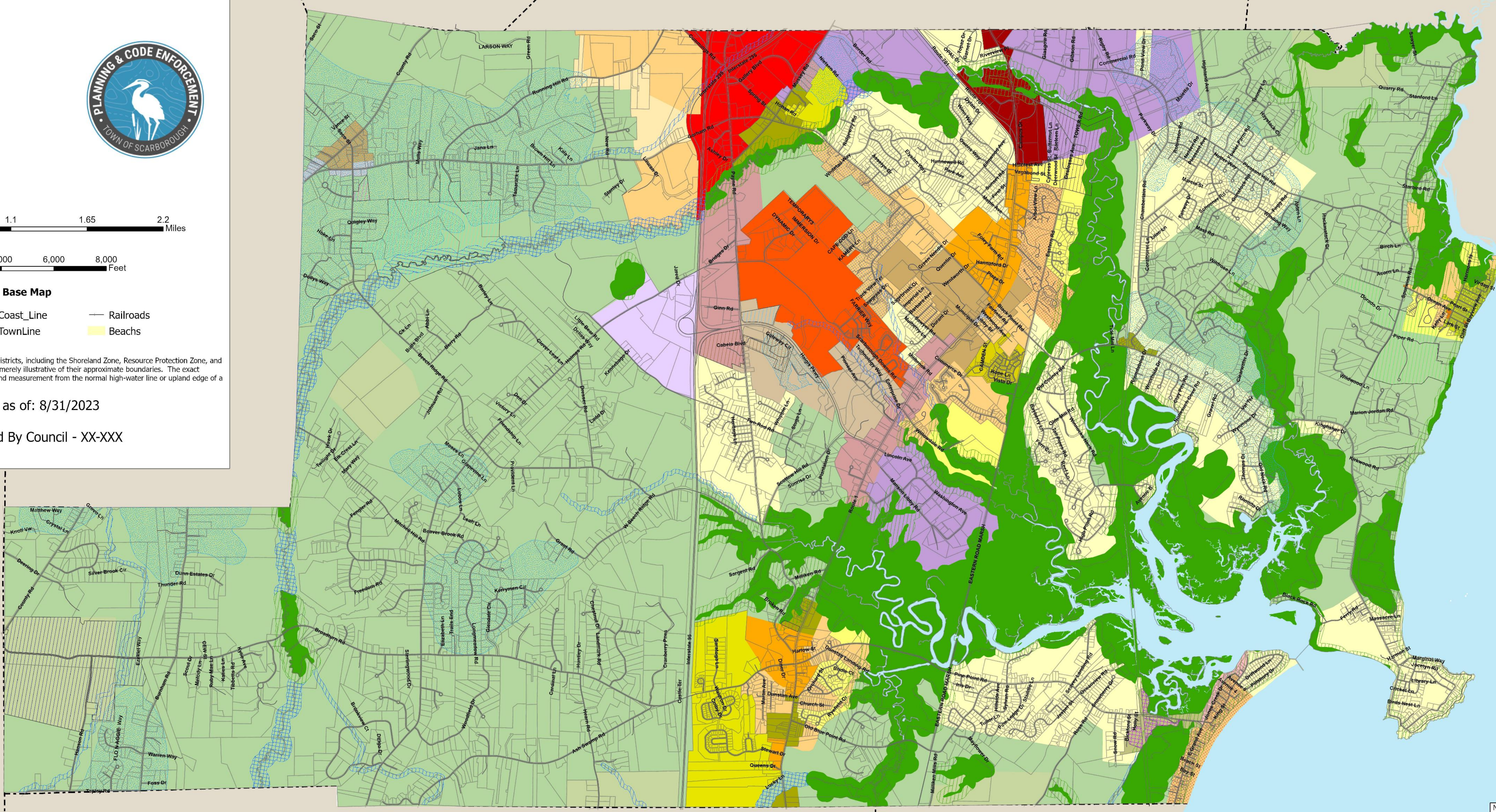
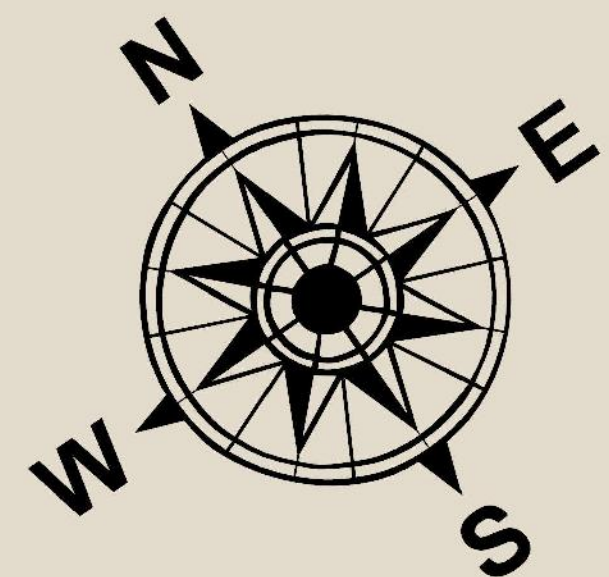
Previous Zoning Amendments:
Resolution 23-001 - Approved 4/19/2023
Resolution 23-065 - Approved 7/19/2023

Zoning Classifications

- Beach/Mixed Use
- Regional Business
- General Business
- Business Office - Research District
- Coastal Mixed Use 1
- Crossroads Planned Development
- Coastal Residential 1
- Haigis Parkway Busines
- Industrial
- Light Industrial
- Residential 2
- Residential 3
- Residential 4
- Residential 4A
- Rural Residence & Farming
- Rural Residence Farming & Manufacture
- Running Hill Mixed Use District
- Running Hill Transition District
- Resource Protection
- Residential & Professional
- Traditional Neighborhood
- Town & Village Centers
- Town & Village Centers Transition 2
- Town and Village Centers Fringe
- Town & Village Centers 4
- Village Residential 2
- Village Residential 4

Contract Zones

- Contract Zone 1
- Contract Zone 10
- Contract Zone 11
- Contract Zone 12
- Contract Zone 2
- Contract Zone 3
- Contract Zone 5
- Contract Zone 7
- Contract Zone 8
- Contract Zone 9
- Industrial Overlay
- Shoreland Zoning
- Stream Protection 1
- Stream Protection 2
- Aquifer Protection Overlay



Map Prepared By:
Micah Warnock, GISP
GIS Administrator

Attested to by:

TOWN CLERK

DATE

See "Town of Scarborough Maine Official Shoreland Zoning Map" for Shoreland zoning districts.

SECTION XIV. VILLAGE RESIDENTIAL DISTRICTS

VILLAGE RESIDENTIAL 2 DISTRICT - VR2

To provide residential neighborhoods of a moderate density to a manner which will promote a wholesome living environment and accept a significant share of the Town's residential growth. To this end, residential development shall not exceed 2 dwelling units per net residential acre if served by public sewer and 1 dwelling unit per 2 acres if served by on-site sewage disposal. T. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of household types, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All new subdivisions in the VR2 District shall be serviced by public sewer and public water supply.

VILLAGE RESIDENTIAL 4 DISTRICT - VR4

To provide residential neighborhoods of a higher density to a manner which will promote a wholesome living environment and accept a significant share of the Town's residential growth. To this end, residential development shall not exceed 4 dwelling units per net residential acre, plus additional density through development transfer or affordable housing. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of households, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All developments in the VR4 District shall be serviced by public sewer and public water supply.

A. PERMITTED USES – VILLAGE RESIDENTIAL DISTRICTS

Permitted use table abbreviations are as follows:

- P – Permitted by Right
- SE – Special Exception Required
- C# – Condition Applies
- CZ – Contract Zone Required
- Blank – Not a Permitted Use

AGRICULTURAL USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Accessory uses including accessory stables on lots of at least two acres	Section IX.P.		
Accessory uses including accessory agricultural activities	Section IX.P.	P	P
Commercial Agriculture	Section IX.Q.	SE	
Commercial Animal Husbandry	Section IX.Q.		
Agricultural Employee Housing in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry			
Commercial Stables			
Farm stand	Section IX.R	SE	
Agricultural Products Store	Section IX.S.		
Agricultural processing facility with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture	Section IX.Q.	SE	
Agricultural processing facility with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.		
Agricultural processing facility with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.		
Forestry			
Wetlands Creation on Previously Excavated Property			

SECTION XIV – VILLAGE RESIDENTIAL DISTRICTS [Adopted 07-19-2023]

RESIDENTIAL USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Single Family Dwelling Units (exclusive of individual mobile homes) Up to 2 Dwelling Units per Lot	Section IX.Z.	P	P
Single Family Dwelling Units (exclusive of individual mobile homes) Up to 4 Dwelling Units per Lot	Section IX.Z	P	P
Two-family Dwelling Units		P	P
A Single Multi-family Dwelling with Four or Fewer Dwelling Units on a Lot	Section VIIA. Conservation Design		
Manufactured Housing Unit			
Manufactured Housing Community			
Townhouse - No more than 8 units per building (minimum 3)		C1	C1
Multiplex		C1	C1
Multi-family Dwellings (maximum building footprint 7,500 sq ft)		C1	C1
Nursing Home		SE	SE
Boarding Care			
Orphanage		SE	SE
INSTITUTIONAL AND CIVIC USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Cemetery			
Library		P	P
Museum		P	P
School – Public and Private Educational Facility		P	P
Municipal Building and Use		P	P
Post Office Facilities		P	
Public Utility Facility, Including Substation, Pumping Station and Sewage Treatment Facility		SE C2	SE C2
Hospice Facility		SE	SE

SECTION XIV – VILLAGE RESIDENTIAL DISTRICTS [Adopted 07-19-2023]

Place of Worship		P	P
Adjunct Use, Place of Worship		SE	SE
Charitable Institution		SE	SE
RECREATIONAL USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Residential Recreation Facility		P	P
Golf Course			P
Community Building (non-profit)		P	P
Grounds for Games and Sports (non-profit)			
Commercial Outdoor Recreation	Section IX.U		
Day Camp			
Non-commercial Model Aviation Flying Field Located West of the Maine Turnpike	Section IV(I)(8)		
COMMERCIAL AND RETAIL USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Family Day Care Home (3-6 children or adults)	Section IV(I)(6), except that Board Appeals review is not required.	P	P
Group Day Care Home (7-12 children) and Nursery School		SE	SE
Day Care Center Facility (13 + children)			SE
Medical or Professional Office (less than 2,500 sq ft floor area per lot)			
Boarding Care Facility			
Kennel			
Veterinary and Pet Care Facility			
Utility Scale Solar Energy System	Section IX.(O.1.)		

LODGING USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Bed and Breakfast	Section IX.T.		
Camping and Tenting (five acres or more)			
INDUSTRIAL USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Extractive Industry Including Gravel Pit and Quarry			
ACCESSORY USES	PERFORMANCE STANDARDS APPLY	VR2	VR4
Accessory Dwelling Unit	Section IX.J.	P	P
Home Occupation		SE	SE
Telecommunication Facility		SE	SE

C1 - Permitted with a minimum parcel size of five (5) acres.

C2 - Board of Appeals review is not required if the facility is proposed, reviewed and permitted by the Planning Board as part of an original residential development.

B. SPACE AND BULK STANDARDS

The following Space and Bulk Regulations are applicable to subdivisions reviewed by the Planning Board under the Scarborough Subdivision Ordinance.

DIMENSIONAL STANDARDS AND SETBACKS	VILLAGE RESIDENTIAL 2 – VR2					
	Single- family units	Two- family units	Multi- family	Multi- plex	Town- house	Non- residential ³
Minimum Lot Area per dwelling unit	5,000 sq ft	NA	NA			
Minimum Lot Area per two dwelling nits	NA	7,500 sq ft	NA			
Minimum Lot Area	NA		15,000 sq ft			
Minimum Street Frontage	40’	50’	75’			
Minimum Lot Width	40’	50’	75’			
Minimum Front yard	5’					
Minimum Rear & Side Yard	15’ ¹		15’ ²			15’

¹ May be reduced to 5 feet for single-family dwellings within the same residential development if the dwelling and the abutting dwellings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code.

SECTION XIV – VILLAGE RESIDENTIAL DISTRICTS [Adopted 07-19-2023]

² May be reduced to 10 feet for two-family dwellings if the structures meet the Fire Rating requirements as per the NFPA 101 Life Safety Code. The Planning Board may also allow lesser separation between two-family and multi-family dwellings than the setback requirements dictated above if these dwellings are located on the same lot and the structures meet the Fire Rating requirements for the lesser separation as per the NFPA 101 Life Safety Code.

³ As used in this subsection E., the term “non-residential” does not include home occupations and other uses accessory to a residential use.

1. The lot area requirements above shall be considered minimums. The Planning Board may require additional lot areas in order to meet the Town Plumbing Ordinance & the Maine Subsurface Waste Water Disposal Rules depending on the density of housing and use types.
2. For a resident lot that does not require subdivision review and approval by the Planning Board or a lot in a subdivision that was approved prior to June 1, 2005, the Space and Bulk Regulations of the R2 District shall apply if the lot is served by the public sewer system. If the lot is served by an on-site subsurface sewage disposal system, the space and bulk regulations of the RF District shall apply.

DIMENSIONAL STANDARDS AND SETBACKS	VILLAGE RESIDENTIAL 4 – VR4					
	Single- family units	Two- family units	Multi- family	Multi- plex	Town- house	Non- residential ⁴
Minimum Lot Area per Dwelling Unit	5,000 sq ft	NA	NA			
Minimum Lot Area per two dwelling units	NA	7,500sq ft	NA			
Minimum Lot Area	NA		15,000 sq ft			
Minimum Street Frontage	50’		75’			
Minimum Lot Width	50’		75’			
Minimum Front yard	5’					
Minimum Rear & Side Yard	15’ ¹		15’ ^{2, 3}			15’
¹ May be reduced to 5 feet for single-family dwellings within the same residential development if the dwelling and the abutting dwellings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code.						
² May be reduced to 10 feet for multiplex and townhouse dwellings if the dwelling and the abutting dwelling meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.						
³ When the yard abuts a lot or parcel that is not part of the development the minimum yard shall be 25 feet and the buffering requirements of Section VIII of this Ordinance shall apply.						
⁴ As used in this subsection E., the term “non-residential” does not include home occupations and other uses accessory to a residential use.						

SECTION XIV – VILLAGE RESIDENTIAL DISTRICTS [Adopted 07-19-2023]

For development that does not require subdivision review and approval by the Planning Board the Space and Bulk Regulations of the R-4 District shall apply.

C. VILLAGE DEVELOPMENT STANDARDS

New Residential subdivisions in the VR2 and VR4 Districts shall conform to the following standards:

1. Residential subdivisions shall be designed in a pattern of substantially rectangular blocks forming a grid layout with interconnected streets and communal space as defined by buildings, landscaping and streetscapes, natural features, and pedestrian ways that establishes a traditional village design. In the VR4 District the Planning Board may waive the standard for a grid layout of interconnected streets if the Board finds that topographical, wetland or other natural constraints inhibit this design or if the scale of a particular residential development is not conducive to an interconnected street layout.
2. Residential developments shall include low-volume streets designed for lower vehicle speeds in order to increase pedestrian safety, discourage non-local through traffic and maintain a village character. In order to achieve these design standards, the Planning Board shall have the authority to reduce the pavement width of local residential streets to 20 feet. Streets approved by the Planning Board under this Section shall be deemed to comply with the Street Acceptance and Subdivision Ordinances.
3. The street network in a residential development, or a private access road or driveway located in the VR4 District, shall not provide or create vehicular access from Sawyer Road to serve non-residential development located outside of the VR4 District.
4. Sidewalks and shade trees shall be provided on both sides of the streets within a subdivision or development shall connect to the pedestrian amenities of abutting neighborhoods to the extent feasible. The Planning Board may allow alternative pedestrian amenities, such as a sidewalk on one side of a street, footpaths and trails, if the Board finds the above standard is not necessary due to special circumstances of a site or the nature or scale of a particular residential development.
4. The Planning Board may allow the establishment of “private alleyways” to provide access to parking facilities for various residential units. These alleyways may be 14 feet in pavement width with an additional 6 feet of non-paved drivable surface (totaling 20 ft.), in accordance with Scarborough Fire Department requirements. These alleyways shall be owned and maintained by a homeowners association and shall be subject to an easement allowing Town use and access. These alleyways shall not be considered streets under this Ordinance, the Street Acceptance Ordinance or the Scarborough Subdivision Ordinance.
5. In the VR2 District between 10 - 20% of the net residential area of a subdivision shall be allocated as designated open space accessible to all residential units. The open space shall consist of both village green space and surrounding open space for conservation. The village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The surrounding open space shall be connected and contiguous where feasible, and shall be restricted for conservation and recreation in perpetuity. This open

SECTION XIV – VILLAGE RESIDENTIAL DISTRICTS [Adopted 07-19-2023]

space may contain recreation areas, ball fields, recreation trails, and the like. It shall function as protection for natural resources, buffers to adjacent incompatible uses, forested, natural distinctions between this zoning district and adjacent less dense zoning districts, and linkages to neighboring green spaces or recreational amenities. In addition, this common green space or open space can be used for solar or wind energy systems as allowed for under Section IX. The final open space percentage within the 10 - 20% range shall be determined by the Planning Board.

6. In the VR4 District at least 10% of the net residential acreage of a development shall be allocated as village green space for active and passive recreation. This village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The village green space shall be integral to the development and shall be sited in a central location available and desirable for use by the residents of the development. In addition, green space or common land can be used for solar or wind energy systems as allowed for under Section IX.

7. In the VR4 District development shall be clustered away from wetlands, watercourses and water bodies and impacts to these resources shall be avoided. Contiguous wetland areas of 15,000 square feet or greater shall be protected as common open space. These open space areas shall include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space lands may include a trail system for walking, hiking, biking or similar activities subject to Planning Board approval. Where no practical alternative exists, the Planning Board may allow the crossing of wetlands for roads, driveways or utilities to provide access to, or use of, an upland area within a development.

D. RESIDENTIAL DENSITY REGULATIONS – VR2

1. For a residential lot that is not subject to Planning Board review and approval or a lot in a subdivision that was approved prior to June 1, 2005, the residential density shall be governed by the R2 Space and Bulk Regulations if the lot is served by an on-site subsurface sewage disposal system, the space and bulk regulations of the RF District shall apply.

2. For a subdivision that is subject to Planning Board review and approval after June 1, 2005, the following residential density regulations shall apply:

a. Residential Density Factors – Within this zoning district the Residential Density Factors in Section VII.C.A. of the Zoning Ordinance shall apply to multiplex and townhouse dwelling units.

b. Maximum Base Residential Density – The maximum base residential density shall be two (2) dwelling units per net residential acre. This is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

c. Additional Residential Density Thru Development Transfer – A subdivision may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density (subsection F.2.b.) by utilizing the development transfer provisions in accordance with Section VII.D. of this Ordinance.

- d. **Additional Residential Density Thru Affordable Housing** - A subdivision may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density (subsection F.2.b.) provided at least forty percent (40%) of those additional units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.
 - e. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee** – In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]
3. The Planning Board may allow a subdivision to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed twenty percent (20%) beyond the maximum base residential density allowed.

E. RESIDENTIAL DENSITY REGULATIONS – VR4

1. For development that is not subject to Planning Board review and approval the residential density shall be governed by the R-4 Space and Bulk Regulations.
2. For development that is subject to Planning Board review and approval the following residential density regulations shall apply:
 - a. **Residential Density Factors** - The Residential Density Factors in Section VII C. A. of the Zoning Ordinance shall apply to multiplex and townhouse dwelling units
 - b. **Maximum Base Residential Density** – The maximum base residential density shall be four (4) dwelling units per net residential acre. This is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.
 - c. **Additional Residential Density Thru Development Transfer** – A development may incorporate up to three (3) additional dwelling units per net residential acre, beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.
 - d. **Additional Residential Density Thru Affordable Housing** – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.
 - e. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee** - In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d.,

SECTION XIV – VILLAGE RESIDENTIAL DISTRICTS [Adopted 07-19-2023]

a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in-lieu fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]

3. The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per net residential acre beyond the maximum base residential density.

F. ADDITIONAL STANDARDS – VILLAGE DISTRICTS

ADDITIONAL STANDARDS	VR2	VR4
Maximum Building Height	35' (3 stories)	35' (3 stories)
Maximum Building Coverage	60%	40%
Signs	Section XII Applies	

G. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except that the Planning Board shall have the authority to allow residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot be reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. This allowance shall not require approval by the Board of Appeals under Section XI(C) in this zoning district.

Given the village-style development pattern of the residential development, residential parking spaces in a new subdivision need not measure more than 9 feet by 18 feet and valid parking spaces shall include spaces located in private driveways leading into garages, notwithstanding the otherwise applicable provisions of Sections VI and XI of this Ordinance.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

SECTION XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

[Adopted 08/21/13; Amended 10/07/15; Amended 05/16/18; Amended 05/20/2020; Amended 04/21/2021]

I. BASIC STANDARDS

A. PURPOSE (CPD)

The purpose of the Crossroads Planned Development District is to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This largely undeveloped area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths.

B. PERMITTED USES (CPD)

i. The following uses are permitted in both conventional and planned developments:

1. Harness racing facilities.
2. Commercial outdoor recreation uses.
3. Fully enclosed places of assembly, amusement, culture and government, exclusive of video gambling, casino gambling and slot machine facilities.
4. Municipal buildings and uses.
5. Public utility facilities.
6. Accessory uses.

ii. The following uses are permitted only in planned developments:

7. Single-family dwellings but only as part of a planned development that includes a variety of housing types.
8. Two-family dwellings but only as part of a planned development that includes a variety of housing types.
9. Multifamily dwellings.
10. Multiplex dwellings.
11. Townhouses, limited to no more than eight (8) dwelling units per building.
12. Senior housing.
13. Residential and long-term care facilities for the ill, aged, or disabled. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply.
14. Dwelling units in a mixed use building.
15. Live/work units.
16. Accessory units.
17. Retail business and service establishments.
18. Personal service establishments.
19. Restaurants with no drive-through service.
20. Hotels and motels.
21. Business and professional offices.
22. Financial, insurance and real estate offices.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

- 23.** Business services.
- 24.** Medical/diagnostic facilities.
- 25.** Health clubs.
- 26.** Non-municipal government buildings and uses.
- 27.** Elementary and secondary schools.
- 28.** Instructional and educational services.
- 29.** Libraries.
- 30.** Museums.
- 31.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions.
- 32.** Funeral homes.
- 33.** Places of worship.
- 34.** Adjunct uses, Place of worship.
- 35.** Golf courses.
- 36.** Casinos or slot machine facilities, as defined in Chapter 31 of Title 8 of the Maine Revised Statutes, that are located within the same planned development as a harness racing facility and are licenses by the State of Maine in accordance with the requirements of Chapter 31 of Title 8 of the Maine Revised Statutes, including the requirements that the casino or slot machine facility must be approved by the voters of the Town in a municipal referendum and that the Town Council has entered into a revenue-sharing agreement with the owner and/or operator of the casino or slot machine facility.
- 37.** Pet care facilities. [Adopted 05/16/18]

iii. The following uses are permitted only in planned developments and are subject to specific performance standards set forth in Section IX.

- 38.** Home occupations.
- 39.** High technology facilities.
- 40.** Family day care homes.
- 41.** Group day care homes and day care facilities.
- 42.** Nursery schools.
- 43.** Passenger transportation facilities.
- 44.** Small-scale energy facilities.
- 45.** Telecommunication facilities.
- 46.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance with the exception of size limitation. Small batch processing facilities shall be limited to no more than 10,000 square feet of floor area included any accessory uses, such as retail area, a tap room, sampling area, storage or warehousing. [Adopted 10/07/15; amended 05/17/2023]
- 47.** Research, development and light industrial. [Adopted 05/16/18]
- 48.** Gasoline filling stations whether as a principal or accessory use and located so that all fueling facilities are located within one thousand (1,000) feet of the point of intersection of the centerlines of Payne Road and Holmes Road. Gasoline filling stations shall also be subject to the performance standards of Section IX.(X.) of this Ordinance. [Adopted 05/16/18]

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

- iv. The following uses are permitted only in planned developments and are subject to the additional development standards of subsection D, of this district, including the standards on location and buffers under subsection D.14.: [Adopted 05/16/18]

49. Manufacturing and assembly.

50. Food processing facilities.

51. Mini-warehouse/storage facilities.

52. Contractors offices, shops and storage yards.

53. Motor vehicle repair and service facilities including auto body shops, facilities for the repair or recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.

54. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).

55. Marijuana Manufacturing Facility. [Adopted 01/08/2020]

56. Marijuana Testing Facility. [Adopted 01/08/2020]

C. SPECIAL EXCEPTIONS (CPD)

There are no special exception uses in the Crossroads Planned Development District.

D. SPACE AND BULK REGULATIONS (CPD)

1. Conventional Developments

The space and bulk regulations of the B2 Regional Business District are applicable to all conventional developments.

2. Planned Developments

The space and bulk standards applicable to planned developments and the individual lots and buildings within an approved planned development shall be the development standards set forth in the approved Master Plan for the planned development subject to the following limits:

Maximum Net Residential Density	The Residential Density Factors in Section VIIC. apply to all residential uses in this district. The maximum allowed residential density is 20 units per net residential acre.
Maximum Building Height	75 feet, except that any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. [Amended 05/20/2020]
Maximum Impervious Surface Ratio	75 percent

All buildings and related parking and access drives must be setback from the boundary of the CPD District in accordance with the following standards and the minimum required setback area shall be treated as a buffer in accordance with Section VIII. if applicable. This requirement shall not preclude the construction of streets or utilities that cross the buffer strip. (Amended 05/16/18)

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

Adjacent Zoning District	Minimum Setback
A “Residential District” or “Natural Resource District”	100 feet

E. OFF-STREET PARKING (CPD)

Off-street parking shall be provided in accordance with the requirements of Section XI. In approving the development standards set forth in the Master Plan for a planned development including the Conceptual Development Master Plan for a Planned Mixed-Use Development, the Planning Board may allow the provision of fewer off-street parking spaces than is required by Section XI., including considerations for reduced or shared parking, if the Planning Board finds that less parking will adequately serve the development taking into account the provision of on-street or other public parking, provisions for long-term support of public transit to serve the development, provisions for pedestrian and bicycle movement within and to/from the development, and/or the type and mix of uses within the development and their demonstrated parking demand.

F. SIGNS (CPD)

Signs in the CPD District shall be regulated in accordance with the requirements of Section VIIIE.

II. ADDITIONAL DEVELOPMENT STANDARDS

A. DEVELOPMENT DESIGN AND REVIEW PROCEDURES (CPD)

Depending on the acreage, type of use, and design of a proposed project, a development/redevelopment project within this district may undergo: **1)** a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards and development standards for Conventional Developments set out in this section; or **2)** may be reviewed as a Planned Development in accordance with the procedures set forth in Section VIIIE. Additional Requirements for Planned Developments applying the quantitative standards and development standards and design criteria for Planned Developments set out in this Section; or **3)** if the project involves a Planned Development involving a parcel with more than fifty (50) acres, may be reviewed as a Planned Development under a modified version of the procedures set forth in Section VIIIE. Additional Requirements for Planned Developments applying the quantitative standards and development standards and design criteria for Planned Developments set out in this Section;

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a Conventional Development or as a Planned Development, at the applicant’s option.

2. Planned Developments. Projects that are proposing to develop or redevelop five (5) acres or more of land are required to be reviewed as Planned Developments in accordance with Section VIIIE. and conform to the applicable standards of this section for Planned Developments unless the parcel involved has more than fifty (50) acres and the owner/applicant chooses to use the modified review procedures in B.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

3. Large-Scale Planned Developments. Projects that include a Planned Development on a parcel with more than fifty (50) acres may be reviewed and developed as a Planned Development in accordance with Section VIIE. as modified in B. Review Procedures for Large-Scale Planned Mixed-Use Developments and conform to the applicable standards of this section for Planned Developments.

B. REVIEW PROCEDURES FOR LARGE-SCALE PLANNED DEVELOPMENTS (CPD)

A Large-Scale Planned Development may be reviewed and approved in accordance with the following procedure which modifies the procedures for the review of a Planned Development set forth in Section VIIE. Additional Requirements for Planned Developments:

1. Two Step Process. Any development involving a Large-Scale Planned Development may be reviewed under a two-step process. The first step is the preparation, review, and approval of a Conceptual Infrastructure Plan. This plan must cover all land held in common ownership as of May 1, 2013. The second step is the preparation, review, and approval of a Site Inventory and Analysis and Master Plan for the development of the project. The Master Plan can cover the entire holding or a portion of the holding that includes at least fifty (50) acres. The applicant may choose to submit the Site Inventory and Analysis for review prior to the submission of the Master Plan.

2. Conceptual Infrastructure Plan. The purpose of the Conceptual Infrastructure Plan is to provide a preliminary assessment of the development suitability and potential of the entire holding based on available information and to provide a preliminary layout of the key infrastructure elements to serve the entire parcel. This Plan is intended to guide and coordinate the phased development of the project with the recognition that the Plan may be modified as detailed information and design is undertaken.

The Conceptual Infrastructure Plan shall include the following elements:

a. The Site Inventory and Analysis Phase of the Additional Requirements for Planned Developments set out in Section VIIE. This analysis may be based on information about the site and its natural resources that is available from publically available sources including state and federal databases and information available from the Town of Scarborough and local utilities. The expectation is that the Site Analysis Plan prepared as part of this effort will guide the overall utilization of the site and the conceptual planning of the various infrastructure components.

b. A Preliminary Infrastructure Plan as set out in subsection E. of Section VIIE. Additional Requirements for Planned Developments. In addition to the elements included in E. this Plan shall also:

- 1) Identify the planned primary pedestrian network within the development as well as connections to existing pedestrian facilities adjacent to the site,
- 2) Identify areas of the site that should be preserved as open space including provisions to create an interconnected network of green space within the development and that links to preserved or protected open space in the vicinity of the site.

The Conceptual Infrastructure Plan shall be reviewed in accordance with the procedures set out in Section VIIE. Additional Requirements for Planned Developments for the review of the Site Inventory and Analysis Phase.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

3. Conceptual Master Plan. The Conceptual Master Plan for a Large-Scale Planned Development shall consist of an updated Site Inventory and Analysis based on appropriate field data with respect to the location and extent of natural resources and site features and a Master Plan for the development. These shall be prepared and reviewed in accordance with Section VIIE. Additional Requirements for Planned Developments.

C. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS (CPD)

1. Commercial Design Standards – All development within the District must be consistent with the Design Standards for Scarborough’s Commercial Districts, with the exception of the uses allowed under subsection D.14.of this district. [amended 05/16/18]

2. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough’s Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

3. Public Sewer Service – All new development or redevelopment within this district shall be served by public sewer.

D. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO PLANNED DEVELOPMENTS

1. Mix of Uses – The intention of the CPD District is that the district will develop with a mix of uses (i.e. retail, office, service, light manufacturing, mixed residential, etc.). The Conceptual Master Plan must address how the proposed development will contribute to this objective either individually or in conjunction with other Planned Developments in the district or development adjacent to the district. While the objective is to encourage Planned Developments that include a mix of uses, the Planning Board may approve a Conceptual Master Plan that does not meet this objective if the applicant demonstrates that the intention of the CDP District as a mixed-use development will be met or will be able to be met on a district-wide basis. After the approval of each Planned Development, the Planning Board will report to the Town Council on the mix of uses in the Planned Development as well as the overall District.

2. Overall Location and Pattern of Development – The overall location and pattern of development within the District must reflect the findings of the Site Analysis Map and Report prepared as part of the Conceptual Infrastructure Plan. Similarly, the overall location and pattern of development within an individual Planned Development must reflect the Site Analysis Map and Report prepared as part of the Conceptual Master Plan.

3. Street Network – The intention of the CPD District is that as development occurs, a coordinated, interconnected street system will be created. This street network must be designed to accomplish the following objectives:

- a) At the overall district level, create a connection through the District from Route One to the Payne Road and to the Haigis Parkway. In addition consideration should be given to

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

connecting the street network to the Gorham Road and Enterprise Drive if feasible. These two connections, if provided, should be designed to provide access to development within the district and should avoid creating direct travel routes that result in the establishment of a “short-cut” through the district.

b) At the Planned Development level, create an interconnected network of streets within the development that allows travel within the development without using collector roads. The network should utilize T- intersections where feasible and avoid the use of dead-end streets or cul-de-sacs.

4. Public Water System – The layout of the overall water distribution system must provide for an interconnected, looped network of mains that avoids dead-ends. This requirement must be met at both the district and Planned Development level unless the Fire Chief approves an alternative layout in conjunction with the Portland Water District.

5. Open Space Network – The intention of the CPD District is to preserve the significant natural resources that exist within the District and to develop an interconnected “green network” throughout the District that links the open spaces within the District and to preserved or protected land in the vicinity of the District. At least twenty (20) percent of the total land area within the District and at least ten (10) percent of the land area within an individual Planned Development shall be set aside and preserved as open space. This can include natural areas, parks or other improved green spaces that are open for use by residents/users of the development or the public, or improved recreational facilities with limited structural development (i.e. golf courses, playing fields, etc.). The land set aside as open space shall generally reflect the Site Analysis Map and Report. As part of the Master Plan for each Planned Development, the provisions for ownership and maintenance of the open space shall be established.

6. Relationship of Buildings to the Street – The intention of the CPD District is to encourage a variety of development patterns and forms with the overall objective of establishing a “village center-like” atmosphere within the District. As a general principle, buildings should be located close to streets with parking located to the side and/or rear of the buildings. A Planned Development shall be designed in a manner that reinforces the CPD District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses. In reviewing and approving the Conceptual Master Plans for individual Planned Developments, the Planning Board must find that the proposed development standards will result in a development that has a “village character” rather than a “suburban commercial” character.

7. Access Management and Interconnections – The development standards for each Planned Development must address the issues of access management and interconnections. Direct vehicular access from individual building sites onto Route One, Payne Road, or new collector streets within the District must be restricted. Site access shall be designed in accordance with the Site Plan Review Ordinance.

8. Streetscape Treatment -- The streetscape along internal streets and driveways within a Planned Development shall exhibit a compact layout, form and scale. The streetscape shall be designed with shade trees on both sides; road widths that are of a compact, urban scale; human-scale street lighting; frequent intersections and crosswalks; and sidewalks. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

The streetscape along Haigis Parkway, Route One and Payne Road that border the district shall incorporate a landscaped or natural vegetated buffer strip. The width of the buffer strip shall be a minimum of twenty-five (25) feet when it abuts the Haigis Parkway and fifteen (15) feet when it abuts Route One and Payne Road.

9. Walkable, Pedestrian-Oriented Design – The objective of the CPD District is to create a walkable, pedestrian-oriented environment. This can be accomplished in a variety of ways. Appropriately designed and oriented sidewalks and other pedestrian amenities, are critical to promote walkability, pedestrian activity, and a sense of place within the District. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a Planned Development as well as connections to abutting uses to establish a greater pedestrian network.

10. Place making – A Planned Development must include a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a Planned Development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but are not counted as a “place” unless they are available for public use.

11. On-street Parking – The use of on-street parking within a Planned Development is encouraged. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. A Planned Development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the review process the on-street parking design shall require approval from all applicable Town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of subsection I.E.

12. Dimensional Standards – The minimum lot size, net residential density, building height, yard and setback, and other space and bulk requirements for individual lots and buildings that are part of a Planned Development shall be determined in the Conceptual Master Plan except as limited by the provisions of I.D.2. The development standards must provide for the setback from and buffering of residential uses and zones abutting the CPD District and for the buffering of residential uses that are part of the Planned Development from nonresidential uses within or adjacent to the District. In approving the Master Plan and the development standards, the Planning Board shall assure that the proposed requirements will result in a development that reflects the Town’s vision for the Crossroads as a village center for the Town of Scarborough.

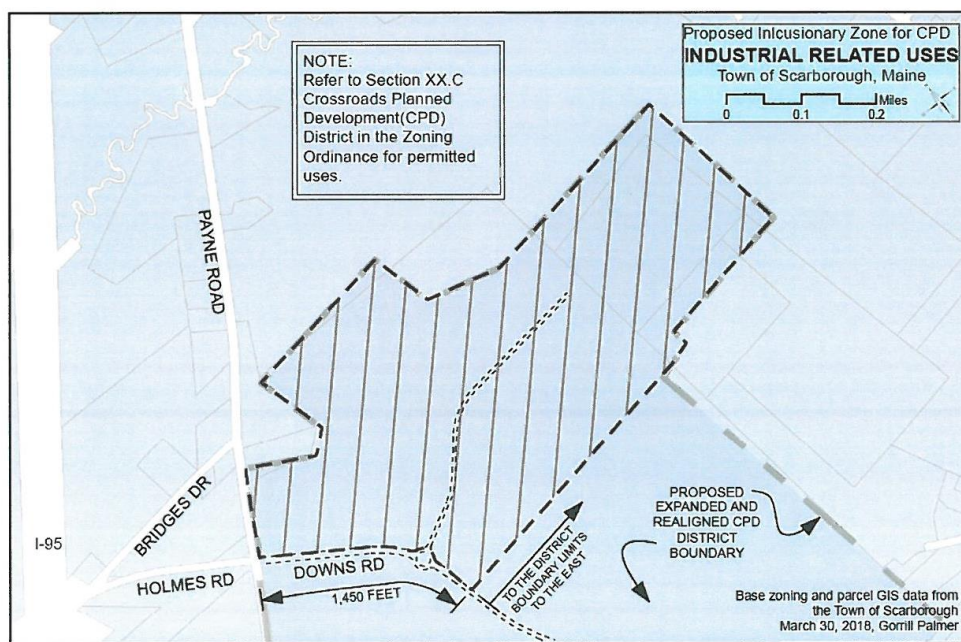
13. Provision of Affordable Housing – A key objective of the Crossroads Planned Development District is the provision of a mix of uses and a mix of housing types. Therefore at least ten percent of the dwelling units in a planned development must qualify as affordable housing in accordance

SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

with the definition of affordable housing in this ordinance. This requirement can be met either through affordable housing developments or through providing for affordable units within market-rate housing developments. Since development within a planned development will likely occur incrementally, this requirement must be met cumulatively as development occurs. The initial residential development in a planned development must include affordable housing unless the project has fewer than ten dwelling units. If a housing development provides more than ten percent of its units as affordable or if more than ten percent of the cumulative dwelling units within a planned development are affordable, any balance may be carried forward and applied to future residential development. The Master Plan for the planned development shall address how this requirement will be met and set out any requirements that will be established for assuring the long-term affordability of these units.

14. The land use required to comply with these additional development standards are permitted as part of a planned development with specific standards and limitations on the location within the overall CPD District they are allowed and subject to the buffering requirements below. This inclusionary area within the District is located to the northeast of the Scarborough Downs entrance drive and extending southerly from the Payne Road intersection 1,450 feet and spanning from the Downs Road easterly to the limits of the CPD Zoning District boundary as depicted in the diagram below. The permitted uses specifically allowed within this area are subject to:

- 1) A 250-foot setback from the center line of Payne Road.
- 2) A 250-foot setback from the Downs Road, as depicted on the Approved Conceptual Infrastructure Plan.
- 3) A 100-foot setback and buffer to any adjacent residential district or natural resource district in accordance with subsection D.2. of this District.
- 4) The performance standards of Section IX9(A) of this ordinance.
- 5) The permitted uses specifically allowed within this area shall not be subject to the Design Standards for Scarborough's Commercial District.



SECTION. XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

The diagram and description above establish the maximum area allowed for these non-residential uses, but does not bind or require this area to be exclusively developed with these specific uses. The planned development process shall be used to establish the design, buffering details, and extent of these non-residential uses within this inclusionary area and whether this area includes other uses and development allowed district wide.

15. Earthwork, Material Extraction and Construction Activities Incidental to Site Development – Activities that are typical of earthwork, material extraction and construction including, but not limited to the excavation of earthen material and aggregate, material processing, material stockpiling and storage, and similar activities are allowed in accordance with the following performance standards:

- a. Material extraction and processing allowed for under this subsection shall be for the sole purpose of supporting development, site work and the installation of infrastructure located exclusively within the CPD District.
- b. Notwithstanding contrary provisions in the Extractive Industry Ordinance, excavation may occur below the seasonal high-water table for the purpose of creating water features within the development project. Any excavation below 12 inches above the seasonal high-water table shall be in accordance with a plan approved by the Planning Board. This plan shall include the limits, design and final restoration of the excavation area and its functions and values.
- c. The stockpiling and processing of aggregate and earthen materials shall comply with a site plan and operations plan to be reviewed and approved by the Planning Board. This operations plan still include: a description and location of the activity; its proximity to existing development within and outside the District; general hours of operation, methods of operation and safeguards in place to mitigate dust, smoke and other environmental factors, and a restoration plan when applicable.
- d. Any deviation and changes to the Operations Plan must be approved in advance by the Planning Director with consultation with other town staff and departments.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-121. Move approval on the request for a new Food Handlers License, from James Hartley d/b/a Dustan Smokehouse Co., located at 2 Dunstan Avenue.

<i>Town Clerk</i>	<i>Ought to Pass</i>
<hr/> Sponsor	<hr/> Recommendation
<i>N/A</i>	
<hr/> First Reading/Vote	
<i>11/08/2023</i>	
<hr/> Public Hearing	
<i>11/08/2023 – Vote:</i>	
<hr/> Second Reading/Final Approval/Vote	

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-121.
SUBJECT: 7:00 p.m. Public hearing and action on the request for a new Food Handlers License, from James Hartley d/b/a Dustan Smokehouse Co., located at 2 Dunstan Avenue. <i>[Town Clerk]</i>
PURPOSE: To allow the applicant to conduct business according to the license requested and the Ordinances of the Town of Scarborough.
BACKGROUND: This is a new business with Scarborough. Once this business has received their Occupancy Permit, the Food Handlers License will be issued.
FISCAL IMPACT: \$220.00 per application
STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Application has been reviewed, found to be complete and is on file in the Town Clerk's Office.• Public hearing and final action: November 8, 2023.
PROPOSED ACTION: Recommend move approval of Order No. 23-121.
ATTACHMENTS:

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-109. Move approval of the second reading on the Council Order approving the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program, and schedule the second reading for Wednesday, November 8, 2023.

Town Council

Ought to Pass

Sponsor

Recommendation

10/18/2023 – Vote: 6 Yeas, 1 Nay [Councilor Hamill]

First Reading/Vote

10/08/2023

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-109.**SUBJECT:**

Second reading on the Council Order approving the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program. *[Town Council]*

PURPOSE:

To modify the boundary of the [Scarborough Downtown Omnibus Tax Increment Financing District](#) (hereinafter the “TIF District”) to include an adjacent additional parcel (37.09 acres), more specifically referred to as RO53-004 by the Scarborough Tax Assessor. After the boundary modification, the total acreage of the TIF District will be 985.22 acres.

BACKGROUND:

The Town entered into a Purchase Option Agreement (the “Agreement”) with Crossroads Holdings, LLC for the purchase of 21.87 acres for a new Unified Primary School. As part of the Agreement, and a condition of Closing, the Town agreed to consider a number of additional actions, including the expansion of the TIF District to include this additional parcel.

FISCAL IMPACT:

The likely fiscal impact in terms of creation of new taxable value is negligible since the school site will be tax exempt.

STATUS / PROCESS TO DATE:

- Notice of Public Hearing published, documents available for public review
- Town Council Public Hearing; October 4, 2023
- First reading before the Town Council: October 18, 2023 and second reading/adoption on November 8, 2023
- Public hearing and second reading before the Town Council: November 8, 2023

PROPOSED ACTION:

Move approval of the second reading on the Council Order approving the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program.

ATTACHMENTS:

- Order No. 23-109
- Third Amendment to Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District Development Program

**IN TOWN COUNCIL
ORDER #23-109**

Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the specified area within the Town designated as the *Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District* (the "Downtown District") and amend the development program (the "DowntownDevelopmentProgram") for the Downtown District; and

WHEREAS, the Downtown District was first approved by DECD on March 29, 2019 and a Credit Enhancement Agreement ("the CEA") with Crossroads Holdings, LLC ("the Developer") was approved by the Town Council on November 28, 2018 pursuant to the Downtown District and Development Program; and

WHEREAS, the First Amendment to the District was approved by DECD on July 30, 2021; and

WHEREAS, the Second Amendment to the District was approved by DECD on April 12, 2022; and

WHEREAS, the Town desires to further amend the Downtown District to add an additional parcel to the District to capture additional value, and to allow a potential amendment to the CEA to include the additional parcel subject to a separate vote of the Town Council; and

WHEREAS, there is a need for economic development and affordable housing in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, the Town has held public hearings on the Third Amendment to the Downtown District and its Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226 and contained in the Development Program, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department") approving the amendment to the Downtown District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the **Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing**

District and the Downtown Development Program in such form and as presented to the Town Council, such amendment to be pursuant to the following findings, terms, and provisions.

Section 2. The Town Council hereby finds and determines that:

(a) The Third Amendment to the **Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) (Pursuant to Title 30-A M.R.S.A. Section 5223(3)(D), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps); and

(b) The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Downtown District and the Downtown Development Program.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed amendment of the Downtown District and the proposed amendment to the Downtown Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 4. The foregoing amendment of the Downtown District and approval of the amendment to the Downtown Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approvals thereof by the Department, without requirement of further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Downtown Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the amendment to the Downtown District and/or the Downtown Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District and the Downtown Development Program.

Dated: _____

**ECONOMIC DEVELOPMENT
SCARBOROUGH, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**THIRD AMENDMENT TO
SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM**

Presented to:

SCARBOROUGH TOWN COUNCIL

October 4, 2023

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: Town of Scarborough		
2. Address: 259 U.S. Route 1, PO Box 360, Scarborough, ME 04070-360		
3. Telephone: 207-730-4031	4. Fax: 207-730-4033	5. Email: thall@scarboroughmaine.org
6. Municipal Contact Person: Thomas Hall, Town Manager		
7. Business Name:		
8. Address:		
9. Telephone:	10. Fax:	11. Email:
12. Business Contact Person:		
13. Principal Place of Business:		
14. Company Structure (e.g. corporation, sub-chapter S, etc.):		
15. Place of Incorporation:		
16. Names of Officers:		
17. Principal Owner(s) Name:		
18. Address:		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
<input type="checkbox"/> job creation	<input type="checkbox"/> job retention	<input checked="" type="checkbox"/> capital investment
<input type="checkbox"/> training investment	<input checked="" type="checkbox"/> tax base improvement	<input checked="" type="checkbox"/> public facilities improvement
<input type="checkbox"/> other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
<input type="checkbox"/> real estate purchase	<input type="checkbox"/> machinery & equipment purchase	<input type="checkbox"/> training costs
<input type="checkbox"/> debt reduction	<input checked="" type="checkbox"/> other (list): Please see Project Costs Table.	

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

N/A

TABLE OF CONTENTS

	<u>Page</u>
I. Development Program Amendment Narrative	1
A. Introduction/Summary of the Third Amendment to the Scarborough Downtown Omnibus TIF Development Program.....	1
B. The Existing District and Development Program	1
C. Physical Description and Original Assessed Value.....	2
D. Special Procedural Explanation	2
II. Evidence of Public Hearing and Vote for Amendment.....	2
A. Notice of Public Hearing	2
B. Minutes of Public Hearing	2
C. Authorizing Votes	3
D. Statutory Requirements & Thresholds form	3

EXHIBITS:

EXHIBIT A	AMENDED MAPS OF THE DISTRICT
EXHIBIT B	AMENDED ASSESSOR'S CERTIFICATE
EXHIBIT C	NOTICE OF PUBLIC HEARING
EXHIBIT D	CERTIFIED COPY OF THE PUBLIC HEARING MINUTES
EXHIBIT E	TOWN COUNCIL ORDER
EXHIBIT F	STATUTORY REQUIREMENTS AND THRESHOLDS FORM

I. Development Program Amendment Narrative

A. Introduction/ Summary of the Amendment to the Scarborough Downtown Omnibus TIF Development Program

The Town seeks its third amendment (the “Third Amendment”) to the Scarborough Downtown Omnibus Tax Increment Financing (the “TIF”) District (the “District”) and Development Program (the “Development Program”).

The Third Amendment seeks to add a 37.09 acre parcel located at tax map R053-004 to the District in order to make the area available to capture the increased assessed value within the District and for purposes of a potential amended credit enhancement agreement with Crossroads Holdings, LLC subject to a separate vote of the Town Council. The Town is seeking to build a new elementary school on approximately 21.87 acres partially within the existing District boundaries and partially within the new parcel to be added to the District.¹

Through this Third Amendment, the Town intends to further encourage and facilitate economic development within the District and in the Town at large. To the extent this Third Amendment does not address provisions of the original Development Program as amended by the First and Second Amendment, such previously approved documents remain in full force and effect.

This Third Amendment is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”).

B. The Existing District and Development Program

On November 28, 2018 the Town designated the Downtown Omnibus Municipal Development and Tax Increment Financing District and adopted the Development Program for the District. The Department of Economic and Community Development (“DECD”) approved the District and the Development Program on March 29, 2019. The Town created the District in order to capture new taxable investment primarily from commercial development occurring within downtown Scarborough including the redevelopment area known as Scarborough Downs, to enter into a credit enhancement agreement with the developer of such area, and to fund public facilities and improvements and Town economic development projects and activities. The original term of the District is thirty (30) years. The original acreage of the District was 947.91 acres and the original assessed value was \$95,622,900.

On June 16, 2021 the Town approved the First Amendment to the District and its Development Program. DECD approved the First Amendment to the District and Development Program on July 30, 2021. The purpose of this First Amendment was to adjust the acreage of the District from 947.19 acres to 948.13 acres by adding in a parcel identified as U043-66 on the

¹ The Developer has estimated that the increased assessed value (IAV) within the Amended District over the term of the TIF will not meaningfully change given that the parcel of land where the new school would be located, will become tax-exempt while some new development will occur on a portion of the newly added portion.

Town's tax maps. The acreage was added to make the area available for the Council to approve a credit enhancement agreement relating to an affordable rental housing project. The additional acreage did not change the original assessed value, due to the value of the parcel being zero dollars (\$0) as of April 1, 2020. A credit enhancement agreement for an affordable housing development project was approved by the Town at the same time as the First Amendment, pursuant to the Town Council's authority to authorize credit enhancement agreements with developers in the District.

On March 3, 2022 the Town approved the Second Amendment to the District and its Development Program. DECD approved the Second Amendment to the District and Development Program on April 12, 2022. The purpose of the Second Amendment was to adopt, designate and confirm that the Town would capture one hundred percent (100%) of the increased assessed value as captured assessed value and use the increased TIF revenues for municipal project costs.

C. Physical Description and Original Assessed Value

Prior to this Amendment, the District was comprised of 948.13 acres and had an original assessed value of \$95,622,900. Following the addition of parcel R053-004, the District will be comprised of 985.22 acres and will have an original assessed value of \$95,819,300. Please see Exhibit A for amended maps of the District and Exhibit B for an amended Assessor's Certificate for the District.

D. Special Procedural Explanation

Please note that this Amendment is also presented to the Town Council on the same date as a proposal for an Amendment to the Crossroads Holdings, LLC CEA. The amendment to the CEA seeks to add the additional acreage in order to capture the increased assessed value on the added parcel.

II. Evidence of Public Hearing and Vote for Amendment

A. Notice of Public Hearing

Attached as Exhibit C is a copy of the Notice of Public Hearing published in the _____, a newspaper of general circulation in the Town, a date at least ten (10) days prior to the public hearing. The public hearing was held on October 4, 2023, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

Attached as Exhibit D, is a certified copy of the minutes of the public hearing held on October 4, 2023, at which time the proposed District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit E is an attested copy of the Scarborough Town Council Order, which was approved by the Town Council at a Town Council meeting duly called and held on _____, 2023 adopting the Third Amendment to the Development Program.

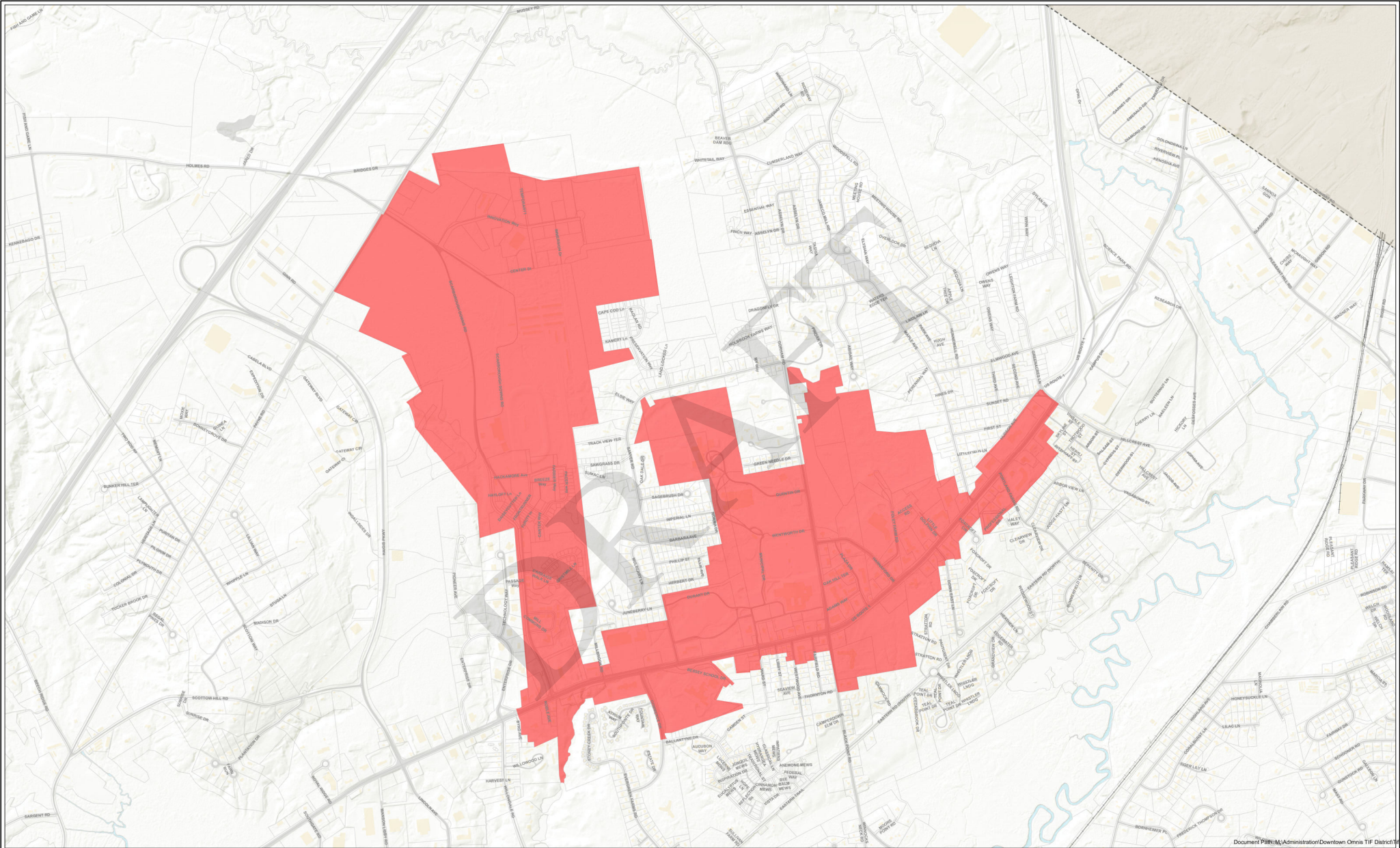
D. Statutory Requirements & Thresholds form

Attached as Exhibit F, is a completed statutory requirements and thresholds form for the District.

Exhibit A

(Amended Maps of the District)

DRAFT



Document P:\98\1\Map\Administration\Downtown Omnibus TIF District\TIF District1



**Town Of
Scarborough
Maine**
<http://www.scarborough.me.us/dpw/>

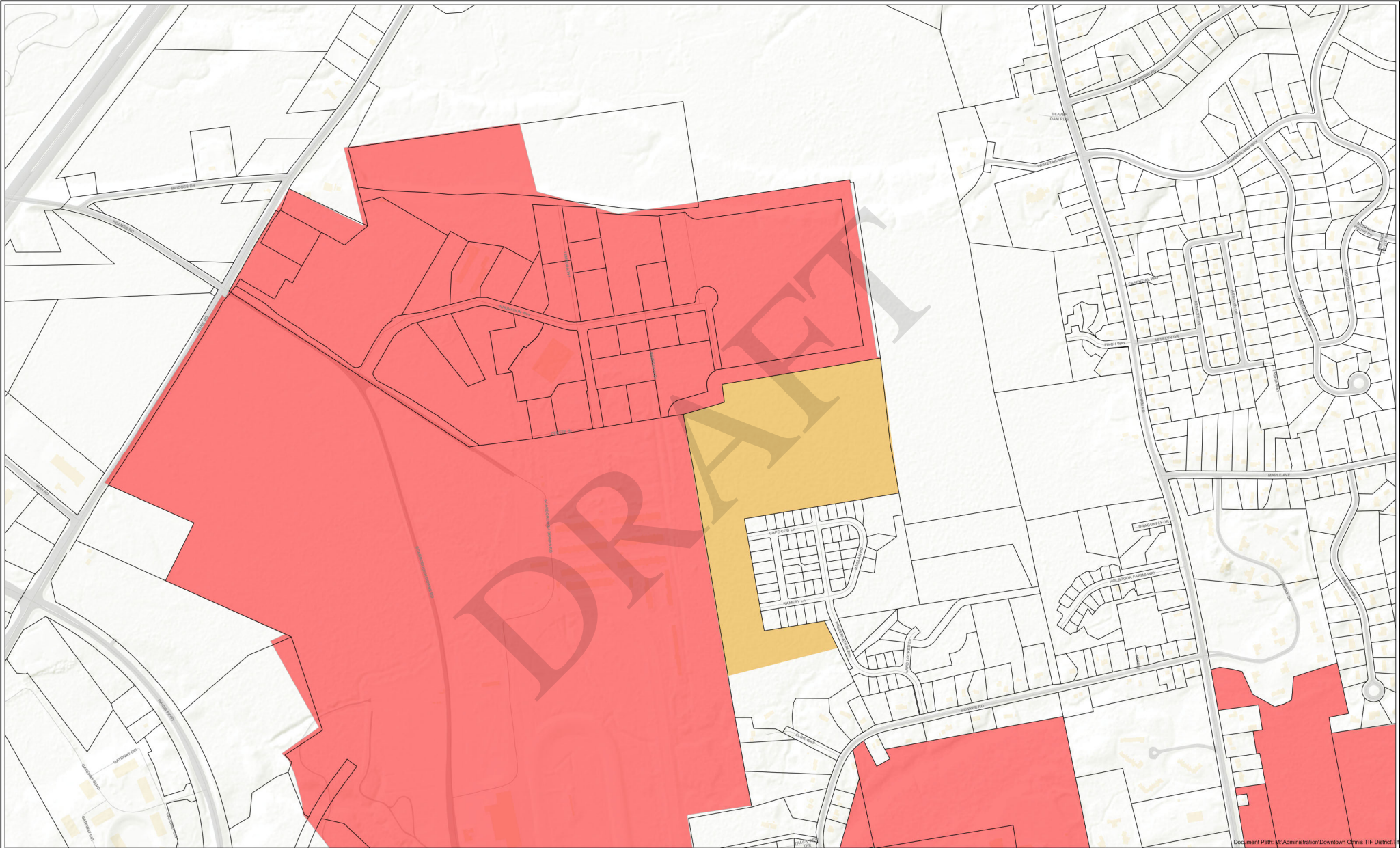
Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.

0 500 1,000 2,000 Feet



Proposed TIF District
Print Date: 9/25/2023

EXHIBIT A
Scarborough downtown Omnibus TIF district
Total of 985.22 acres

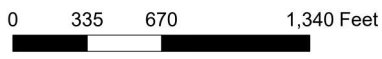


Document Path: \\Administration\Downtown Omnis TIF District\TIF District\1



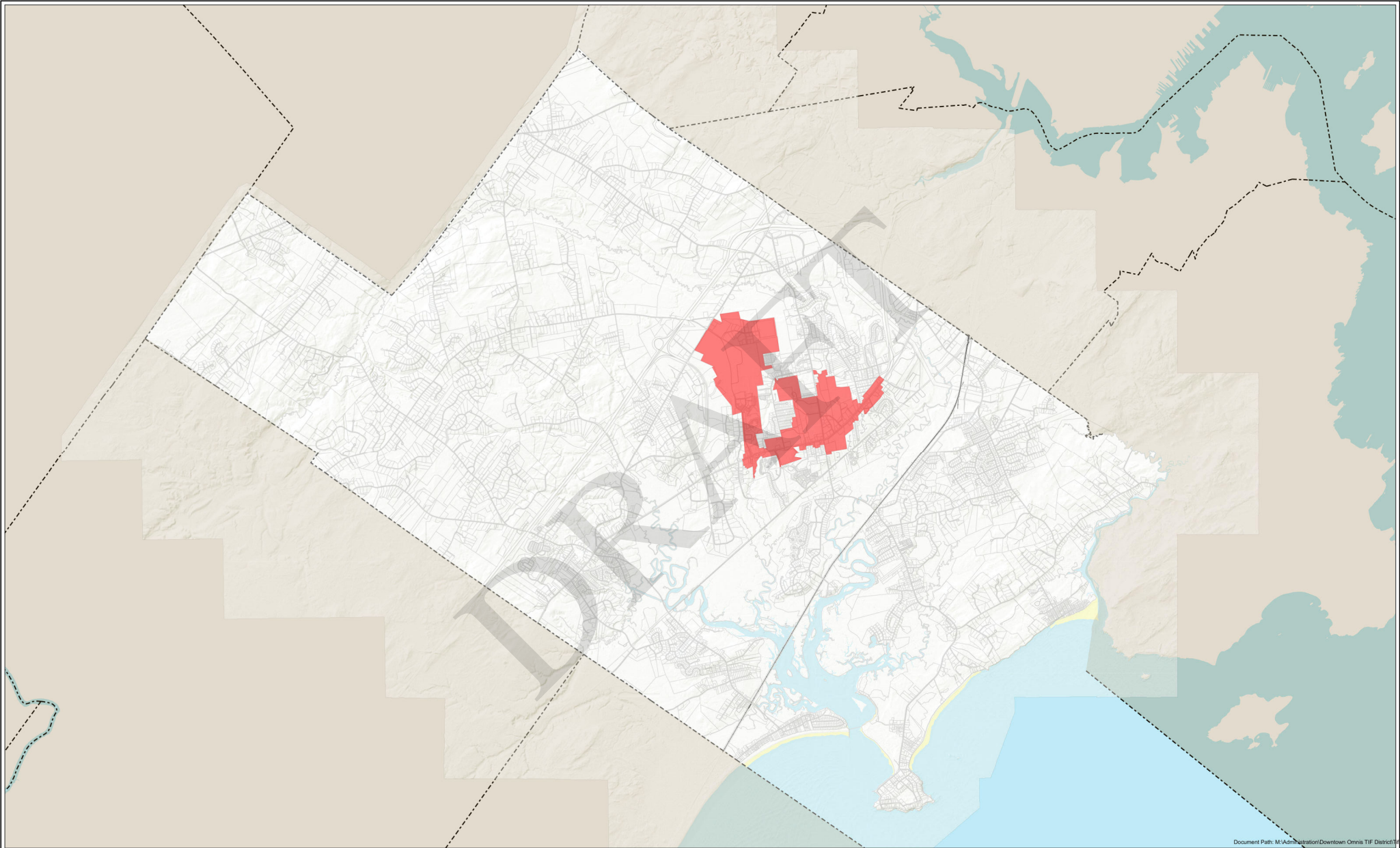
**Town Of
Scarborough
Maine**
<http://www.scarborough.me.us/dpw/>

Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.



Print Date: 9/25/2023

EXHIBIT A
Scarborough downtown Omnibus TIF district
Total of 985.22 acres



Document Path: M:\Administration\Downtown Omnibus TIF District\TIF District\1



**Town Of
Scarborough
Maine**
<http://www.scarborough.me.us/dpw/>

Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.




 Proposed TIF District
Print Date: 9/25/2023

EXHIBIT A
Scarborough downtown Omnibus TIF district
Total of 985.22 acres

Exhibit B

(Amended Assessor's Certificate)

DRAFT

**TOWN OF SCARBOROUGH THIRD AMENDMENT TO
SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX
INCREMENT FINANCING DISTRICT ASSESSOR CERTIFICATE**

The undersigned Assessor for the Town of Scarborough does hereby certify pursuant to the provisions of M.R.S.A. Title 30-A § 5227(2), that the assessed value of taxable real property in the **Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** as described in the Development Program to which this certificate is attached, was **\$95,622,900** as of March 31, 2018 (April 1, 2017). [Note that the portion of the District added in the First Amendment had an original assessed value date of March 31, 2021 (April 1, 2020) and an original assessed value of \$0, and the portion of the District being added in the Third Amendment has an original assessed value date of March 31, 2023 (April 1, 2022) and an original assessed value of \$196,400]. A table showing the original assessed value by parcel is provided below.

IN WITNESS THEREOF, this Certificate has been executed this 25th day of Sept. 2023.



Nicholas Cloutier Assessor, Town of Scarborough

9/25/2023

Date

ORIGINAL ASSESSED VALUE PARCEL TABLE

Tax Map and Lot Number	Acreage	Original Assessed Value as of March 31, 2018 (April 1, 2017)
R052004	423.64	\$7,888,900
R053002	2.6	\$211,000
R053003	15	\$30,000
R058028D	16.23	\$82,800
R058032	16.3	\$752,800
R058032D	0.69	\$197,700
R058032E	0.69	\$162,200
R058032F	0.69	\$163,000
R058032H	0	\$28,400
R058032A	0.78	\$1,451,000
R058032B	0.9	\$425,200
R058032C	2.5	\$841,300
R058032J	0.68	\$493,700
R058032K	0.28	\$166,400
R058032M	1.5	\$795,600
R058032N	0.6	\$401,000
R058032P	1.6	\$834,300
R058032Q	1.19	\$561,600
R058032R	1	\$958,400
R058032S	4.7	\$500
R058032T	8	\$800

R059016	23.34	\$0
R059021	1.3	\$0
R059024	53.3	\$0
R059025	9	\$0
R059026	16	\$0
U039001	0.43	\$219,000
U039002	0.18	\$130,500
U039003	0.37	\$127,400
U039006	0.73	\$276,300
U039010	5.02	\$0
U039048	0.76	\$268,700
U039049	0.92	\$291,400
U039050	0.7	\$416,900
U040002	4.72	\$2,363,900
U040004	1.33	\$84,000
U040005	0.59	\$234,600
U040006	0.79	\$341,600
U040007	6.8	\$221,200
U040008	5.72	\$2,885,300
U040009	1.34	\$825,000
U040023	0.5	\$626,200
U040025	14.51	\$0
U040025A	1.27	\$0
U040031	0.9	\$150,300
U041001	1.85	\$2,002,400
U041002A	22	\$0
U041005	2.44	\$1,440,900
U041006	25.6	\$0
U041010	0.6	\$0
U041011	1.22	\$0
U041012	0.19	\$0
U041013	5.7	\$0
U042067	3.97	\$0
U043001	2.66	\$0
U043002	1.01	\$668,200
U043003	0.83	\$513,800
U043005	0.33	\$365,400
U043006	0.75	\$723,100
U043703	0.83	\$233,800
U043702	0.83	\$121,600
U043704	0.83	\$261,800
U043701	0.83	\$156,400
U043008	0.5	\$0
U043009	0.77	\$512,400

U043009A	1.44	\$0
U043010	0.42	\$337,200
U043011	1.38	\$179,500
U043033	0.19	\$190,700
U043034	0.19	\$177,400
U043035	0.18	\$278,500
U043040	0.59	\$238,500
U043042	0.31	\$0
U043043	0.23	\$238,700
U043054	0.25	\$217,900
U043054A	0.14	\$144,900
U043054B	0.19	\$167,900
U043055	0.24	\$226,200
U043056	2.18 ¹	\$0
U043069	0.2	\$0
U043077	0.56	\$285,300
U043078	0.55	\$432,000
U044001	1.51	\$1,521,600
U044002	1.6	\$1,115,500
U044003	0.99	\$1,169,200
U044004	0.64	\$192,000
U044005	0.19	\$219,500
U044006	0.8	\$388,100
U044007	3.32	\$1,400,000
U044007A	0	\$140,900
U044008	35.6	\$537,700
U044008A	1.41	\$696,100
U044008B	18.19	\$6,165,100
U044008C	0	\$317,700
U044008D	0.6	\$76,200
U044009	1.64	\$1,146,600
U044011	2.87	\$1,260,400
U044012	0.78	\$377,500
U044014	1.03	\$727,800
U044015	6.43	\$2,289,700
U044016	2.6	\$1,610,300
U044017	21.33	\$0
U044017A	8.3	\$7,979,600
U044018	1.26	\$500,800
U045001	2.31	\$309,800
U045001B	2.57	\$155,900
U045001A	2.57	\$1,761,000
U045002	0.42	\$252,800
U045003A	2.1	\$1,180,900
U045004	3.96	\$1,724,900

¹ This is a partial lot acreage – an additional .31 acres of Lot U043056 was added to the District in the First Amendment and noted below. The overall District acreage was increased by a total of .22 acres. As of April 1, 2020, the parcel currently identified as U043-56 was two separate parcels identified as U043-56 (2.27 acres) and U043-66 (.31 acres). When these two parcels merged following a real estate transaction occurring later in 2020, the two parcels merged into one lot now identified as U043-56. Given the updated survey undertaken in connection with this transaction, the Town was able to correct the acreage for the lot formerly identified as U043-56 from 2.27 acres to 2.18 acres. For this reason, the overall adjustment to the District acreage is the addition of .22 acres (following the addition of the .31 lot formerly known as U043-66 and the reduction in the acreage of the lot formerly identified as U043-56 from 2.27 acres to 2.18 acres).

U045004A	5.68	\$305,100
U045005	3.9	\$1,548,900
U045006	0.84	\$436,100
U045013A	1.5	\$1,041,600
U045013B	1.08	\$812,500
U045013C	2.1	\$1,937,300
U045017	0.71	\$801,700
U045018	0.5	\$245,300
U045018A	0.33	\$366,500
U045018B	0.93	\$499,100
U045019	0.51	\$390,700
U045020	0.95	\$406,400
U045022	1.17	\$788,800
U045025	1.02	\$420,800
U045035	0.23	\$194,500
U045036	0.39	\$265,000
U0452101	0.25	\$153,600
U046001	3.1	\$0
U046002	0.92	\$392,600
U046003	1.34	\$1,619,600
U046004	6.05	\$3,346,200
U047069	1.05	\$717,300
U047091	0.94	\$484,100
U047092	1.91	\$3,982,100
U047094	5.83	\$3,226,100
Roads	46.5	\$0
		Original Assessed Value as of March 31, 2021 (April 1, 2020)
U043056	.31 ²	\$0
		Original Assessed Value as of March 31, 2023 (April 1, 2022)
R053004	37.09	\$196,400
Totals	985.22	\$95,819,300

² This is a partial lot the rest of which is noted in the table above. Because this .31 acres was added to the District in the First Amendment, it has a different Original Assessed Value date.

Exhibit C

(Notice of Public Hearing)

**NOTICE OF PUBLIC HEARINGS
TOWN OF SCARBOROUGH**

Regarding

**The Approval of the Third Amendment to the “Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District” and the Development Program therefor,
and**

**The Approval of an Amendment to the Credit Enhancement Agreement between the Town of
Scarborough
and Crossroads Holdings, LLC**

Notice is hereby given that the Town of Scarborough will hold two public hearings at its Town Council Meeting on

Wednesday, October 4, 2023

Via Zoom and in Person

At the Scarborough Municipal Building

located at 259 US-1, Scarborough, ME 04074 at 7:00 p.m.

The purpose of the public hearings is to receive public comments on each of the items identified above, all pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Third Amendment to the Scarborough Downtown Omnibus TIF seeks to amend the District’s acreage by adding a portion to the area identified on Town of Scarborough Tax Map U053, Lot 4, in order to make it available for the Town Council to consider approval of an amendment to the credit enhancement agreement between the Town of Scarborough and Crossroads Holdings, LLC by also adding the new area.

A copy of the materials relating to the amendment to the Downtown Omnibus TIF District and the proposed credit enhancement agreement will be on file with the Town Clerk prior to the public hearings. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. Copies of the proposed applications are available at the Town Clerk’s Office and can also be obtained by calling the Town Clerk at 207-730-4000 during normal business hours and requesting that a copy be mailed to you. All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard.

The Scarborough Town Council will hold these public hearings both remotely using Zoom and in person. Virtual meetings are allowed using emergency legislation approved by LD 2167; Title 1 M.R.S. §403A, that authorizes towns to conduct meetings online. If members of the public prefer to participate remotely, allow your computer to install the free Zoom app to get the best meeting experience.

ZOOM MEETING INSTRUCTIONS: The link to the on-line meeting will be posted on the ‘town calendar’ on the Town’s website: scarboroughmaine.org

Public comments will be taken at the meeting and written comments should be submitted to clerk@scarboroughmaine.org.

Exhibit D

(Certified Copy of the Public Hearing Minutes)

DRAFT

Exhibit E

(Town Council Order)

DRAFT

**IN TOWN COUNCIL
ORDER # _____**

**Third Amendment to the Scarborough Downtown Omnibus Municipal Development and
Tax Increment Financing District and Development Program**

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the specified area within the Town designated as the *Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District* (the "Downtown District") and amend the development program (the "Downtown Development Program") for the Downtown District; and

WHEREAS, the Downtown District was first approved by DECD on March 29, 2019 and a Credit Enhancement Agreement ("the CEA") with Crossroads Holdings, LLC ("the Developer") was approved by the Town Council on November 28, 2018 pursuant to the Downtown District and Development Program; and

WHEREAS, the First Amendment to the District was approved by DECD on July 30, 2021; and

WHEREAS, the Second Amendment to the District was approved by DECD on April 12, 2022; and

WHEREAS, the Town desires to further amend the Downtown District to add an additional parcel to the District to capture additional value, and to allow a potential amendment to the CEA to include the additional parcel subject to a separate vote of the Town Council; and

WHEREAS, there is a need for economic development and affordable housing in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, the Town has held public hearings on the Third Amendment to the Downtown District and its Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226 and contained in the Development Program, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department") approving the amendment to the Downtown District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the **Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing**

District and the Downtown Development Program in such form and as presented to the Town Council, such amendment to be pursuant to the following findings, terms, and provisions.

Section 2. The Town Council hereby finds and determines that:

(a) The Third Amendment to the **Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) (Pursuant to Title 30-A M.R.S.A. Section 5223(3)(D), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps); and

(b) The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Downtown District and the Downtown Development Program.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed amendment of the Downtown District and the proposed amendment to the Downtown Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 4. The foregoing amendment of the Downtown District and approval of the amendment to the Downtown Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approvals thereof by the Department, without requirement of further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Downtown Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the amendment to the Downtown District and/or the Downtown Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District and the Downtown Development Program.

Dated: _____

Exhibit F

(Statutory Requirements and Thresholds Form)

DRAFT

STATUTORY REQUIREMENTS AND THRESHOLDS
SCARBOROUGH DOWNTOWN OMNIBUS | AMD-3

SECTION A. Acreage Caps		
1. Total municipal acreage;	34,560	
2. Acreage of proposed Municipal TIF District;	985.22	
3. Downtown-designation ¹ acres in proposed Municipal TIF District;	985.22	
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;	0	
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;	0	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).	0	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ Avesta Housing/2.78 Bessey School Affordable Housing (I&II)/7.15 BOR Zone/6.60* Downtown Omnibus/985.22 Haigis Parkway/375.8	Existing	392.33 ⁴
	Proposed	985.22
	Total:	1,377.55
30-A § 5223(3) EXEMPTIONS⁵		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;	985.22	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	0	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁶ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	392.33	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	1.14%	
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;	0	0
b. In need of rehabilitation, redevelopment or conservation;	0	0
c. Suitable for commercial or arts district uses.	892.55	90.61%
TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)		90.61%

*Please note that the original acreage for the BOR TIF in 2009 was mistakenly recorded as 6.0 acres when the parcel comprising the lot is actually 6.6 acres.

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.


⁴ Although this district already exists, the SR&T includes its entire acreage in the "proposed" category only.

⁵ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁶ PTZ districts approved through December 31, 2008.

**STATUTORY REQUIREMENTS AND THRESHOLDS
SCARBOROUGH DOWNTOWN OMNIBUS | AMD-3**

SECTION B. Valuation Cap		
1. Total TAXABLE municipal valuation—use most recent April 1;	\$5,142,583,176	
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	\$95,819,300	
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: BOR Zone/\$2,312,000 Haigis Parkway/\$8,563,500 Downtown Omnibus/\$95,819,300	Existing	\$10,875,500
	Proposed	\$95,819,300
	Total:	\$106,694,800
30-A § 5223(3) EXEMPTIONS		
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	\$95,819,300	
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	0	
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	0	
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁷ Municipal TIF districts:	0	
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:	0	
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	\$10,875,500	
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	.211%	

COMPLETED BY			
PRINT NAME	Philip Saucier, Esq.		
SIGNATURE		DATE	
<p>If this form has <u>not be completed by the municipal or plantation assessor</u>, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.</p>			
PRINT NAME	Nicholas Cloutier, CMA		
SIGNATURE		DATE	9/25/2023

⁷ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-110. Move approval of the second reading on the Council Order approving the First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings LLC, and schedule the second reading for Wednesday, November 8, 2023.

Town Council

Ought to Pass

Sponsor

Recommendation

10/18/2023 – Vote: 5 Yeas, 2 Nays [Councilors Cloutier and Hamill]

First Reading/Vote

10/08/2023

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-110.**SUBJECT:**

Second reading on the Council Order approving the First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings LLC, and schedule the second reading for Wednesday, November 8, 2023. *[Town Council]*

PURPOSE:

To amend the [Credit Enhancement Agreement](#) between the Town of Scarborough, Maine and Crossroads Holdings, LLC (hereinafter “the CEA”) to include an adjacent additional parcel (37.09 acres), more specifically referred to as RO53-004 by the Scarborough Tax Assessor, which is contemplated to be included the Scarborough Downtown Omnibus Tax Increment Financing District with the adoption of Order No. 23-109.

BACKGROUND:

The Town entered into a Purchase Option Agreement (the “Agreement”) with Crossroads Holdings, LLC for the purchase of 21.87 acres for a new Unified Primary School. As part of the Agreement, and a condition of Closing, the Town agreed to consider a number of additional actions, including amending the CEA to include the additional parcel.

FISCAL IMPACT:

Based on the Developer’s suggested development scheme of this area and the fact that the school site(21.87 acres of the total parcel of 37.09 acres) will be tax exempt, the likely fiscal impact of including this additional acreage in the CEA will be negligible.

STATUS / PROCESS TO DATE:

- Notice of Public Hearing published, documents available for public review
- Public Hearing - October 4, 2023
- Anticipated adoption process includes 1st reading on October 18, 2023 and second reading/adoption on November 8, 2023
- Public hearing and second reading before the Town Council: November 8, 2023

PROPOSED ACTION:

Move approval of the second reading on the Council Order approving the First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings LLC, and schedule the second reading for Wednesday, November 8, 2023.

ATTACHMENTS:

- Order No. 23-110
- First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings, LLC

**IN TOWN COUNCIL
ORDER # 23-110**

**Approval of the First Amendment to the Credit Enhancement Agreement with
Crossroads Holdings, LLC**

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the specified area within the Town designated as the *Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District* (the "Downtown District") and amend the development program (the "Downtown Development Program") for the Downtown District; and

WHEREAS, the Downtown District was first approved by DECD on March 29, 2019 and a Credit Enhancement Agreement ("the CEA") with Crossroads Holdings, LLC ("the Developer") was approved by the Town Council on November 28, 2018 pursuant to the Downtown District and Development Program; and

WHEREAS, the First Amendment to the District was approved by DECD on July 30, 2021; and

WHEREAS, the Second Amendment to the District was approved by DECD on April 12, 2022; and

WHEREAS, the Town desires to further amend the Downtown District a third time to add an additional parcel to capture additional value and to authorize a potential amendment to the CEA to include the additional parcel, subject to a separate vote of the Town Council; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, the Town has held a public hearing on the Third Amendment to the Downtown District and its Development Program, and on the amendment to the CEA, in accordance with the requirements of 30-A M.R.S.A. § 5226 and contained in the Development Program, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department") approving the amendment to the Downtown District.

WHEREAS, the Town and the Developer desire and intend that this amendment to the Credit Enhancement Agreement be and constitute such credit enhancement agreement contemplated by and described in the Development Program as amended.

ORDERED AS FOLLOWS:

The Town Manager is hereby authorized and directed to enter into the specific amendment to the credit enhancement agreement with Crossroads Holdings, LLC in substantially the form as presented to the Town Council and consistent with the procedural requirements that are described in the Development Program.

Dated:

**FIRST AMENDMENT TO THE
CREDIT ENHANCEMENT AGREEMENT**

between

THE TOWN OF SCARBOROUGH, MAINE

and

CROSSROADS HOLDINGS LLC

DATED: _____

THIS FIRST AMENDMENT TO THE CREDIT ENHANCEMENT AGREEMENT dated as of _____, 2023, is between the Town of Scarborough, Maine (the “Town”), a municipal corporation and political subdivision of the State of Maine, and Crossroads Holdings LLC (the “Developer”), a Maine Limited Liability Company.

WITNESSETH THAT

WHEREAS, the Town designated the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the “District”) pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, by action of the Town Council at a meeting of the Town Council held on November 28, 2018 (the “Vote”) and pursuant to the same Vote adopted a development program and financial plan for the District (the “Development Program”) which was subsequently approved by the Department of Economic and Community Development (“DECD”) on March 29, 2019; and

WHEREAS, pursuant to the terms of the Development Program, the Town entered into a credit enhancement agreement with the Developer on December 12, 2018 for a period of 30 years, through the Town’s 2048-2049 tax year (the “2018 CEA”); and

WHEREAS, On June 16, 2021 and March 3, 2022, the Town adopted additional amendments to the Original Development Program in order to adjust the acreage of the district and approve a one hundred percent (100%) capture of the increased assessed value as captures assessed value and use the increased TIF Revenues for municipal project costs; DECD approved the First Amendment on July 30, 2021 and the Second Amendment on April 12, 2022; and

WHEREAS, On _____, 2023 the Town adopted a Third Amendment to the Development Program in order to add an additional parcel to the District; and

WHEREAS, the Town anticipates the approval of the Third Amendment to the District and the Development Program by the Maine Department of Economic and Community Development; and

WHEREAS, on _____, 2023 the Town Council also authorized execution of the First Amendment to the Credit Enhancement Agreement (the “First Amendment”) contemplated by the Development Program with the Developer in the name of and on behalf of the Town; and

WHEREAS, the Town and the Developer desire to amend the 2018 CEA to reflect the additional parcel of land in the District; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

1. Scope of Amendment. Except as amendment by this First Amendment, the 2018 CEA shall, in all other aspects, remain in full force and effect and is hereby ratified, confirmed and approved, the terms of which (as amended hereby) are incorporated herein by reference.

2. Definitions. The following definitions in Section 1.1. of the 2018 CEA are amended as follows:

“Development Program” shall have the meaning given such term in the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District Development Program ~~recitals hereto~~.

“District” shall have the meaning given such term ~~in the first recital hereto~~, in the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District Development Program, which is more specifically comprised of approximately ~~955.06~~ 985.22 acres and identified on Exhibit A to the Development Program and any future improvements to such real property.

“Original Assessed Value” means \$7,462,100 (which includes \$7,265,700, the taxable assessed value of the Developer Property as of March 31, 2019 (April 1, 2018) included in the original CEA together with \$196,400 for Parcel R053004 (March 31, 2023 (April 1, 2022)).

3. Exhibits. Exhibits A and B in the 2018 CEA are replaced by the new Exhibits A and B attached to this Amendment.
4. Due Authorization.
- a. The Town has full corporate power, authority and legal right to execute and deliver and to perform and observe the terms and provisions of this Amendment. This Amendment has been duly authorized, executed and delivered by the Town.
 - b. The Developer has full corporate power, authority and legal right to execute and deliver and to perform and observe the terms and provisions of this Amendment. This Amendment has been duly authorized, executed and delivered by the Company.

IN WITNESS WHEREOF, the Town and the Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

TOWN OF SCARBOROUGH

By: _____

Name: Thomas Hall

Its Town Manager, authorized pursuant to
Town Council vote on _____

DRAFT

WITNESS:

CROSSROADS HOLDINGS LLC

By: _____
Name: _____
Its _____

DRAFT

EXHIBIT A

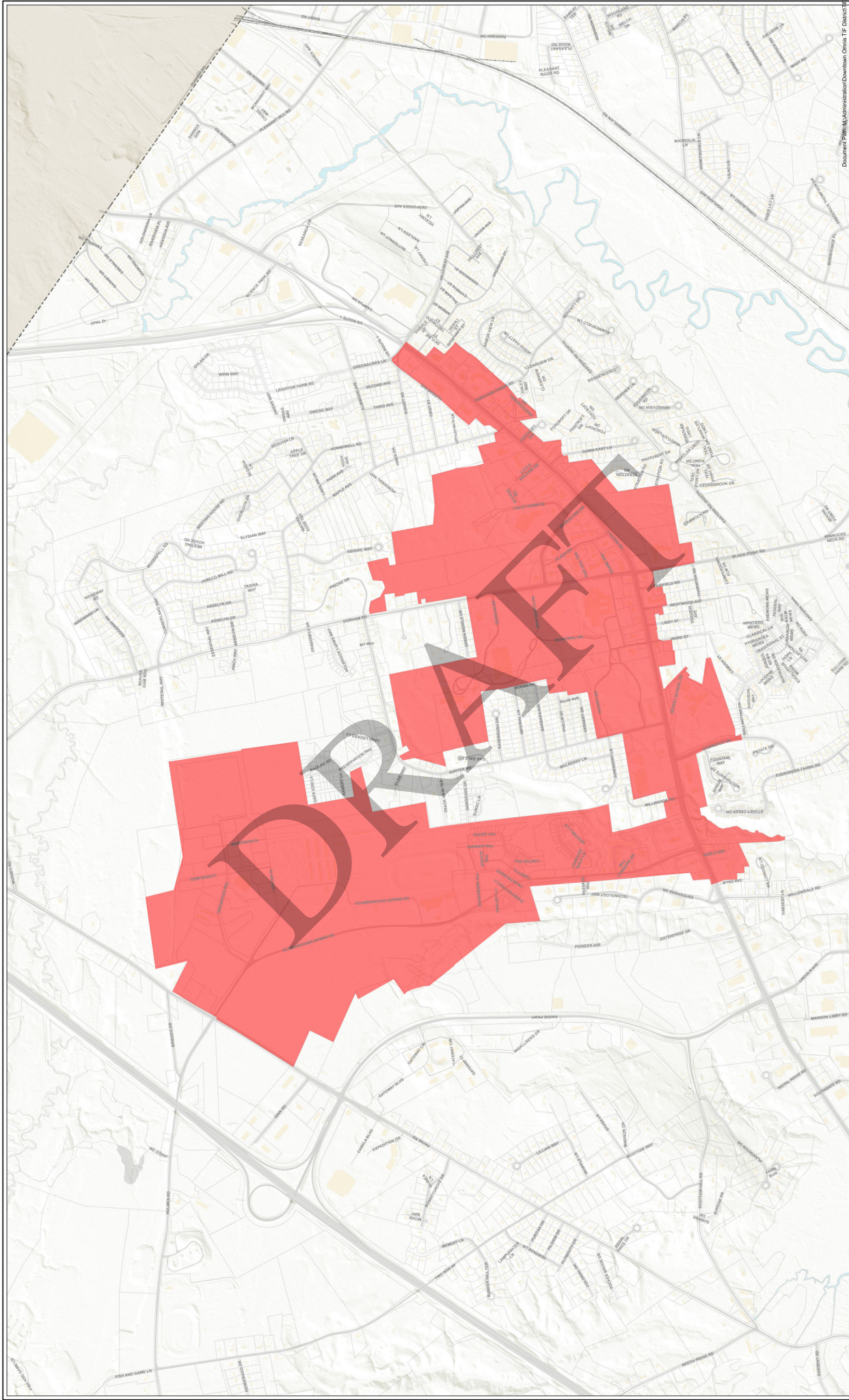
DRAFT

EXHIBIT B



DRAFT

EXHIBIT A

DRAFT



Document Path: M:\Administration\DownTown Omnis TIF District\MapSheet1

 <p>Town of Scarborough Maine http://www.scarborough.me.us/dgw</p>	<p>Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, completeness, or any other aspect of the data. The data is provided "as is" and is not intended for use in any legal proceeding, for any decision-making, or for any other purpose where the accuracy, completeness, or any other aspect of the data is critical. The user assumes all responsibility for the use of the data. Period data is provided for general reference only and is a general representation of the data. The data is not intended for use in any legal proceeding, for any decision-making, or for any other purpose where the accuracy, completeness, or any other aspect of the data is critical. The user assumes all responsibility for the use of the data. Period data is provided for general reference only and is a general representation of the data. The data is not intended for use in any legal proceeding, for any decision-making, or for any other purpose where the accuracy, completeness, or any other aspect of the data is critical. The user assumes all responsibility for the use of the data.</p>	<p>EXHIBIT A Scarborough downtown Omnibus TIF district Total of 985.22 acres</p>	<p>Proposed TIF District Print Date: 9/25/2023</p>	<p>0 500 1,000 2,000 Feet</p> 
---	--	---	--	---

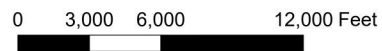


Document Path: M:\Administration\Downtown Omnibus TIF District\TIF District\1



**Town Of
Scarborough
Maine**
<http://www.scarborough.me.us/dpw/>

Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.




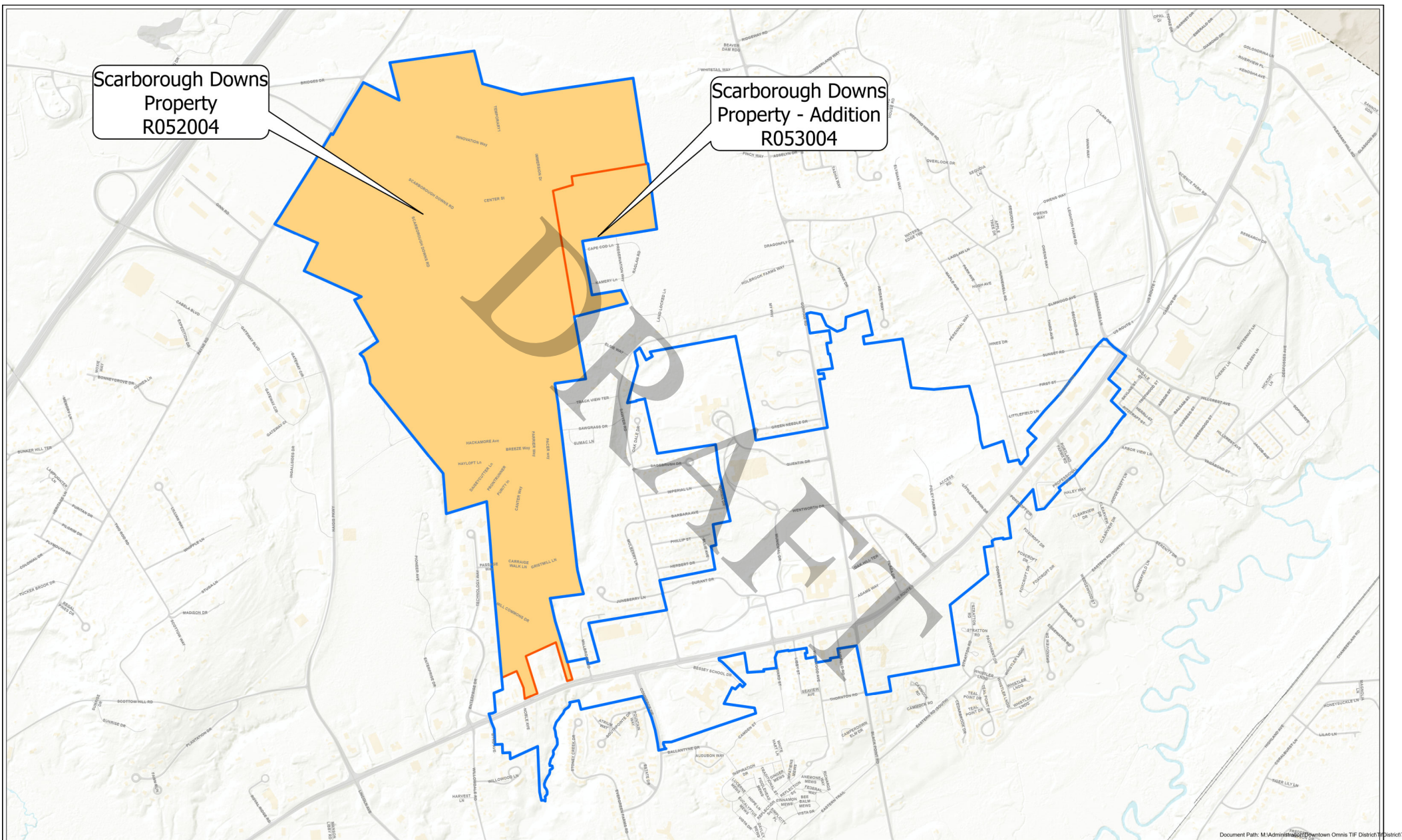
 Proposed TIF District
Print Date: 9/25/2023

EXHIBIT A
Scarborough downtown Omnibus TIF district
Total of

EXHIBIT B

DRAFT



Scarborough Downs
Property
R052004

Scarborough Downs
Property - Addition
R053004

Document Path: M:\Admin\GIS\Downtown Omnis TIF District\District1



**Town Of
Scarborough
Maine**
<http://www.scarborough.me.us/dpw/>

Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.

0 500 1,000 2,000 Feet



The Downs Property
 Downtown Omnis TIF District
Print Date: 9/27/2023

EXHIBIT B
Credit Enhancement Agreement
Total of 985.22 Acres

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-122. Move approval of the first reading on the request to use School Impact Fees to make the FY2023 required payments to Crossroads Holdings, LLC beginning on December 1, 2023 through November 2024, or until the Town closes on the purchase of the property with a total maximum exposure of \$175,000 and schedule a second reading for Wednesday, November 8, 2023.

Town Council

Ought to Pass

Sponsor

Recommendation

11/08/2023 – Vote:

First Reading/Vote

11/15/2023

Public Hearing

11/15/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-122.

SUBJECT:

First reading and schedule a second reading on the request to use School Impact Fees to make the FY2023 required payments to Crossroads Holdings, LLC beginning on December 1, 2023 through November 2024, or until the Town closes on the purchase of the property with a total maximum exposure of \$175,000. [Town Manager]

PURPOSE:

Section 3 of the Purchase [Option Agreement](#) requires the payment of an “Option Fee” of \$25,000 per month commencing on December 1, 2023. This order provides necessary authorization and identifies the source of the funds to meet this financial obligation.

BACKGROUND:

Verbatim language from the Option Agreement:

3. OPTION FEE. *As consideration for the Option, the Buyer shall pay to Seller the sum of Twenty-Five Thousand (\$25,000) per month beginning December 1, 2023, and continuing on the 1st day of each consecutive month thereafter, until the closing date as set forth in Section 7 below (the “Option Fee”). The Option Fee shall not be refundable to Buyer (except in the event of an uncured seller default and termination of this Agreement in accord with Section 13(c) or in the event of termination pursuant to Section 10 below), provided that if Buyer closes on the acquisition of the Premises (or a portion thereof) in accordance with the terms of this Agreement, the Option Fee shall be credited against the Purchase Price on the closing date as set forth in Section 7 below. Buyer’s failure to pay the Option Fee when due shall be an event of default under this Agreement. All Option Fees paid to the Seller under this Section 3 shall be the property of Seller, and shall not be held in escrow for the benefit of the Buyer.*

FISCAL IMPACT: Total maximum exposure of this authorization is \$175,000, payments credited to purchase price at closing, otherwise payment are non-refundable.

STATUS / PROCESS TO DATE:

- Finance Committee – October 11, 2023

PROPOSED ACTION:

Finance Committee recommend approval of Order No. 23-122.

ATTACHMENTS:

- Memorandum to Finance Committee – Review of Options and Recommendation

Unified School Project - Purchase Option Fee

For discussion - Town Council Finance Committee, October 11, 2023

Background:

The Purchase Option Agreement between the Town of Scarborough and Crossroads Holdings provides for a monthly option fee payment of \$25,000 per month from the Town to the owner, beginning on December 1, 2023 and continuing through November 2024, or until the Town closes on the purchase of the property. Of the total potential cost of \$300,000 (12 months x \$25,000), \$175,000 will be paid in FY24.

While the option payments will be credited against the purchase price of the land at closing, and can therefore be included in the \$160M proposed bond, a funding source for these payments must be authorized. Below is a range of options to be considered as well as a staff recommendation:

Potential funding source	Current available	Comments
FY24 operating budgets	n/a	Neither the Town nor the School Department included funding for this purpose in their approved budgets.
FY24 capital budgets	n/a	While the School Department has Long-Range Planning funds in their capital budget (approved in FY22 and FY23) those funds are already committed and were not added to in FY24.
Town unassigned fund balance	\$9.9M (pending audit)	Balance is governed by policy and impacts bond ratings.
School unassigned fund balance (reported as Restricted Fund Balance in the ACFR)	\$2.1M (pending audit)	Available for school expenditure purposes by action of the School Board and Town Council. Intended to provide non-tax revenue in FY25 & FY26 budget development.
School Capital Reserve Fund	\$800,000	Approved by the School Board to reduce dependence on bonding for recurring school capital expenses. Board action to fund this account specifically refers to bus replacement and cyclical repairs to the High School track/turf complex.
School Impact Fees	\$668,000	Used to offset school debt service expenses each fiscal year. Also used for: \$300,000 to purchase portable K-2 classrooms in 2019; \$70,000 to outfit 6 additional K-2 classrooms (furnishing & equipment) in 2020; and \$286,250 in FY22 approved in the school CIP budget for Long-Range Planning (building project).

Recommendation: Use School Impact fees to make FY24 required payments, with a total maximum exposure of \$175,000. Assuming the Option Fee continues to apply beyond June 30, 2024, financial arrangements will have to be made in the FY 25 budget. These funds are normally spent on debt service payments, therefore it makes sense to use them for expenditures which will ultimately be part of bonding for the building project.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-123. Move approval on the request from the Conservation Commission to approve the charge to establish an Ad-Hoc Open Space Committee.

Conservation Commission

Ought to Pass

Sponsor

Recommendation

N/A

First Reading/Vote

N/A

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-123.

SUBJECT:

Act on the request from the Conservation Commission to approve the charge to establish an Ad-Hoc Open Space Committee. [*Conservation Commission*]

PURPOSE:

The purpose of the Ad-Hoc Open Space Committee is to create a broadly-based community group to work with the Town staff, Town Council, and consultants to support and guide the development of an Open Space Plan that will help Scarborough meet the Town Council's goal of achieving 30x30 (conserving 30% of Scarborough's land by 2030).

BACKGROUND:

The Conservation Commission requested the creation of an Ad-Hoc Open Space Committee to explore strategies to achieve 30x30 at a 4/19/23 Town Council workshop. Subsequent meetings with Councilors Caterina and Shupe indicated their support for such an Ad-Hoc Committee, and they recommended its make up include representatives from various related Town committees and organizations.

Staff met with Councilor Shupe in early October to discuss the charge for the Ad-Hoc Open Space Committee. As the Council approved funding to develop an Open Space Plan in the FY24 budget, it was determined the Ad-Hoc Open Space Committee would best serve as a steering committee to guide the development of the Open Space Plan.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- Councilor Shupe met with Planning and Engineering staff to discuss the Committee charge
- Based on input from Councilor Shupe, staff drafted a proposed committee charge
- The charge was reviewed by the Appointments and Negotiations Committee on October 11, 2023 and the Conservation Commission on October 16, 2023
- Single action before the Town Council: November 8, 2023

PROPOSED ACTION:

Move to approve on the request from the Conservation Commission to approve the charge to establish an Ad-Hoc Open Space Committee.

ATTACHMENTS:

- Proposed Ad-Hoc Open Space Committee Charge

Ad-Hoc Open Space Committee - DRAFT

1. **Purpose.** The purpose of the Ad-Hoc Open Space Committee is to create a broadly-based community group to work with the Town staff, Town Council, and consultants to support and guide the development of an Open Space Plan that will help Scarborough meet the Town Council's goal of achieving 30x30.

Expectations:

- Participate in educational opportunities presented by the selected consultant to aid in review and decision making throughout the Open Space Plan development process and act as a sounding board for the consultant team, weighing in with the best interests of the community in mind.
 - Willingness to view the project holistically to ensure the final product is something for the entire community now and in the future.
 - Ensure the process considers all opportunities to support land conservation within the community as well as potential partnerships to achieve the Town's 30x30 goal.
2. **Membership.** The membership will include a full and fair representation of key stakeholders and where possible have unique expertise. In all cases, membership should include individuals who possess specific expertise and prior experience to the task at hand, if possible representing professions in conservation, natural resource management, community engagement, and real estate acquisition. Appointees to the Committee shall be nominated by their respective committee or organization to the Town Council. The Town Council shall appoint the members of the Committee. It shall be comprised of nine (9) voting members; one (1) member from each of the following, and one (1) member of the Town Council (non-voting).

Voting Members (9)

Conservation Commission
Parks and Conservation Land Board
Community Services Advisory Committee
Long Range Planning Committee
Shellfish Committee
Coastal Waters and Harbor Advisory Committee
Scarborough Land Trust
Friends of Scarborough Marsh
Scarborough Fish and Game Association

Non-voting members (ex-officio) (1)

Town Council

Although official membership is limited to ten (10) members (9 voting, 1 non-voting Town Councilor), the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceedings as they feel appropriate.

3. **Timeframe.** It is anticipated it will take nine (9) months to complete the Open Space Plan; therefore, this Committee shall be in place from January through September 2024.
4. **Staff Resources Available.** The Director of Planning will serve as support to this Committee and other Town resources will be made available as may be necessary for the Committee to complete its task. In particular, it is anticipated that the Committee will involve the Town Manager, Community Services Director, Town Engineer, and Sustainability Manager to supplement their efforts.
5. **Vacancies and Removal.** Any vacancies shall be recommended by the vacating committee to the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or nonperformance.
6. **Officers.** The Committee shall elect a Chair and Vice Chair as well as a Recording Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
7. **Quorum and Voting.** A quorum shall consist of five (5) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
8. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the timeline set and shall strive to meet on a date, time and frequency specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least five (5) members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-124. Move approval on the request from the Town Clerk to certify the results of the Municipal General/Referendum Election & the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023.

Town Clerk

Ought to Pass

Sponsor

Recommendation

N/A

First Reading/Vote

N/A

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: November 8, 2023

ACTION ITEM: Order No. 23-124**SUBJECT:**

Act on the request from the Town Clerk to certify the results of the Municipal General/Referendum Election & the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023. *[Town Clerk]*

PURPOSE:

Pursuant to the Town Charter, Section 807. the Town Council shall certify the results of municipal elections.

BACKGROUND:

Once the Town Council has certified the election results, the newly elected officials will be sworn in as follows, pursuant to the Town Charter:

Section. 206. Induction of Council into Office.

Councilors elect shall be sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk's designee and shall assume their duties at the commencement of the second meeting (2nd), whether regular, special, or emergency, of the Town Council following the regular Town election.

The Trustees of the Sanitary District can be sworn in anytime after the certification of the election results.

FISCAL IMPACT: N/A**STATUS / PROCESS TO DATE:**

- Action by the Town Council: November 8, 2023.

PROPOSED ACTION:

Recommend approval of Order No. 23-124.

ATTACHMENTS:

None at this time - Memo will be distributed after the Elections and prior to the Town Council meeting.

TO: Members of the Town Council and the Town Manager

FROM: Yolande P. Justice, Town Clerk

RE: Certification of the November 7, 2023, Election Results for the Municipal Elections and the Portland Water District Trustee Election.

DATE: November 8, 2023

Presented for certification by the Town Council, are the election results for the Municipal Election and the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023:

TOWN COUNCIL - 3 SEATS:

5,639 ANDERSON, Jonathan E.*
5,622 CATERINA, Jean-Marie*
5,037 CUSHING, JR., Donald W. *
4,805 DOHERTY, Scott W.
7,322 BLANKS

TRUSTEES FOR THE SANITARY DISTRICT – 3 SEATS:

6,781 GREENLEAF, Jason A.*
6,456 MCDOUGAL, Benjamin T.*
6,695 SUMMERS, Ruth A.*
8,493 BLANKS

PORTLAND WATER DISTRICT TRUSTEE – 1 SEAT:

4,513 CROCKETT, Leroy P.*
3,101 PELLENZ, Nicole M.
1,861 BLANKS

QUESTION 1: - SCHOOL REFERENDUM:

3,364 YES
5,913 NO*
198 BLANKS

There are approximately 17,134 active voters on our voter registration list for this Election [does not included same day registration]. There were 9,475 voters who cast ballots in the November 7th the Municipal General Election and the Portland Water Trustee Election, of which 4,104 were absentee ballots comprising of 43% of the ballots cast. The percentage for overall voter turnout for this Election was 55%.

Pursuant to Section. 206. Induction of Council into Office. Councilors elect shall be sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk's designee and shall assume their duties at the commencement of the second meeting (2nd), whether regular, special, or emergency, of the Town Council following the regular Town election. [Amended 11/07/ 2000, (as noted); Effective 01/012001). Therefore, the newly elected officials will be sworn in on Wednesday, November 15, 2023, and at this meeting a new Council Chair and Vice Chair will be elected.

*The winners are indicated with an asterisk.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 8, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-125. Move approval on the request to approve the Town Manager's Employment Agreement.

Town Council

Ought to Pass

Sponsor

Recommendation

N/A

First Reading/Vote

N/A

Public Hearing

11/08/2023 – Vote:

Second Reading/Final Approval/Vote

MEMORANDUM

DATE: November 1, 2023
TO: Town Council
FROM: Liam Gallagher, Director of Human Resources
RE: Town Manager's Employment Agreement

Town Council Leadership has come to a tentative agreement with the Town Manager for a new three (3) year Employment Agreement.

The agreement for your consideration includes the following noteworthy changes to the current agreement;

- Section 4. Salary. The tentative agreement proposes an annual salary of \$165,345 effective January 1, 2024 and 170,305 effective July 1, 2024. The salary will be adjusted on July 1, 2025 by the Employer Cost Index metric historically used and consistent with other non-bargaining staff.
- Section 13. Performance Evaluation. The current agreement has a mechanism in which the Manager can be awarded a performance bonus. This bonus, consistently granted by the Council, has most often been an amount equal to 10% of the Manager's annual salary. The new agreement removes this financial component.
- Section 14. Conflict of Interest. New language has been added to clarify and define conflicts of interest and require annual financial disclosures from the Manager.

EMPLOYMENT AGREEMENT

This Agreement is made and entered into as of the ____ day of _____, 2023 by and between the Town of Scarborough, Maine, a municipal corporation located at Scarborough, Cumberland County, Maine and acting by and through its Town Council, duly authorized, (the “Town”) and Thomas Hall of Scarborough, Maine (the “Manager”) as follows:

WITNESSETH

WHEREAS, the Town desires to enter into a new Employment Agreement with the Manager and employ the services of the Manager as Town Manager of the Town as provided for in the Charter; and

WHEREAS, it is the desire of the Town to provide certain compensation, benefits and working terms and conditions for the Manager; and

WHEREAS, the Manager desires to be employed as Town Manager of the Town upon the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Town and the Manager agree as follows:

Section 1. Powers and Duties of the Town Manager.

The Town hereby agrees to employ the Manager as Town Manager of the Town of Scarborough, Maine to perform the functions and duties specified in the Charter and Chapter 301 of the Administrative Code (the "Personnel Ordinance"), and to perform other legally permissible and proper duties and functions as the Town Council shall from time to time assign, subject to the terms and conditions of this Agreement.

Neither the Town Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the service of the Town, except where expressly provided for by Charter, state law or by request of the Manager.

Section 2. Term.

The term of this Agreement shall be effective January 1, 2024 and expire on December 31, 2026. This Agreement will supersede and replace all previous Employment Agreements. The Manager shall notify the Council in writing on or before March 31, 2026 that the term of this Employment Agreement will expire on December 31, 2026. On or before June 1, 2026, the Town Council shall meet to consider whether to extend this Agreement for an additional 3-year term and shall so notify the Manager in writing of its decision on or before June 30, 2026. In the event that written notice

is not given by the Council to the Manager of its decision within this period, this Agreement shall be extended on the same terms and conditions as herein provided for an additional term of one (1) year. Should the Town Council fail to so extend this Agreement with written notice to the Manager on or before June 30, 2026, the Manager shall be free within the last six months of the Agreement to pursue alternate employment.

The Manager agrees to remain in the exclusive employment of the Town of Scarborough for the term of this Agreement. The term “exclusive employment,” however, shall not be construed to preclude the Manager from occasional teaching, writing, or speaking engagements. Said activities are expressly allowed, provided that no such activity presents a conflict of interest with the Town or detracts from the Manager’s ability to execute the duties of Town Manager.

It is acknowledged that many hours will be worked outside the normal office hours and that the Manager may take time off as appropriate as long as it does not adversely affect the business of the Town.

Section 3. Termination and Severance Pay.

A. In the event the Manager’s employment with the Town is terminated for any reason except for termination for cause as provided by Section 302 of the Town Charter, the Manager shall be paid an aggregate lump sum severance payment in the amount of six months’ pay including deferred compensation retirement benefits as specified in Section 5 herein, with an additional month’s pay and deferred compensation benefits for every year of service as Manager, or part thereof, prior to such termination not to exceed a total of twelve (12) months. Payment of salary and deferred compensation shall be made in full at time of termination. At the same time, the Manager shall be compensated for any accrued sick leave and any vacation and other benefits accrued to date of termination, consistent with the treatment of full time employees under Chapter 303 of the Administrative Code.

B. In the event the Manager is terminated for any reason other than for cause, all life, health, and dental shall continue in full force and coverage for the periods of time contained in Section A above. Said continuation of group health insurance coverage shall be in addition to any protection afforded the Manager by the Public Health Service Act. Coverage under the Act shall begin on the date all coverage extended under the severance provisions herein expire.

C. In the event the Manager’s employment with the Town is terminated for cause, the Town’s only obligation to the Manager is to pay all compensation and benefits accrued but unpaid at the date of termination.

D. Should the Manager be permanently disabled or otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of three successive months beyond any accrued leave, the Town Council shall have the right to terminate this Agreement, recognizing that the Town has paid for the Manager’s disability insurance and further providing the severance pay to the Manager as provided in paragraph A above.

E. In the event that the Manager voluntarily terminates his position prior to the expiration of the term of employment as provided in Section 2 above, the Manager shall give the Council sixty (60) days' written notice in advance of such termination or resignation and shall not be entitled to any of the severance payments contemplated in Section 3(A) above, except as the Parties may separately agree in writing. In the event that the Manager fails to give the required notice, any accumulated vacation pay will be forfeited.

Section 4. Salary.

The Town agrees to pay the Manager an annual salary, payable in installments at the same time as other employees of the Town are paid, as follows:

A. Beginning January 1, 2024 – \$165,345

Beginning July 1, 2024 - \$170,305

B. Beginning on July 1, 2025 and thereafter consistent with the start of each fiscal year, the Manager's salary shall be increased based on the Employment Cost Index (ECI), State and Local Government, Wages and Salaries Index for the previous 12-month period ending in December, or in an amount otherwise indicated by the Town. Such salary adjustment shall be based on a satisfactory performance evaluation, with an average score of 3 or above, pursuant to Section 13 of this Agreement.

Section 5. Deferred Compensation.

The Town agrees to pay the Manager annual deferred compensation in an amount equal to 18% of the Manager's salary. Said deferred compensation shall be paid to the ICMA Retirement Corporation, with any balance paid to the Town's 457 plan. The Town agrees to transfer ownership of said plan to succeeding employers when the Manager ceases his employment as Town Manager.

Section 6. Retirement Benefits.

The Manager shall participate in the Social Security System with both the Town and Manager making the required contributions.

Section 7. Insurance Coverages.

The Manager shall be provided by the Town with the same health, dental and disability plans as provided to other full-time employees under Chapter 303 of the Administrative Code.

Section 8. Automobile.

The Manager shall be paid \$500 per month for automobile expense. This payment shall be in lieu of any payment for mileage traveled for business purposes.

Section 9. Other Benefits.

A. In addition to the benefits set forth specifically in this Agreement, the Town will provide the Manager with any and all other benefits which are provided to other full time employees under Chapter 303 of the Administrative Code, except as to termination.

B. The Manager shall accrue twenty-five (25) days of vacation per year, and may carry over or accrue unused vacation time to a maximum of ten (10) weeks during the term of his employment. Manager shall accumulate sick leave at the same rate as full time employees under Chapter 303 of the Administrative Code, which is one sick day per month.

Section 10. Professional Development.

A. The Town agrees to budget and pay for reasonable dues and subscriptions for the Manager for professional participation adequate to continue his professional development.

B. The Town agrees to pay reasonable costs associated with sending the Manager to the annual ICMA Convention and with the professional development activities of additional professional organizations such as the National League of Cities, Maine Municipal Association, and the Maine Town and City Management Association, as well as short courses, seminars and institutes.

Section 11. General Expenses.

A. The Town recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by the Manager and agrees to reimburse or pay reasonable general expenses. The Town recognizes that due to the unique responsibilities of the Manager, the routine constrictions of the Administrative Code will on occasion be unreasonable and therefore inapplicable. Nonetheless, it shall be the responsibility of the Manager to exercise prudence and good judgment in incurring general business expenses while in the conduct of the Town's business.

B. The Town shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

C. The Town shall pay the costs of one mobile phone for Town business and personal use.

Section 12. Residency

A. During the entire term of this Agreement the Manager agrees to maintain a residence within the corporate boundaries of the Town in accordance with the Charter.

Section 13. Performance Evaluation.

By this Agreement, the Town and the Manager acknowledge the importance of regular and complete performance evaluation of the Manager by the Town. The parties agree that such an evaluation shall take place within six (6) months following the first day of each new municipal year.

As part of the annual performance evaluation process, the Manager and Town shall collaborate on the identification of goals for the Manager for the following year which goals shall be reduced to writing, signed by the Town Council Chair and the Manager. Performance goals for the Manager will recognize the requirements of the Town Charter, Town ordinances and Town Council policies. Identified goals shall be specific and measurable so the parties are able to determine attainment of the goals, the attainment of which shall be considered as one component of the performance evaluation. The Manager shall make reasonable efforts to collaborate with the Town in the development and accomplishment of the Town Council's annual goals.

The objective of the performance evaluation shall be to maintain an optimal working relationship and a mutual understanding and agreement on the duties, responsibilities, and priorities between the Manager and the Town. In the event that the Manager receives an unsatisfactory performance evaluation, the Town shall work with the Manager to correct the performance issues with a written Performance Improvement Plan (PIP). If this is unsuccessful the Town shall have the ability to pursue further additional corrective actions, including termination for cause pursuant to Section 3(C) of this Agreement. The parties acknowledge and agree that the Manager is entitled to all constitutional or other protections afforded under the law.

Section 14. Conflict of Interest Prohibition.

It is further understood and agreed that in order to avoid actual conflicts of interest and/or the appearance of any impropriety, the Manager will during the term of this Agreement disclose to the Council in writing of his/her intent to invest or participate in any business venture conducting business in the corporate limits of Scarborough that may conflict, or appear to conflict, with his/her duties, loyalty and obligations to the Town as Town Manager. An "investment" is defined as a loan to or monetary participation in a Scarborough business that either constitutes more than \$10,000 or 10% of the entities' valuation, ownership or shares, whichever is the lesser value. A "business venture" is defined as any Scarborough-based business that is subject to Town regulatory compliance within the direct purview of the Town Manager. An investment or participation in a business venture as defined herein requires Council approval prior to investment or participation. In the event of any question by the Town Manager as to whether any particular investment or business venture is covered under these definitions, the Town Manager agrees to disclose to the Town Council Chair via a written disclosure memo. Additionally, by the end of January each year, the Town Manager will provide written financial disclosure of all investment and business interests to the Town Council.

Section 15. General Provisions.

- A. This Agreement shall constitute the entire Agreement between the parties.
- B. This Agreement shall become effective upon adoption and approval by the Town.
- C. If any provision, or any portion of a provision of this Agreement is held unconstitutional, in violation of the Charter, in violation of the Code of Ordinances, invalid or unenforceable, said provision, or portion of a provision, shall be removed from this Agreement and the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.
- D. The terms of this Agreement shall remain in full force and effect and hold over until employment is terminated under these terms, or a new Agreement has been negotiated and entered into by the Manager and the Town.
- E. This Agreement may be amended at any time during its term by written agreement executed by both parties.
- F. No term or provision of this Agreement is deemed to have been waived by either party unless such waiver is in writing and signed by both parties.

IN WITNESS WHEREOF, the Town has caused this Agreement to be signed and executed on its behalf by its Town Council Chair and duly attested by its Clerk, and the Manager has signed and executed this Agreement, both in duplicate, the day and year first written above.

WITNESS

TOWN OF SCARBOROUGH

By: _____
Jonathan Anderson
Its: Town Council Chair

WITNESS

Thomas J. Hall

EMPLOYMENT AGREEMENT

This Agreement is made and entered into as of the 9th day of Sept., 2020 by and between the Town of Scarborough, Maine, a municipal corporation located at Scarborough, Cumberland County, Maine and acting by and through its Town Council, duly authorized, (the "Town") and Thomas Hall of Scarborough, Maine (the "Manager") as follows:

WITNESSETH

WHEREAS, the Town desires to enter into a new Employment Agreement with the Manager and employ the services of the Manager as Town Manager of the Town as provided for in the Charter; and

WHEREAS, it is the desire of the Town to provide certain compensation, benefits and working terms and conditions for the Manager; and

WHEREAS, the Manager desires to be employed as Town Manager of the Town upon the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Town and the Manager agree as follows:

Section 1. Powers and Duties of the Town Manager.

The Town hereby agrees to employ the Manager as Town Manager of the Town of Scarborough, Maine to perform the functions and duties specified in the Charter and Chapter 301 of the Administrative Code (the "Personnel Ordinance"), and to perform other legally permissible and proper duties and functions as the Town Council shall from time to time assign, subject to the terms and conditions of this Agreement.

Neither the Town Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the service of the Town, except where expressly provided for by Charter, state law or by request of the Manager.

Section 2. Term.

The term of this Agreement shall be effective July 1, 2020 and expire on December 31, 2023. This Agreement will supersede and replace all previous Employment Agreements. The Manager shall notify the Council in writing on or before March 31, 2023 that the term of this Employment Agreement will expire on December 31, 2023. On or before June 1, 2023, the Town Council shall meet to consider whether to extend this Agreement for an additional 3-year term and shall so notify the Manager in writing of its decision on or before June 30, 2023. In the event that written notice

is not given by the Council to the Manager of its decision within this period, this Agreement shall be extended on the same terms and conditions as herein provided for an additional term of one (1) year. Should the Town Council fail to so extend this Agreement with written notice to the Manager on or before June 30, 2023, the Manager shall be free within the last six months of the Agreement to pursue alternate employment.

The Manager agrees to remain in the exclusive employment of the Town of Scarborough for the term of this Agreement. The term "exclusive employment," however, shall not be construed to preclude the Manager from occasional teaching, writing, or speaking engagements. Said activities are expressly allowed, provided that no such activity presents a conflict of interest with the Town or detracts from the Manager's ability to execute the duties of Town Manager.

It is acknowledged that many hours will be worked outside the normal office hours and that the Manager may take time off as appropriate as long as it does not adversely affect the business of the Town.

Section 3. Termination and Severance Pay.

A. In the event the Manager's employment with the Town is terminated for any reason except for termination for cause as provided by Section 302 of the Town Charter, the Manager shall be paid an aggregate lump sum severance payment in the amount of six months' pay including deferred compensation retirement benefits as specified in Section 5 herein, with an additional month's pay and deferred compensation benefits for every year of service as Manager, or part thereof, prior to such termination not to exceed a total of twelve (12) months. Payment of salary and deferred compensation shall be made in full at time of termination. At the same time, the Manager shall be compensated for any accrued sick leave and any vacation and other benefits accrued to date of termination, consistent with the treatment of full time employees under Chapter 303 of the Administrative Code.

B. In the event the Manager is terminated for any reason other than for cause, all life, health, and dental shall continue in full force and coverage for the periods of time contained in Section A above. Said continuation of group health insurance coverage shall be in addition to any protection afforded the Manager by the Public Health Service Act. Coverage under the Act shall begin on the date all coverage extended under the severance provisions herein expire.

C. In the event the Manager's employment with the Town is terminated for cause, the Town's only obligation to the Manager is to pay all compensation and benefits accrued but unpaid at the date of termination.

D. Should the Manager be permanently disabled or otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of three successive months beyond any accrued leave, the Town Council shall have the right to terminate this Agreement, recognizing that the Town has paid for the Manager's disability insurance and further providing the severance pay to the Manager as provided in paragraph A above.

E. In the event that the Manager voluntarily terminates his position prior to the expiration of the term of employment as provided in Section 2 above, the Manager shall give the Council sixty (60) days' written notice in advance of such termination or resignation and shall not be entitled to any of the severance payments contemplated in Section 3(A) above, except as the Parties may separately agree in writing. In the event that the Manager fails to give the required notice, any accumulated vacation pay will be forfeited.

Section 4. Salary.

The Town agrees to pay the Manager an annual salary, payable in installments at the same time as other employees of the Town are paid, as follows:

A. Beginning July 1, 2020 – \$132,475 per year.

B. Consistent with the start of each fiscal year, the Manager's salary shall be increased based on the Employment Cost Index (ECI), State and Local Government, Wages and Salaries Index for the previous 12-month period ending in December, or in an amount otherwise indicated by the Town. Such salary adjustment shall be based on a satisfactory performance evaluation pursuant to Section 13 of this Agreement.

Section 5. Deferred Compensation.

The Town agrees to pay the Manager annual deferred compensation in an amount equal to 18% of the Manager's salary. Said deferred compensation shall be paid to the ICMA Retirement Corporation, with any balance paid to the Town's 457 plan. The Town agrees to transfer ownership of said plan to succeeding employers when the Manager ceases his employment as Town Manager.

Section 6. Retirement Benefits.

The Manager shall participate in the Social Security System with both the Town and Manager making the required contributions.

Section 7. Insurance Coverages.

The Manager shall be provided by the Town with the same health, dental and disability plans as provided to other full time employees under Chapter 303 of the Administrative Code.

Section 8. Automobile.

The Manager shall be paid \$500 per month for automobile expense. This payment shall be in lieu of any payment for mileage traveled for business purposes.

Section 9. Other Benefits.

A. In addition to the benefits set forth specifically in this Agreement, the Town will provide the Manager with any and all other benefits which are provided to other full time employees under Chapter 303 of the Administrative Code, except as to termination.

B. The Manager shall accrue twenty-five (25) days of vacation per year, and may carry over or accrue unused vacation time to a maximum of ten (10) weeks during the term of his employment. Manager shall accumulate sick leave at the same rate as full time employees under Chapter 303 of the Administrative Code, which is one sick day per month.

Section 10. Professional Development.

A. The Town agrees to budget and pay for reasonable dues and subscriptions for the Manager for professional participation adequate to continue his professional development.

B. The Town agrees to pay reasonable costs associated with sending the Manager to the annual ICMA Convention and with the professional development activities of additional professional organizations such as the National League of Cities, Maine Municipal Association, and the Maine Town and City Management Association, as well as short courses, seminars and institutes.

Section 11. General Expenses.

A. The Town recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by the Manager and agrees to reimburse or pay reasonable general expenses. The Town recognizes that due to the unique responsibilities of the Manager, the routine constrictions of the Administrative Code will on occasion be unreasonable and therefore inapplicable. Nonetheless, it shall be the responsibility of the Manager to exercise prudence and good judgment in incurring general business expenses while in the conduct of the Town's business.

B. The Town shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

C. The Town shall pay the costs of one mobile phone for Town business and personal use.

Section 12. Residency

A. During the entire term of this Agreement the Manager agrees to maintain a residence within the corporate boundaries of the Town in accordance with the Charter.

Section 13. Performance Evaluation.

By this Agreement, the Town and the Manager acknowledge the importance of regular and complete performance evaluation of the Manager by the Town. The parties agree that such an evaluation shall take place within six (6) months following the first day of each new municipal year. Thereafter, the Town shall meet with the Manager to discuss its evaluation.

As part of the annual performance evaluation process, the Manager and Town shall collaborate on the identification of goals for the Manager for the following year which goals shall be reduced to writing, signed by the Town Council Chair and the Manager. It is understood by the parties that such goals shall include, but are not limited to, an emphasis on improving communications from the Manager, to the Town and the public. Identified goals shall be specific and measurable so the parties are able to determine attainment of the goals, the attainment of which shall be considered as one component of the performance evaluation. The Manager shall make reasonable efforts to collaborate with the Town in the development and accomplishment of the Town Council's annual goals.

The objective of the performance evaluation shall be to maintain an optimal working relationship and a mutual understanding and agreement on the duties, responsibilities, and priorities between the Manager and the Town. The performance evaluation shall also be the primary factor in the Town's decision to award the Manager annual performance bonuses.

In the event that the Manager receives an unsatisfactory performance evaluation, the Town shall work with the Manager to correct the performance issues with a written Performance Improvement Plan (PIP). If this is unsuccessful the Town shall have the ability to pursue further additional corrective actions, including termination for cause pursuant to Section 3(C) of this Agreement. The parties acknowledge and agree that the Manager is entitled to all constitutional or other protections afforded under the law.

For each fiscal year during the term of employment, the Manager shall be eligible to receive an annual performance bonus in the amount, if any, as may be determined by the Town in its discretion, based on the Manager's performance evaluation and attainment of the identified goals. This annual performance bonus may be distributed as cash or deposited into a deferred compensation plan.

Section 14. Conflict of Interest Prohibition.

It is further understood and agreed that because of the duties of the Manager within and on behalf of the Town and its citizenry, the Manager shall not, during the term of this Agreement, individually, as a partner, joint venturer, officer or shareholder, invest or participate in any business venture conducting business in the corporate limits of Scarborough, except for stock ownership in any company whose capital stock is publicly held and regularly traded, without the prior approval of the Council.

Section 15. General Provisions.

- A. This Agreement shall constitute the entire Agreement between the parties.
- B. This Agreement shall become effective upon adoption and approval by the Town.
- C. If any provision, or any portion of a provision of this Agreement is held unconstitutional, in violation of the Charter, in violation of the Code of Ordinances, invalid or unenforceable, said provision, or portion of a provision, shall be removed from this Agreement and the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.
- D. The terms of this Agreement shall remain in full force and effect and hold over until employment is terminated under these terms, or a new Agreement has been negotiated and entered into by the Manager and the Town.
- E. This Agreement may be amended at any time during its term by written agreement executed by both parties.
- F. No term or provision of this Agreement is deemed to have been waived by either party unless such waiver is in writing and signed by both parties.

IN WITNESS WHEREOF, the Town has caused this Agreement to be signed and executed on its behalf by its Town Council Chair and duly attested by its Clerk, and the Manager has signed and executed this Agreement, both in duplicate, the day and year first written above.

WITNESS



TOWN OF SCARBOROUGH

By:



Paul M. Johnson
Its: Town Council Chair

WITNESS


_____

Thomas J. Hall