

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 18, 2017
REGULAR MEETING – 5:30 P.M.**

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.

Order No. 17-005. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals.

Item 4. General Public Comments.*

Item 5. Minutes: January 4, 2107 – Regular Meeting.

Item 6. Adjustment to the Agenda.

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

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 17-006, 7:00 p.m. Public Hearing and action on the new request for a Special Amusement Permit from Patrick O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One. [Town Clerk]

Order No. 17-007, 7:00 p.m. Public Hearing and action to add additional growth permits to the reserve pool in accordance with subsection 7.F.6 of Chapter 413 the Town of Scarborough Growth Management Ordinance. [Planning Department]

OLD BUSINESS:

Order No. 17-008. Act to approve the names posted to the various committees/boards, as recommended by the Appointments Committee on January 4, 2017. [Town Clerk]

NEW BUSINESS:

Order No. 17-009. Act to set the date for nominations papers to be available to fill a seat on the Board of Education vacated by Kathryn Miles [with to expire in 2018] from Thursday, January 19, 2017, to close of business on Monday, January 30, 2017, and set the Special Municipal Election date for Tuesday, February 28, 2017, to be held at the Scarborough Municipal Building, located at 259 US Route One. [Town Clerk]

Order No. 17-010. Discussion with action on the following:

1. Act on the appointment of Susan Russo, currently the Assistant Assessor, on an interim basis as the Assessor for the Town of Scarborough, effective January 30, 2017, her appointment being necessitated in light of the new position Mr. Mathew Sturgis has taken and to ensure that the Town continues to have a duly appointed Assessor in charge of the Department of Assessment, Ms. Russo's appointment to go forward under her current terms of employment with the Town and to continue to such time as the Council appoints a successor; and,
2. Act on the appointment of Mr. Mathew Sturgis, as a Special Deputy Assessor effective January 30, 2017 for the Town of Scarborough for purposes of overseeing, attending to and representing the Town of Scarborough in ongoing tax abatement proceedings and authorization of reasonable consideration to be paid to Mr. Mathew Sturgis for his services to be set forth in a letter of agreement from the Town Manager. *[Town Manager]*

Item 8. Non Action Items.

Item 9. Standing and Special Committee Reports and Liaison Reports.

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

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Town Manager

Sponsor

01/18/2017

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

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Town Clerk

Sponsor

01/18/2017

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

TOWN OF SCARBOROUGH
Office of the Town Clerk
P.O. Box 360
Scarborough, Maine 04070-0360

TO: Town Council Members

FROM: Yolande P, Justice, Town Clerk

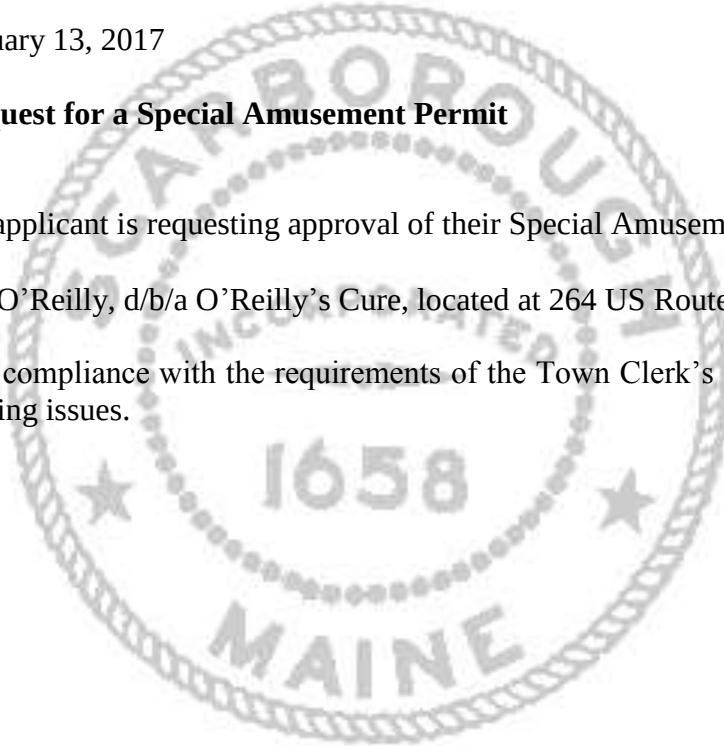
DATE: January 13, 2017

RE: Request for a Special Amusement Permit

The following applicant is requesting approval of their Special Amusement Permits:

- Patrick O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One

Applicant is in compliance with the requirements of the Town Clerk's Office and there are no outstanding issues.



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Order No. 17-007. Move approval to add additional growth permits to the reserve pool in accordance with subsection 7.F.6 of Chapter 413 the Town of Scarborough Growth Management Ordinance. [*Planning Department*]

Planning Department

Sponsor

01/18/2017

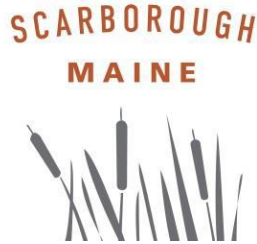
First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote



To: Town Council Members and Tom Hall, Town Manager
From: Dan Bacon, Planning Director
Subject: Growth Management Ordinance Review & Consideration for Adding Reserve Pool Permits
Date: January 12, 2017

Dear Town Councilors,

As the Council is aware, the Town of Scarborough has a Growth Management Ordinance (GM Ordinance) to place reasonable and appropriate limitations on residential development in accordance with our 2006 Comprehensive Plan. Scarborough is fairly unique in this regard, as very few communities in Maine use such a growth management measure. The GM Ordinance was adopted in 2001 in reaction to the rapid single-family housing development that was prevalent in the late 1990's and early 2000's and its impact on our school facilities and their capacity.

The GM Ordinance is currently structured with two different pools or allocations of growth permits. The primary pool of permits is the annual allocation which is intended for typical residential housing, aimed at principally new single-family homes that have been demonstrated to have clear impacts and demands on the Town's school facilities and their capacity. In order to pace the rate of this type of housing growth, the number of growth permits available year to year under the annual allocation is a maximum of 135 permits (and has been since 2001).

The other source of growth permits in the GM Ordinance is the reserve pool. The reserve pool was established in 2008 and is "reserved" for special projects that are specifically eligible under the Ordinance (projects with affordable housing units, development transfer bonus units, contract zones, large multi-family projects etc). The reserve pool was specifically designed to provide certainty to developers by having a reserved quantity of permits available for them to secure lending, plan the phasing of their projects, and generally proceed with confidence, given their significant project values and levels of investment, and their associated risk and time sensitivity.

When establishing the reserve pool in 2008, the Town Council took and placed the 215 "roll over" growth permits that existed at the time as the starting quantity of permits in the reserve. This number of reserve permits was never intended to be a one-time allocation or

cap from which to draw from only once. Rather, the Ordinance expects the reserve pool to be replenished periodically when demand dictates and charges the Town Council with this task.

It is important to note that prior to creating the reserve pool in 2008 to handle these special or larger projects, unused growth permits “rolled over” year to year without a reserve. This past approach was a more market-regulated version with the roll-over of unused permits during slower economic times providing a built in reserve for times of growth without the need for Council action. If this approach had remained in place there would be over 700 additional growth permits currently available given the modest housing growth occurring between '08 and '12.

As contemplated though in the current Ordinance, there is now demand for use of growth permits from the reserve pool, as there are a number of eligible multi-family housing projects that are incorporating affordable housing, are part of mixed use projects; or are applying as contract zones, which now warrant the addition of permits to the reserve by the Town Council.

As is customary with land use and growth management topics, the Long Range Planning Committee (LRPC) has examined this matter in depth at their last three meetings (November, December and January agendas). Further, they helped staff prepare for the Growth Management / Multi-Family Workshop we conducted with the Council on December 14th to introduce and review this matter.

Since the December 14th workshop we've been able to narrow down the number of additional growth permits needed in the reserve pool, and are recommending an additional 285 permits to honor and accommodate the eligible development projects in the pipeline. When coupled with existing permits and some use of the annual allocation in accordance with the GM Ordinance, this will enable these projects to build out in a predictable fashion.

At the end of their discussion at their recent January 6th meeting the LRPC made the following vote and recommendation:

Recommend that the Town Council approve the increase of reserve pool permits from 215 to a total of 500 in an effort to meet the current demands and thus allowing the proposed projects to proceed as allowed for under zoning.

Unanimous Recommendation by LRPC on 1/6/17

As background to the LRPC's recommendation, we've attached as a companion document the key points that were part of their deliberation.

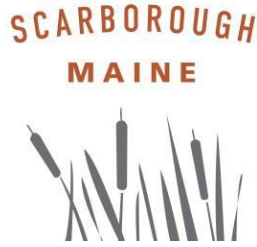
Further, the five documents that we have provided to the Council in December and are available on the Town's webpage are also key resources on the background to our GM Ordinance, our rate of residential growth, the characteristics of these multi-family housing projects, and our assessment of the implications of these developments.

<http://www.scarboroughmaine.org/news/towncouncilworkshop-growthmanagementmulti-familyhousing>

For Town Council review and reference, we've provided subsection 7.F.6. of the GM Ordinance that explains when additional reserve pool permits should be added.

Growth Management Ordinance 7.F.6.

- 6) *The Town Council may add growth permits to the reserve pool by formal vote of the Council following public hearing as part of its periodic review of the Ordinance or if the number of units in the reserve pool drops below fifty (50) or if the available growth permits are not adequate to allow the construction of a project in accordance with subsection G below.*



Key Points for Recommending Additional Permits in the Reserve Pool

Long Range Planning Committee

As part of their deliberation on adding growth permits to the reserve pool, the LRPC discussed and made the following key points to support their recommendation to the Town Council:

- All indications suggest this crunch for growth permits from the reserve pool is a “blip” in interest and demand for various forms of multi-family housing. Zoning for multi-family housing has been in place for a number of years since the implementation of our current Comprehensive Plan and many of these projects have been in the works for years. Development timing, market forces, interest rates, and socio-economic shifts are all influencing this blip that isn’t likely to be sustained at this level, as when housing inventory rises, demand will lessen. Further, this is a regional phenomenon with other projects underway and planned in neighboring communities that will absorb a significant percentage of the current regional market demand.
- It is questionable whether all of these projects will actually proceed and it is likely the pace of development and phasing will be spread out over multiple years and construction seasons. The larger, multi-building projects will be phased and will develop incrementally and based on market demand. This will moderate demand on our growth ordinance and municipal impacts. The reason the reserve pool needs such an increase in permits is that it does not get replenished annually like the annual allocation and it is expected to be replenished to accommodate projects allowed for under zoning.
- If growth permits “rolled over” year to year like they did pre-2008, there would be adequate permits accumulated to accommodate these projects without any issue. A policy decision was made in 2008 to establish a reserve pool to be the mechanism to handle these blips and special projects, and to have the unused permits from the annual 135 expire each year. But if the roll over provision was not eliminated, it is important to recognize that there would be over 700 additional growth permits available for use.
- Based on all of the research and analysis around these multi-family projects that are designed with 1 or 2 bedroom units, impacts and contributions to the schools will

be negligible and will not cause stress or capacity issues for our school facilities. These unit sizes and living arrangements are not well-suited for families and school-aged children and a blip in these units will not result in a blip in school capacity issues. Therefore, pacing their build out under the Growth Management Ordinance to moderate school impacts is not a significant factor.

- A final key point is that the LRPC is well underway to commencing our Comprehensive Plan update process and will be looking at our housing goals, growth management measures, as well as the ROI (return on investment) of a wide range of land use and development types, with significant involvement by the Town Council. This process, and our consultant assistance, will be a key informant of how we as a community approach and manage any future blips or waves of growth, whether it be multi-family, single-family or other land uses. Using the Comp. Plan update process, and based on the policy decisions included in it, the growth management ordinance and its allowances and limitations can be updated accordingly. This Comprehensive Plan process can be a very important backstop in instance that this trend toward large scale multi-family housing is more sustained than forecasted.

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Town Clerk

Sponsor

01/18/2017

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

COMMITTEE/BOARD RE-APPOINTMENTS

Board of Assessment Review: Appoint Jean-Marie Caterina as a full voting member, with a term to expire in 2019.

Coastal Waters & Harbor Advisory Committee: Appoint Travis Turner, as 2nd Alternate with term to expire in 2019.

Community Services/Rec Advisory Board: Re-appoint Roger Chabot and Art Dillon as full voting members and Liam Somers, as 1st Alternate, for another three year term, terms to expire in 2019.

Conservation Commission: Re-appoint Peter Slovinsky and Chalres Spanger, as full voting members for another three years, with a terms to expire in 2019.

Energy Committee: Re-appoint Sandi Dargi and Michael Wallace, as full voting members, for another three years, with terms to expire in 2019.

Housing Alliance: Re-appoint Brian Shumway and Tim Peters as full voting members, for another three years, with terms to expire in 2019.

Parks and Conservation Land Board: Re-appoint Suzanne Foley-Ferguson and Douglas Williams, as full voting members, for another three years, with terms to expire in 2019.

Personnel Appeals Board: Re-appoint Penney Whitney-Asdourian as a full voting member and Art Dillon, as the 2nd Alternate for another three years, terms to expire in 2019.

Planning Board: Re-appoint Susan Auglis and Nicholas McGee, as full voting member, for another three years, term to expire in 2019

Pest Management Advisory Board: Re-appoint Terri Eddy as an At-Large member, for another three years, with a term to expire in 2019.

Zoning Board of Appeals: Re-appoint James Herbert as a full voting member and Karen Shupe as 1st alternate, terms to expire in 2019.

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