# Scarborough Housing Alliance
# Committee Meeting
# Wednesday, January 28, 2026 - Hybrid Meeting

*[Scarborough Town Hall – 6:00 p.m.]*
*Town Manager's Conference Room*

**Zoom Link: https://scarboroughmaine.zoom.us/j/82695698520**

**YouTube Link: https://youtu.be/Wav1Ec-qenk**

## AGENDA

**Item 1. Call to Order.**

**Item 2. Those Present.**

**Item 3. Approval of Minutes:** December 10, 2025

**Item 4. Discussion:** *LD 1829*

**Item 5. Discussion:** *Burnham Apartment Project - 24 Units*

**Item 6. Discussion:** *37 Mill Commons- Affordability Agreement*

**Item 7. Discussion:** *Housing Assessment - Scope of Work*

**Item 8. Public Comment.**

**Item 9. Adjournment.**

TOWN OF
SCARBOROUGH, MAINE

# RESOLUTION 26-001
# RECOMMENDATIONS FOR
# MAINE LD1829 IMPLEMENTATION AND LEGISLATIVE REFINEMENT

**WHEREAS,** the Town of Scarborough recognizes that Maine faces a significant housing shortage that affects residents, workers, families, and the overall economic vitality of our communities; and,

**WHEREAS,** the Maine Legislature enacted LD 1829 in June of 2025 with the stated intent of building housing for Maine Families and attracting workers to Maine businesses by expanding allowable housing density statewide; and,

**WHEREAS,** the Town of Scarborough has already demonstrated being part of the solution to Maine's housing shortage with progressive zoning practices and acknowledges efforts to remove barriers that increase housing supply and affordability in other Towns and Cities within Maine with restrictive zoning practices; and,

**WHEREAS,** while the Town of Scarborough acknowledges the state's goals of increasing housing supply, the implementation requirements of LD 1829 present critical challenges that threaten our ability to manage growth responsibly and maintain the quality of life our residents expect; and,

**WHEREAS,** the Town of Scarborough has been a regional leader in housing production, with a rate of growth ordinance averaging 203 units/year, yet LD 1829 treats all municipalities the same regardless of their demonstrated commitment to housing production; and,

**WHEREAS,** the mandated density increase under LD 1829 exceeds the capacity of existing municipal infrastructure to support new growth, including water systems, sewer systems, stormwater management, transportation networks, and schools, requiring capital investments that exceed local budget capacity and will require state financial support; and,

**WHEREAS,** LD 1829 encourages growth outside of growth areas if served by water and sewer, but planning best practices have established new growth should be encouraged for growth areas, and areas of natural and rural value should be preserved; and,

**WHEREAS,** the prohibition on growth caps in designated growth areas eliminates a critical tool that municipalities have used to align development with infrastructure capacity and comprehensive planning; and,

**WHEREAS,** experience with previous housing density legislation (LD 2003) demonstrates that increased density alone does not guarantee affordable housing outcomes, with multiple communities reporting that new development has produced expensive market-rate housing rather than workforce or affordable units; and,

**WHEREAS,** LD 1829 requires repeated ordinance revisions and mandatory planning board training, imposing significant administrative and financial burdens on municipalities, particularly smaller and rural communities that rely on volunteer planning boards and lack dedicated professional planning staff; and,

**WHEREAS,** restrictions on impact fees under LD 1498 prevent municipalities from funding the broader infrastructure upgrades necessary to support growth mandated by LD 0829, making it even more challenging for local taxpayers to support needed infrastructure; and,

**WHEREAS,** the Town of Scarborough has developed its comprehensive plan through extensive community engagement to reflect local priorities, environmental constraints, and a vision for the community's future, and LD 1829's one-size-fits all approach undermines this locally-driven planning process and the principles of home rule; and,

**WHEREAS,** the Town of Scarborough has completed a Town-wide community survey in December 2025 where 74% of respondents who had an opinion said Scarborough is growing "much too fast/too fast", resulting in our lowest scoring questions on the survey with only 16.3% of respondents satisfied with how the town is managing residential growth.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Council of the Town of Scarborough hereby:

1. **Expresses significant concern** regarding the challenges LD 1829 presents to responsible growth management, infrastructure planning, and comprehensive planning.
2. **Calls upon** the Maine Legislature to repeal LD 1829 or delay its implementation until corrective legislation is in place that;
    - Creates a dedicated, multi-year state infrastructure funding program to support municipalities experiencing mandated growth;
    - Allows municipalities that meet growth requirements under the Growth Management Act to continue employing reasonable growth management tools;
    - Clarifies the interaction between LD 1829's growth cap prohibition and the Rate of Growth law to prevent unintended sprawl in rural areas;
    - Removes the lot size and density mandates for areas outside designated growth areas that are serviced by sewer and water;
    - Strengthens affordability requirements that result in increasing deed restricted affordable and workforce housing;
    - Revises impact fee restrictions to allow municipalities to fund necessary infrastructure improvements;
    - Provides adequate funding for technical assistance and capacity building for municipalities and regional planning organizations;
    - Provides Maine State Housing Authority with proper authority and funding to support affordable and workforce housing projects without local financial support; and,
    - Ensures protection of our rural farmlands and conserves our environment particularly along the water ways contributing to the Scarborough Marsh.
3. **Requests** that the Legislature work in partnership with municipalities, regional planning organizations, and municipal associations to refine the law, enhance state-municipal communications, and ensure that housing policy achieves affordability goals while respecting local planning authority and infrastructure constraints;
4. **Directs** the Town Manager to forward copies of this resolution to:
    - Speaker of the Maine House of Representatives Ryan Fecteau
    - Scarborough's State Senator(s): Stacy Brenner, Anne Carney
    - Scarborough's State Representative(s): Kelley Noonan Murphy, Sophia Warren, Andrew Gattine
    - Governor Janet Mills
    - Maine Municipal Association
    - Greater Portland Council of Governments
    - Maine State Housing Authority Board of Commissioners
5. **Implores** other municipalities to express similar sentiments to protect home rule authority.

**ADOPTED** this 7th day of January 2026, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by: Cory R. Fellows, Council Chair

Attested by: Yolande P. Justice, Clerk to the Council

## Autumn Spear, Director of Planning and Codes comments regarding LD 2173, which is the "fix it" legislation for LD 1829:

**Rate of Growth:**
It introduces a subsection that allows our rate of growth ordinance to remain in place with 130% of total permits over a 5 year time. This effectively raises our annual allocation by around 30 permits. The caveat is all affordable units are not required to go through the rate of growth ordinance. It also includes an effective date for the changes to go into effect on January 1, 2028. (they will need to tweak this language as written though; the existing adopted language would take away the rate of growth ordinance on July 1, 2026 and in January 2028 we would get it back).

**Density**
Growth area and water and sewer available: Keeps the minimum lot size at 5,000 for the first 4 units and takes away the 5,000 sq ft for each additional (I think this is positive change as we have more control over our density (after the first 4), but still negative in that we may get a proliferation of 4-plexes and smaller lots

Outside growth area with water and sewer available: Keeps the minimum lot size at 5,000 for the first and 10,000 for two units (positive change, but still negative overall in my opinion)

Outside growth area and no water and sewer available - It is silent - implies we can still maintain our zoning requirements and density

**Height Bonus for Affordable Housing**
Still increase 14' more for affordable units, but now sets a maximum height of 55' (not terribly concerned with this one)

**Subdivision Changes**
No substantial changes from 1829 - subdivision is still 5 or more units instead of 3

**ADU's**
1829 allowed ADU's for single family and multi-unit structures - this changes that to be single family, two family and three family units only

**Child Care**
Changed the wording a bit, still permitted by right in all residential zones -

# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

**Legislative Document** **No. 2173**

H.P. 1461 House of Representatives, January 27, 2026

**An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative COLLAMORE of Pittsfield.
Cosponsored by Senator CURRY of Waldo and
Representatives: Speaker FECTEAU of Biddeford, ROBERTS of South Berwick.

Printed on recycled paper

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the majority of the changes made by this legislation will become applicable to certain municipalities on July 1, 2026; and

**Whereas,** this legislation modifies recently enacted provisions of law that will become applicable to many municipalities without the modifications made by this legislation on July 1, 2026; and

**Whereas,** this legislation creates a grace period for certain municipalities to delay compliance with a recently enacted provision of law if the municipality makes a filing with the municipality's county register of deeds prior to July 1, 2026; and

**Whereas,** this legislation contains other critical changes that must go into effect as soon as possible to allow municipalities to implement the Legislature's intent and remain in compliance with the law; and

**Whereas,** this legislation will not go into effect prior to July 1, 2026 unless enacted as an emergency; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §2463-B,** as enacted by PL 2025, c. 385, §1, is amended to read:

**§2463-B. Fire protection in accessory dwelling units**

Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure ~~of~~ that contains, or will contain upon completion of construction, more than 2 dwelling units, including accessory dwelling units. As used in this section, "accessory dwelling unit" has the same meaning as in Title 30-A, section 4301, subsection 1-C.

**Sec. 2. 30-A MRSA §4360,** as amended by PL 2025, c. 385, §3 and affected by §23, is further amended to read:

**§4360. Rate of growth ordinances**

**1. Ordinance review and update.** A municipality that enacts a rate of growth ordinance shall review and update the ordinance at least every 3 years to determine whether the rate of growth ordinance is still necessary and how the rate of growth ordinance may be adjusted to meet current conditions.

**1-A. Definition; common scheme of development.** For the purposes of this section, "common scheme of development" means a plan or process of development that:

A. Takes place on contiguous parcels or lots in the same immediate vicinity; and

B. Exhibits characteristics of a unified approach, method or effect, such as:

(1) Unified ownership, management or supervision;

(2) Sharing common equipment or labor; or

(3) Common financing.

**2. Differential ordinances.** A municipality may enact rate of growth ordinances that set different limits on the number of building or development permits that are permitted in designated rural areas. A municipality may not enact or enforce rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by ~~this chapter~~ subsection 3.

**3. Ordinance requirements.** A municipality may adopt a rate of growth ordinance only if:

A. The ordinance is consistent with section 4314, subsection 3;

B. The ordinance sets the number of building or development permits for new residential dwellings~~, not including permits for affordable housing,~~ at ~~105%~~ 130% or more of the mean number of total permits issued for new residential dwellings within the municipality during the ~~10~~ 5 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued~~, excluding permits issued for affordable housing,~~ for new residential dwellings for each year in the prior ~~10~~ 5 years and then dividing by ~~10~~ 5;

~~C. In addition to the permits established pursuant to paragraph B, the ordinance sets the number of building or development permits for affordable housing at no less than 10% of the number of permits set in the ordinance pursuant to paragraph B; and~~

C-1. The ordinance does not require a development permit for affordable housing as defined in section 5246, subsection 1;

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years.; and

E. Within a designated growth area, the ordinance does not limit the development permits allowed per project or per common scheme of development to a number that is less than 35% of the allocated permits for that area.

**Sec. 3. 30-A MRSA §4364, first ¶,** as amended by PL 2023, c. 192, §1, is further amended to read:

For an affordable housing development approved on or after the implementation date defined in subsection 1-A, a municipality with density requirements shall apply density requirements in accordance with this section, and, for an affordable housing development approved on or after the implementation date defined in subsection 1-B, a municipality with height restriction requirements shall apply additional height allowance requirements in accordance with this section.

**Sec. 4. 30-A MRSA §4364, sub-§1-A,** as enacted by PL 2023, c. 192, §3, is amended to read:

**1-A. Implementation date; density requirements.** For purposes of this section, with respect to applying density requirements under this section, "implementation date" means:

A. January 1, 2024 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2024 for all other municipalities.

**Sec. 5. 30-A MRSA §4364, sub-§1-B** is enacted to read:

**1-B. Implementation date; height allowances.** For purposes of this section, with respect to applying additional height allowances under this section, "implementation date" means:

A. July 1, 2026 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2027 for all other municipalities.

**Sec. 6. 30-A MRSA §4364, sub-§2-A,** as enacted by PL 2025, c. 385, §5 and affected by §23, is amended to read:

**2-A. Additional height allowance.** Except as otherwise prohibited under Title 38, chapter 3 and municipal shoreland zoning ordinances, a municipality shall allow~~, subject to review by a municipal fire official or designee,~~ an affordable housing development to exceed any municipal height restriction by ~~no less than one story or~~ 14 feet but only up to a total building height of 55 feet. To be eligible for an additional height allowance pursuant to this subsection, an affordable housing development must be reviewed by a fire official or designee during the development approval process; must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable; and must:

A. Be in a designated growth area of a municipality as identified in a comprehensive plan adopted pursuant to subchapter 2; or

B. Be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

This subsection may not be construed to provide additional authority to a fire official or designee or to establish new standards for the review of an affordable housing development by a fire official or designee other than the requirements established in the Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103.

**Sec. 7. 30-A MRSA §4364, sub-§5,** as amended by PL 2025, c. 385, §6 and affected by §23, is further amended by repealing the first blocked paragraph and enacting the following in its place:

A municipal ordinance may not require minimum standards for subsurface wastewater disposal systems other than what is required pursuant to rules adopted by the Department of Health and Human Services governing subsurface wastewater disposal pursuant to Title 22, section 42.

**Sec. 8. 30-A MRSA §4364-A,** as amended by PL 2025, c. 385, §§7 to 12 and affected by §23 and amended by c. 388, Pt. D, §37, is further amended by amending the section headnote to read:

**§4364-A. Residential areas~~;~~ generally~~; up to 4 dwelling units allowed~~**

**Sec. 9. 30-A MRSA §4364-A, sub-§1,** as repealed and replaced by PL 2025, c. 385, §7 and affected by §23 and amended by c. 388, Pt. D, §37, is repealed and the following enacted in its place:

**1. Use allowed.** Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, the following are permitted uses:

A. At least 3 dwelling units, attached or detached, inclusive of accessory dwelling units, per lot; and

B. At least 4 dwelling units, attached or detached, inclusive of accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to subchapter 2, or the lot is served by a public water system and a public sewer system.

A municipality may allow more units than the minimum number required by this subsection.

**Sec. 10. 30-A MRSA §4364-A, sub-§1-A,** as enacted by PL 2023, c. 192, §7, is amended to read:

**1-A. Implementation date.** For purposes of this section, "implementation date" ~~has the same meaning as in section 4364, subsection 1-A.~~ means:

A. January 1, 2024 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2024 for all other municipalities.

**Sec. 11. 30-A MRSA §4364-A, sub-§2-A,** as enacted by PL 2025, c. 385, §9 and affected by §23, is amended to read:

**2-A. ~~Lot~~ Limitations on municipal ordinances related to lot size and density ~~allowance for private property~~ requirements.** Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a municipal ordinance may not require a minimum lot size ~~requirement may not exceed~~ that exceeds 5,000 square feet and ~~a density requirement may not exceed 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units~~ may not require more than 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units.

B. If a lot is located outside a designated growth area and in an area served by a public~~, special district or other centrally managed~~ water system as defined in Title 22, section 2601, subsection 8 and a public~~, special district or other comparable~~ sewer system, a municipal ordinance may not require a minimum lot size ~~requirement may not exceed~~ that exceeds 5,000 square feet and ~~a density requirement may not exceed 5,000 square feet of lot area for the first 2 dwelling units contained within a single structure, not including accessory dwelling units~~ may not require more than 5,000 square feet of lot area per dwelling unit for one dwelling unit or 10,000 square feet of lot area for 2 dwelling units within a single structure.

C. If a lot is located in a designated growth area without a public, special district or other comparable sewer system, a municipal ordinance may not establish minimum lot size ~~requirement may not exceed the minimum lot size required by Title 12, chapter 423-A and the density requirement or calculation may not be more restrictive than required by Title 12, chapter 423-A~~ requirements, density requirements or requirements for other calculations related to dwelling units per lot area other than what is required pursuant to rules adopted by the Department of Health and Human Services governing subsurface wastewater disposal pursuant to Title 22, section 42.

If 4 ~~or fewer~~ dwelling units have been constructed on a lot as a result of the allowances under this section or section 4364-B, the lot is not eligible for any additional increases in density, including under section 4364, unless more units are allowed by the municipality.

**Sec. 12. 30-A MRSA §4364-A, sub-§4,** as amended by PL 2025, c. 385, §11 and affected by §23, is further amended by repealing the first blocked paragraph and enacting the following in its place:

A municipal ordinance may not require minimum standards for subsurface wastewater disposal systems other than what is required pursuant to rules adopted by the Department of Health and Human Services governing subsurface wastewater disposal pursuant to Title 22, section 42.

**Sec. 13. 30-A MRSA §4364-A, sub-§5-A,** as enacted by PL 2025, c. 385, §12 and affected by §23, is amended to read:

**5-A. Planning board approval not required.** ~~A~~ For any area in which residential uses are allowed, including as a conditional use, a municipality may not require planning board approval ~~for~~ to establish 4 or fewer dwelling units within a single structure on a lot or for accessory dwelling units.

**Sec. 14. 30-A MRSA §4364-B, sub-§1,** as amended by PL 2025, c. 385, §13 and affected by §23, is further amended to read:

**1. Use permitted.** Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit or ~~multi-unit~~ 2-unit or 3-unit residential structure in any area in which residential uses are permitted, including as a conditional use, in accordance with this section.

**Sec. 15. 30-A MRSA §4364-B, sub-§1-A,** as enacted by PL 2023, c. 192, §13, is amended to read:

**1-A. Implementation date.** For purposes of this section, "implementation date" ~~has the same meaning as in section 4364, subsection 1-A.~~ means:

A. January 1, 2024 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2024 for all other municipalities.

**Sec. 16. 30-A MRSA §4364-B, sub-§2, ¶B,** as amended by PL 2025, c. 385, §14 and affected by §23, is further amended to read:

B. Attached to or sharing a wall with a single-family dwelling unit or multi-unit residential structure; or

**Sec. 17. 30-A MRSA §4364-B, sub-§3, ¶A,** as amended by PL 2025, c. 385, §15 and affected by §23, is further amended to read:

A. At least one accessory dwelling unit must be allowed on any lot where ~~a single-family dwelling unit is~~ the principal structure is a single-family dwelling unit or 2-unit or 3-unit residential structure; and

**Sec. 18. 30-A MRSA §4364-B, sub-§7,** as amended by PL 2025, c. 385, §18 and affected by §23, is further amended by repealing the first blocked paragraph and enacting the following in its place:

A municipal ordinance may not require minimum standards for subsurface wastewater disposal systems other than what is required pursuant to rules adopted by the Department of Health and Human Services governing subsurface wastewater disposal pursuant to Title 22, section 42.

**Sec. 19. 30-A MRSA §4364-B, sub-§8, ¶A,** as amended by PL 2023, c. 192, §19, is repealed.

**Sec. 20. 30-A MRSA §4364-D, sub-§1, ¶C** is enacted to read:

C. "Small child care facility" has the same meaning as in Title 22, section 8301-A, subsection 1-A, paragraph E.

**Sec. 21. 30-A MRSA §4364-D, sub-§2,** as enacted by PL 2025, c. 288, §2, is amended to read:

**2. Location of child care.** A child care facility or a family child care provider ~~is~~ must be a permitted use in a municipal area that is zoned for residential purposes~~;~~. A family child care provider or small child care facility located in an area zoned for residential purposes must be subject to the same zoning requirements ~~for other residential property~~ as a single-family dwelling unit.

**Sec. 22. 30-A MRSA §4364-E,** as enacted by PL 2025, c. 364, §2 and reallocated by RR 2025, c. 1, Pt. A, §42, is amended by enacting after the first paragraph a new paragraph to read:

This section does not apply to areas allowing industrial uses.

**Sec. 23. 30-A MRSA §4401, sub-§4, ¶H-2,** as amended by PL 2025, c. 385, §20 and affected by §23, is further amended to read:

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection ~~at the time this paragraph takes effect~~ on September 24, 2025 shall comply with this subsection no later than July 1, 2027, except that if a municipality that has a conflicting definition files its conflicting definition in the county registry of deeds applicable to that municipality by July 1, 2026, that definition remains valid until January 1, 2028. A filing made pursuant to this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

**Sec. 24. 30-A MRSA §4402, sub-§6,** as amended by PL 2025, c. 385, §21 and affected by §23, is further amended to read:

**6. Division of new or existing structures.** ~~Beginning January 1, 2026, a~~ A division of a new or existing structure into ~~3~~ 5 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review.

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

**Sec. 25. Application.** Notwithstanding any provision of law to the contrary, those sections of this Act that amend the Maine Revised Statutes, Title 30-A, sections 4364, 4364-A, 4364-B and 4364-E apply to municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality beginning July 1, 2026 and apply to all other municipalities beginning July 1, 2027.

**Sec. 26. Effective date; growth ordinances.** That section of this Act that amends the Maine Revised Statutes, Title 30-A, section 4360 takes effect January 1, 2028.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

## SUMMARY

This bill modifies provisions of law related to housing development and regulation in the following ways.

1. It clarifies requirements related to fire protection in accessory dwelling units.

2. It modifies provisions governing rate of growth ordinances to require that such an ordinance set the number of building or development permits for new residential dwellings at 130% or more of the mean number of total permits issued for new residential dwellings within a municipality during the 5 years immediately prior. It also provides that a municipality may not enforce certain growth ordinances and that a growth ordinance may not require a development permit for affordable housing. It also establishes requirements related to the limit a municipality may place on the number of development permits issued per project or per common scheme of development in a designated growth area.

3. It modifies the provision of law that allows certain affordable housing developments to exceed municipal height restrictions and establishes a new implementation date by which municipalities must apply the requirements with respect to height restrictions as modified by this legislation. It also clarifies that the implementation date established in Public Law 2023, chapter 192 now applies only to density requirements, not height restrictions. The

changes to these implementation dates do not apply until July 1, 2026 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality and July 1, 2027 for all other municipalities. The bill replaces cross-references to the implementation date in current law.

4. It provides that municipalities may not require minimum subsurface wastewater disposal standards for housing structures, affordable housing developments and accessory dwelling units other than what is required by the Department of Health and Human Services rules for subsurface wastewater disposal.

5. It modifies provisions of law that place limitations on municipal ordinances that establish minimum lot sizes and density requirements for certain residential property.

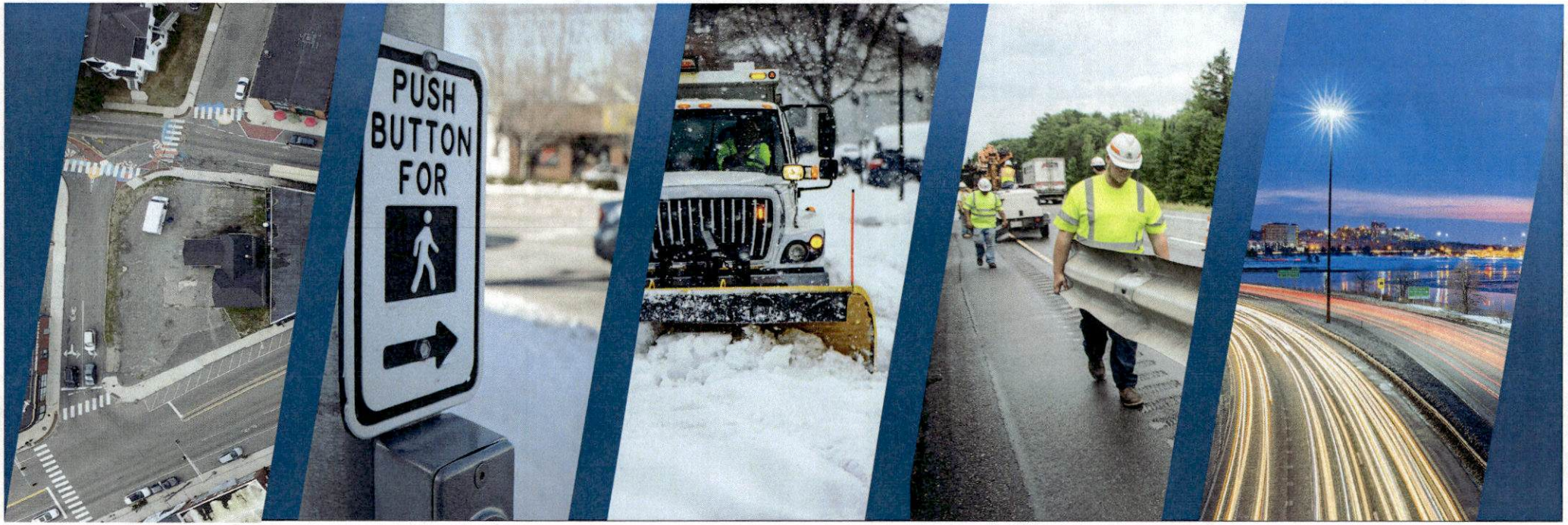
6. It clarifies that planning board approval is not needed for accessory dwelling units. It also limits the structures in which a municipality is required to allow an accessory dwelling unit to a single-family dwelling unit or 2-unit or 3-unit residential structure instead of a single-family dwelling unit or multi-unit residential structure as in current law.

7. It provides that a small child care facility or a family child care provider located in an area zoned for residential purposes must be subject to the same zoning requirements as a single-family dwelling unit.

8. It clarifies that the provision of law that requires municipalities to allow residential units within buildings located in an area zoned for commercial use does not apply to areas allowing industrial uses.

9. It creates a grace period from the deadline for updating a municipal ordinance with a definition of "subdivision" that is not in compliance with current law by allowing a municipality to keep its noncompliant definition in force until January 1, 2028 if the municipality files its current noncompliant definition in the applicable county registry of deeds by July 1, 2026.

10. It changes an exception to the law regarding subdivisions for divisions of new or existing structures by making the exception applicable to the division of a new or existing structure into 5 or more dwelling units instead of 3 or more.



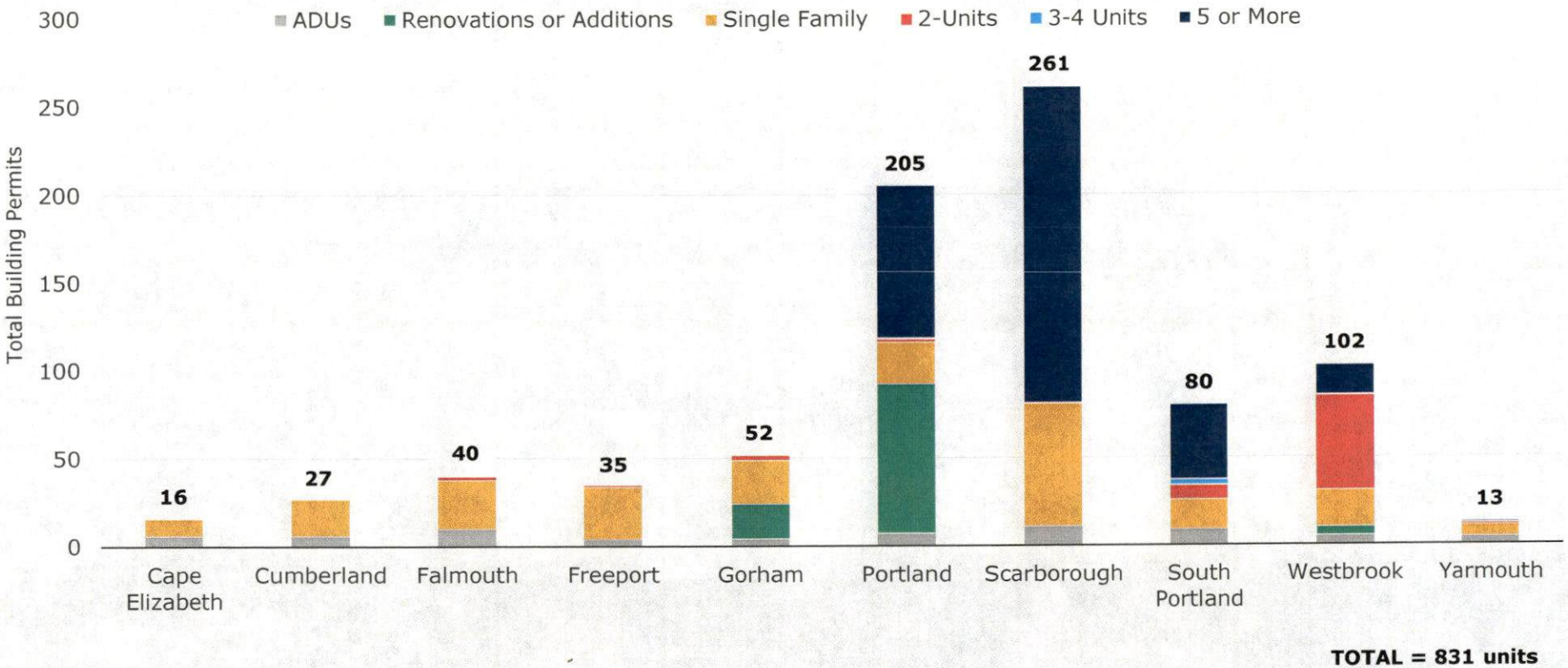

Metro Regional Coalition

# Housing Growth Update

GPCOG
GREATER PORTLAND
COUNCIL OF GOVERNMENTS

3/11/25

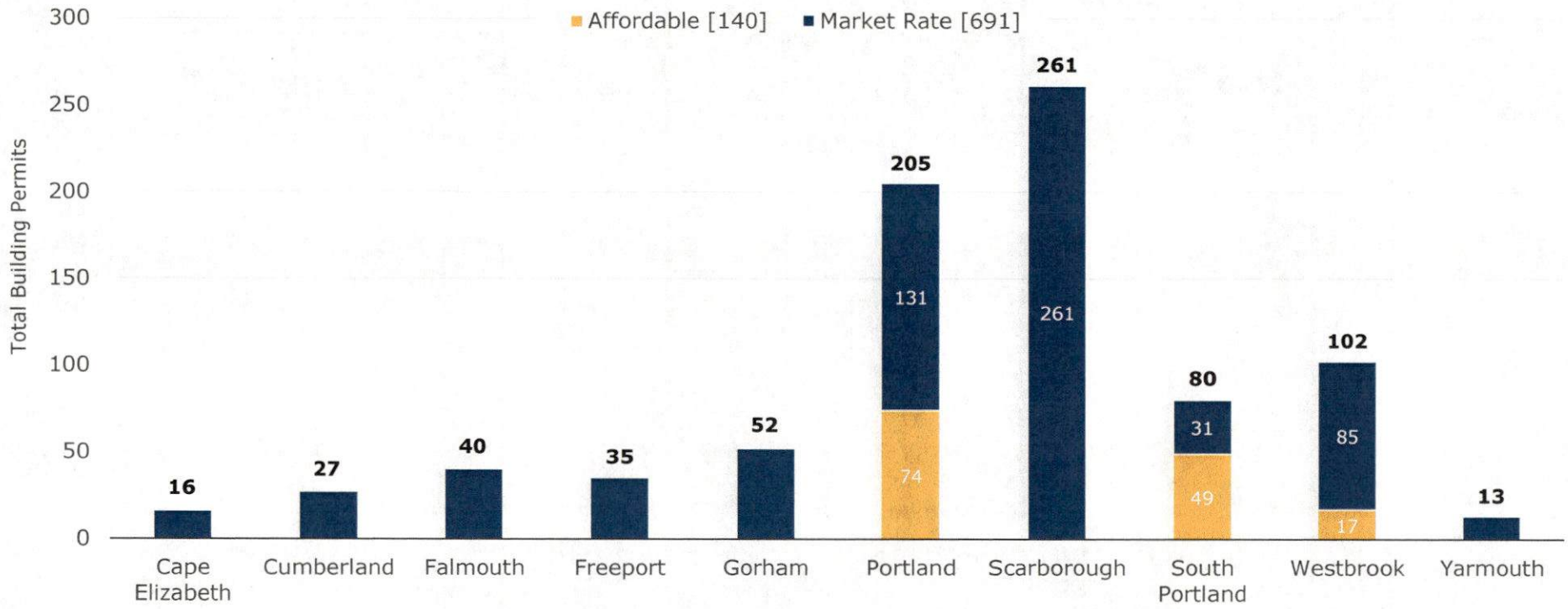
# 2024 Building Permits by Community [BY TYPE]




**TOTAL = 831 units**

# 2024 Building Permits by Community

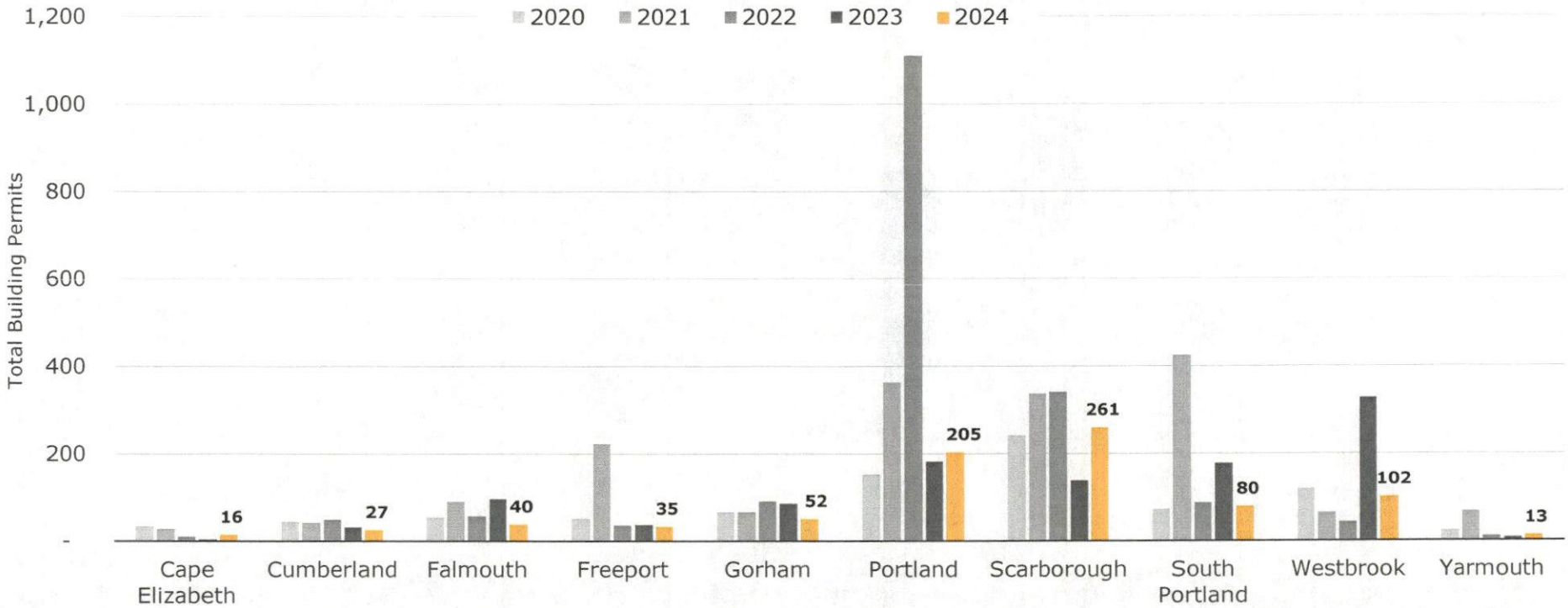
## [MARKET RATE VS. AFFORDABLE]



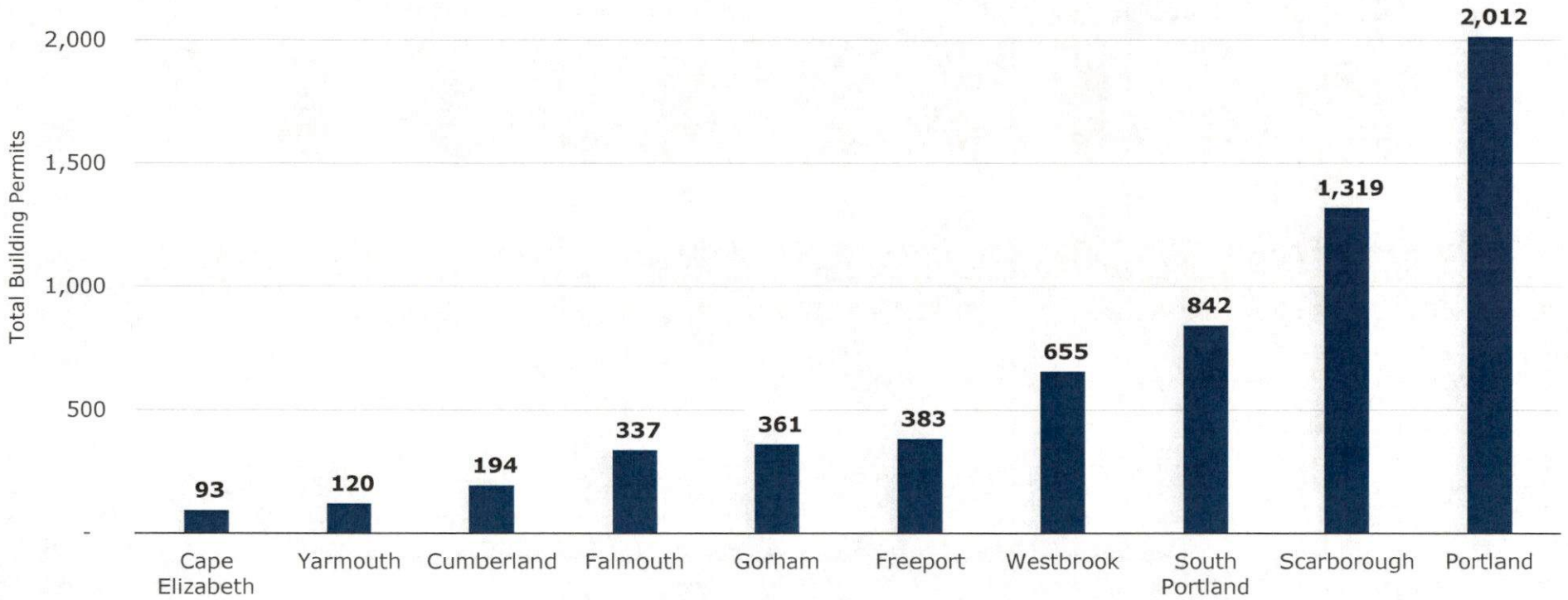

**TOTAL = 831 units**

# Annual Building Permits by Community

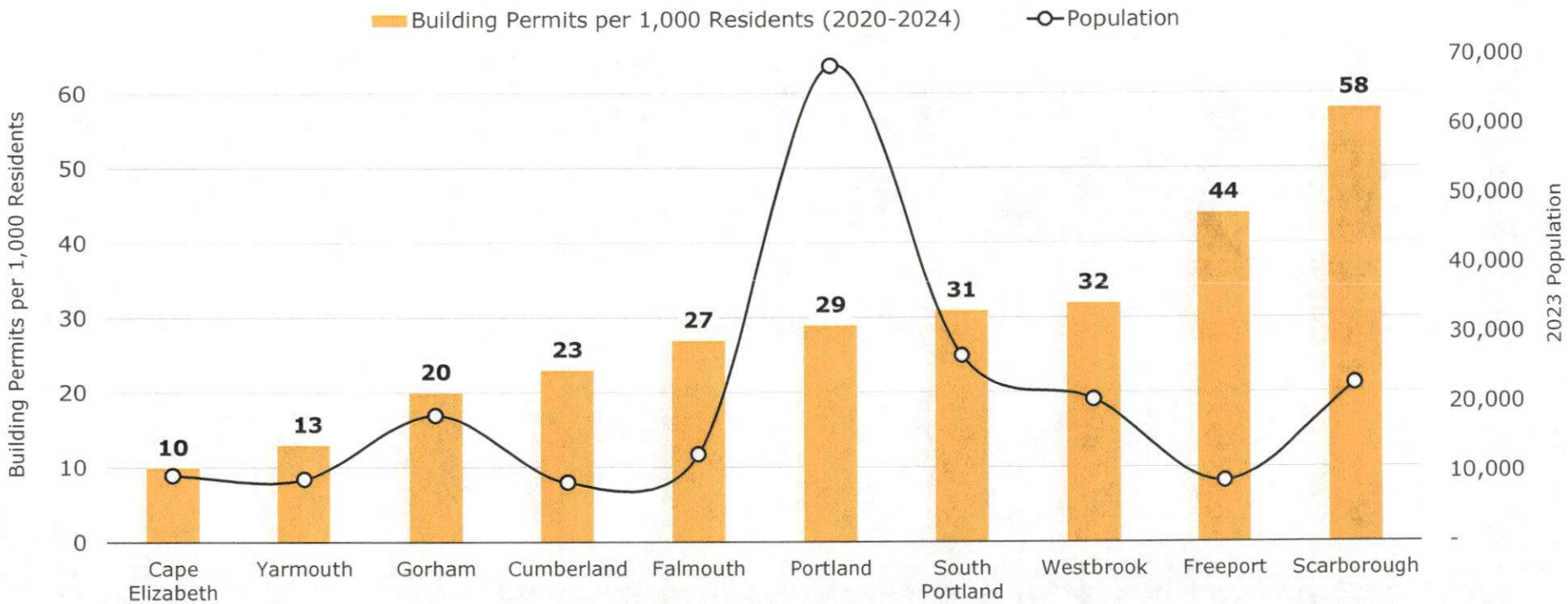
[2020-2024]



# Net Building Permits [2020-2024 TOTAL]



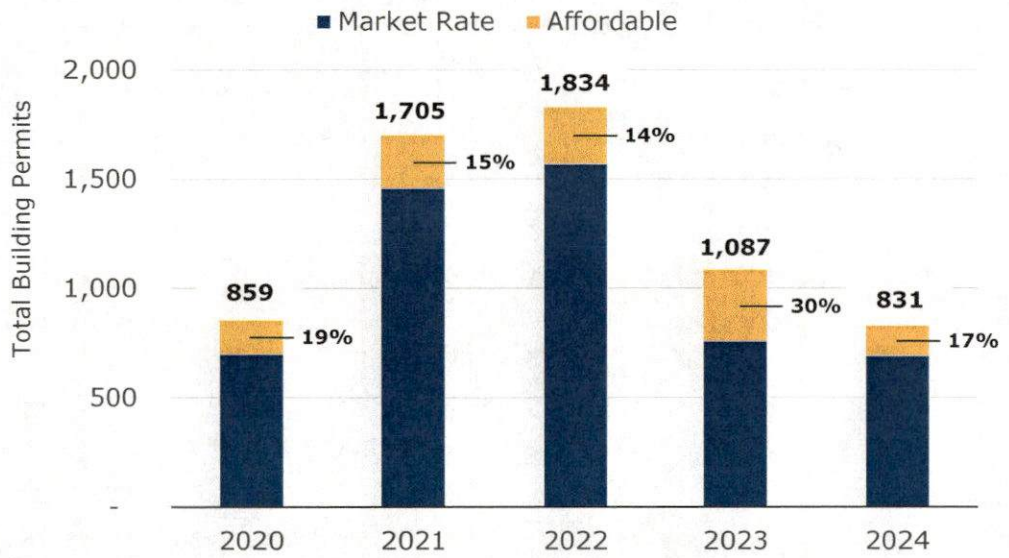
# Net Building Permits Per Capita [2020-2024 TOTAL]




Building permits per capita shows the number of permits issued per 1,000 residents by dividing total permits from 2020–2024 by the 2023 population estimate and multiplying by 1,000.

# Market Rate vs. Affordable Units

## Metro Regional Coalition Community's Annual Total




| | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| Market Rate | 699 | 1,457 | 1,569 | 758 | 691 |
| Affordable | 160 | 248 | 265 | 329 | 140 |
| Total | 859 | 1,705 | 1,834 | 1,087 | 831 |

# Building Permits by Community

### CAPE ELIZABETH

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 1 | 1 | 0 | 0 | 0 | 2 |
| Market Rate | 34 | 27 | 10 | 4 | 16 | 91 |
| Total | 35 | 28 | 10 | 4 | 16 | 93 |

### CUMBERLAND

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 0 | 0 | 0 | 0 | 0 | 0 |
| Market Rate | 44 | 42 | 49 | 32 | 27 | 194 |
| Total | 44 | 42 | 49 | 32 | 27 | 194 |

### FALMOUTH

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 0 | 0 | 0 | 0 | 0 | 0 |
| Market Rate | 54 | 90 | 57 | 96 | 40 | 337 |
| Total | 54 | 90 | 57 | 96 | 40 | 337 |

### FREEPORT

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 0 | 0 | 0 | 0 | 0 | 0 |
| Market Rate | 52 | 223 | 36 | 37 | 35 | 383 |
| Total | 52 | 223 | 36 | 37 | 35 | 383 |

### GORHAM

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 0 | 0 | 0 | 0 | 0 | 0 |
| Market Rate | 66 | 66 | 91 | 86 | 52 | 361 |
| Total | 66 | 66 | 91 | 86 | 52 | 361 |

### PORTLAND

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 8 | 156 | 172 | 97 | 74 | 507 |
| Market Rate | 144 | 207 | 938 | 85 | 131 | 1,505 |
| Total | 152 | 363 | 1,110 | 182 | 205 | 2,012 |

Data is also available at: https://www.greatmaineneighborhoods.org/housing-dashboard

# Building Permits by Community

**SCARBOROUGH**

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 79 | 39 | 91 | 0 | 0 | 209 |
| Market Rate | 163 | 298 | 250 | 138 | 261 | 1,110 |
| Total | 242 | 337 | 341 | 138 | 261 | 1,319 |

**SOUTH PORTLAND**

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 42 | 52 | 2 | 55 | 49 | 200 |
| Market Rate | 30 | 373 | 85 | 123 | 31 | 642 |
| Total | 72 | 425 | 87 | 178 | 80 | 842 |

**WESTBROOK**

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 30 | 0 | 0 | 177 | 17 | 224 |
| Market Rate | 89 | 64 | 43 | 150 | 85 | 431 |
| Total | 119 | 64 | 43 | 327 | 102 | 655 |

**YARMOUTH**

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 0 | 0 | 0 | 0 | 0 | 0 |
| Market Rate | 23 | 67 | 10 | 7 | 13 | 120 |
| Total | 23 | 67 | 10 | 7 | 13 | 120 |

**TOTAL**

| | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|---|---|---|---|---|---|
| Affordable | 160 | 248 | 265 | 329 | 140 | 1,142 |
| Market Rate | 699 | 1,457 | 1,569 | 758 | 691 | 5,174 |
| Total | 859 | 1,705 | 1,834 | 1,087 | 831 | 6,316 |

Data is also available at: https://www.greatmaineneighborhoods.org/housing-dashboard

# Key Takeaways

- Thank you to municipal staff for providing data.
- Building permits peaked in 2021 and 2022, then declined in 2023 and further in 2024.
- Portland, Scarborough, South Portland, and Westbrook have been key drivers of growth and affordable housing.
- Scarborough and Freeport stand out with the highest number of building permits per capita.

Sent 1/13/26

Scarborough Housing Alliance

TO: Scarborough Planning Board

FROM: Scarborough Housing Alliance

DATE: January 9, 2026

RE: Burnham Apartments Site Plan Review
January 20, 2026 - Scarborough Planning Board

---

The Scarborough Housing Alliance (SHA) wants to communicate its support to the Scarborough Planning Board for the development of Burnham Apartments. SHA understands that this development as proposed would be rented to a number of residents at rents that are affordable to workers at lower income levels. SHA recognizes that this is a challenge for any development and SHA would like to support developments that are able to provide this housing option as a compliment to other housing initiatives in the Town of Scarborough.

TOWN OF SCARBOROUGH, MAINE

**Site Plan Review**
**Staff Comments on Materials Submitted for**
**Planning Board Review on 11/17/25**

Plan Title: Dunstan Affordable Housing
Applicant: Chamberlain Construction Inc
Location: 25 Stewart Drive, Map U030 Lot 002Y

Plan Date: 11/17/25
Engineer: Sebago Technics
Zoning District: VR2

**Project Description:**
Chamberlain Construction Inc. is requesting site plan review for two five-unit apartment buildings, totaling 10 affordable housing units, as well as the requisite parking, landscaping, site amenities, an extension of utility services, and access to a shared dumpster. This parcel is approximately 1.38 acres and is located at 25 Stewart Drive in the VR2 zoning district.

**Location Map:**







**Prior Reviews:**
9th Amended Subdivision (Approved) – January 21, 2025
10th Amended Subdivision (Easement Added) – March 19, 2025

**Rate of Growth Area 2:**
Upon approval this project will be granted 10 rate of growth permits from the Area 2 allocation. Area 2 currently has 96 permits remaining prior to July 1, 2026.

**Review Criteria:**
Zoning District: VR2
Chapter 405B Site Plan Review Ordinance

SEBAGO
TECHNICS

November 17, 2025
00414-05

Autumn Speer, Planning Director
Town of Scarborough, Planning Department
259 U.S. Route 1
Scarborough, Maine 04070

**Re: Major Site Plan Application**
**25 Stewart Drive, Scarborough; MBLU: U030-002Y**

Dear Autumn,

On behalf of Chamberlain Construction, Inc, Sebago Technics, Inc. has prepared this letter, the enclosed application materials, and attached plans for a Major Site Plan Application for the construction of affordable apartments within the Dunstan Crossing Subdivision. The site is located at 25 Stewart Drive and can be identified on the Town Tax Map U030 as Lot 002Y. The parcel is located within the Dunstan Village Residential Zoning District.

**Existing Conditions:** The property subject to this application is a 1.38-acre, undeveloped site. The site is served by public utilities from the Portland Water District and the Scarborough Sanitary District by services that were installed as part of the construction of Stewart Drive. The site will also be accessed by the existing curb cut located on Stewart Drive.

Stormwater management for the parcel is handled by a wet pond located to the north of the proposed development. The contributing flows were previously accounted for in the design of the wet pond as part of the overall Dunstan Crossing Subdivision.

**Project Description:** This application proposes the construction of two (2) 5-unit apartment buildings for a total of ten (10) affordable housing units. The project also includes the construction of parking, extension of utility services, access to a shared dumpster, landscaping, and other site amenities.

We appreciate your attention to this project, and we look forward to its review with the Planning Board. Upon your review, please contact me if you have any questions or require additional information at morr@sebagotechnics.com or by phone at (207) 200-2134. Thank you for your time and consideration.

Sincerely,

SEBAGO TECHNICS, INC.



Mathew Orr, P.E.
Project Manager

## Exhibit 2 - Project Narrative

The project site is located at 25 Stewart Drive, off U.S. Route 1, and is identified as Lot 002Y on the Town of Scarborough Tax Assessor Map U030. The parcel is approximately 1.38 acres in size and is currently undeveloped. The project site is located in the Dunstan Crossing Subdivision.

The proposed development will create two multi-unit affordable housing buildings with five units each, as well as paved parking and drive aisles, a small resident amenity area, and drainage and utility infrastructure. The proposed buildings on the lot will not exceed the capacity of the existing utility infrastructure, and services are already installed from mains within Stewart Drive. The site will be served by public utilities provided by Portland Water District and Scarborough Sanitary District. Stormwater will be treated and detained by the existing pond adjacent to the subject site, which was constructed as part of the subdivision and has been sized to accept runoff from the project property. We have referenced Chapter 405B of the Scarborough Ordinance, below, to address how the project meets the standards listed therein.

### Chapter 405B Scarborough Site Plan Review Ordinance IV: Performance & Design Standards

A. Site Utilization & Layout
   As mentioned above, the site is within the Dunstan Crossing subdivision, which received original approval in 2006 and most recent amendment approval in March of 2025. The subdivision was approved with general intended uses for each site, and the multiplex/multi-family development use was listed for the site around this time.

B. Landscape and Screening Standards
   The proposed development is adding landscaping between the parking area and Stewart Drive, which screens the parking/vehicle storage for the site as well as the multifamily buildings. The proposed landscaping also includes foundation plantings along the front face of the buildings. All plantings are using "preferred" or "acceptable" planting species. Please see the Landscape Plan (Sheet L-101) for details.

C. Stormwater Management
   Please see the enclosed materials (Exhibit 7) for a stormwater narrative addressing detention and treatment for the project site.

D. Outdoor Lighting Standards
   Please see the enclosed materials (Exhibit 11) for a photometrics plan and cut sheets of the proposed lighting products. The proposed lighting consists of two building-mounted fixtures and two pole-mounted fixtures within the parking area.

E. Architectural Design Standards
   Please see the enclosed materials (Exhibit 13) for more information on the exterior design of the buildings. We have included both floor plans and elevation views.

F. Sign Standards

The proposed development does not include any new business signage or changes to the existing signs. All existing signage will remain in compliance with Section XII (Sign Regulations) of the Zoning Ordinance. The only new signs proposed for the property include stop signs and other wayfinding/parking signs, which will be compliant with MUTCD Standards.

G. Public & Private Utilities

The project has installed services for both public water and sewer. All existing underground utility lines will remain in place and will be extended to serve the proposed buildings. All utilities will remain underground, in accordance with applicable requirements. Please refer to the Utility Plan (Sheet C-102) for additional information.

H. Preservation of Historic and Archeological Resources

There are no historic or archaeological resources identified on the site by the Maine Historic Preservation Commission, the Town's Comprehensive Plan, or Section VII.H of the Town of Scarborough Zoning Ordinance.

I. Municipal Capacity and State Agency Review

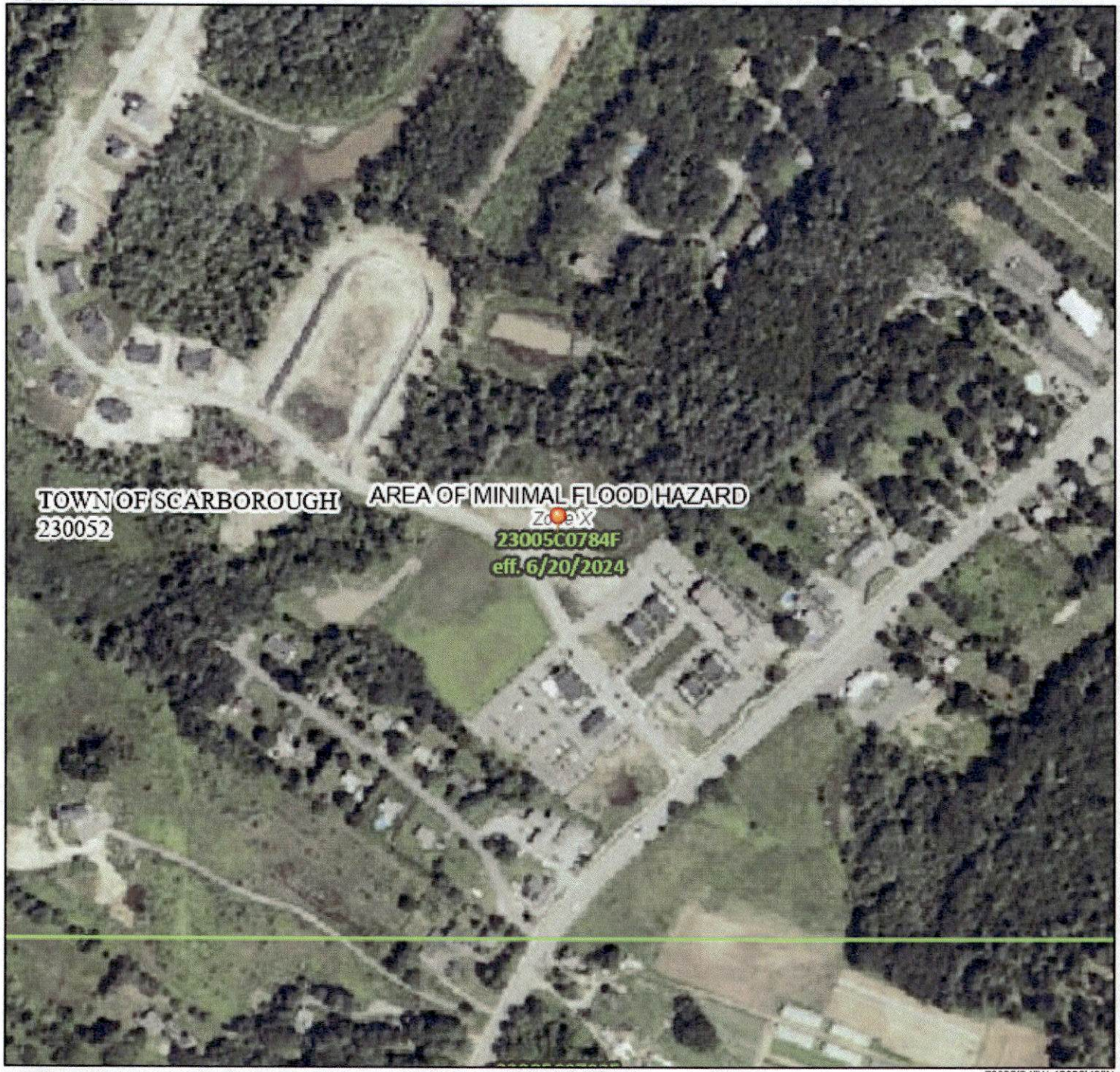
The subject site was included as part of a Site Location of Development Act (SLODA) permit issued by Maine DEP for the overall Dunstan Crossing Subdivision. The original permit can be further identified as Department Order #L-22728-L2-A-N/L-22728-L6-B-N, with a date of October 10th, 2006. The most recent Amendment was approved under Department Order #L-22768-L2-M-B and #L-22768-L2-N-C with a filed date of April 5, 2017. A Condition of Compliance will be filed for the SLODA Permit concurrently with local review.

The subject parcel was also included within the Traffic Movement Permit issued by the Maine DOT for the overall Dunstan Crossing Subdivision, with an Identification #: Reg. 01-000385-A-N, dated July 11, 2022.

# National Flood Hazard Layer FIRMette

FEMA

70°24'12"W 43°34'8"N




0 250 500 1,000 1,500 2,000 Feet

1:6,000

70°23'34"W 43°33'42"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainag areas of less than one square mile *Zone*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

**GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**
- 20.2 / 17.5 Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represe an authoritative property location.

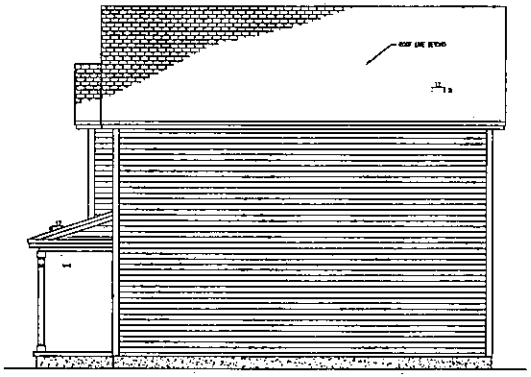
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/6/2025 at 6:58 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

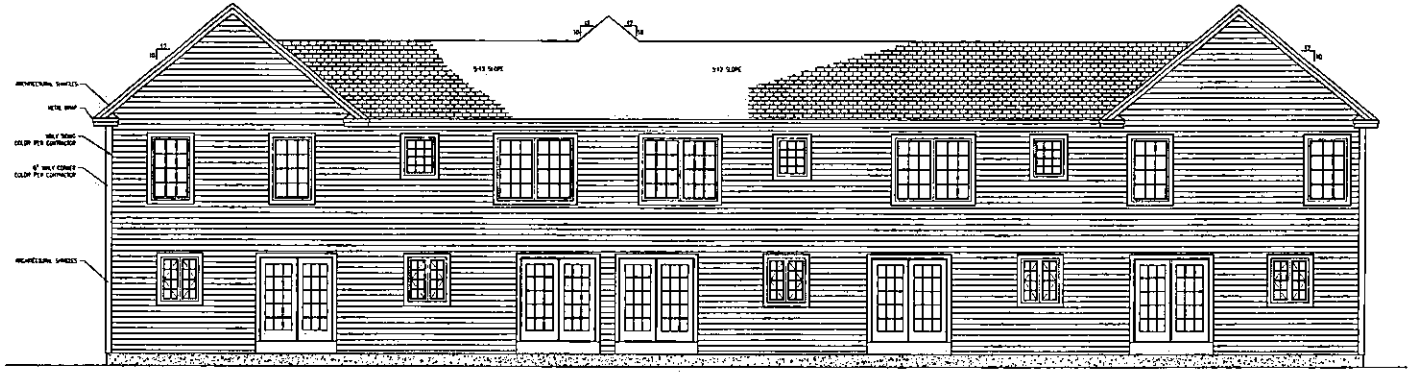
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



1 FRONT ELEVATION



1 RIGHT ELEVATION

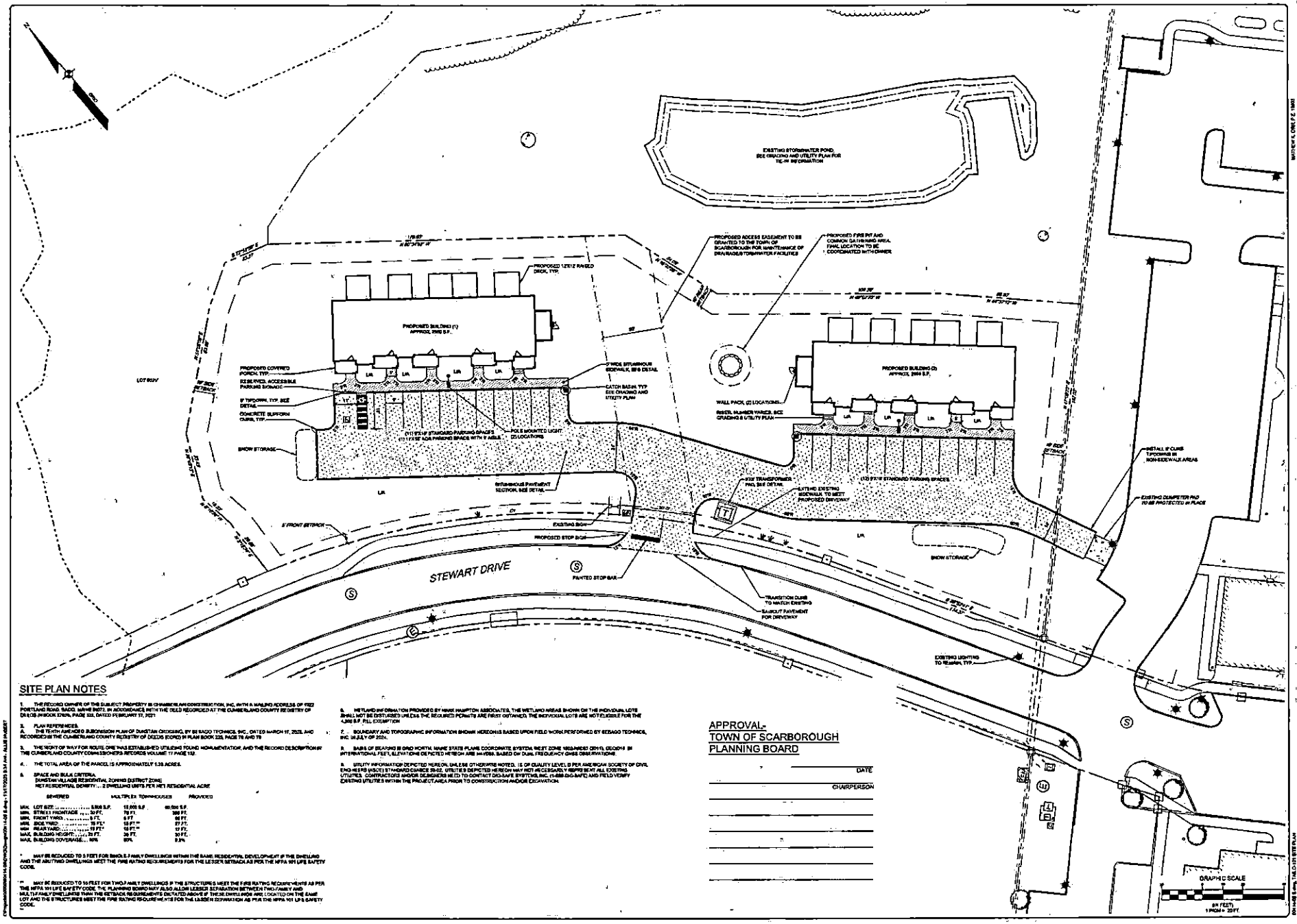


1 REAR ELEVATION

EXTERIOR ELEVATIONS
6 ELIJAH JAMES DRIVE
CASCADE APARTMENTS

FOR FINAL 11/12/15

A1




## SITE PLAN NOTES

1. THE RECORD OWNER OF THE SUBJECT PROPERTY IS CUMBERLAIN CONSTRUCTION, INC. WITH A MAILING ADDRESS OF 1522 PORTLAND ROAD, SACO, MAINE 04072. IN ACCORDANCE WITH THE DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 37674, PAGE 333, DATED FEBRUARY 17, 2021.

2. PLAN REFERENCES.
   A. THE TENTH AMENDED SUBDIVISION PLAN OF DUNSTAN CROSSING, BY SEBAGO TECHNICS, INC., DATED MARCH 17, 2023, AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD) IN PLAN BOOK 220, PAGE 78 AND 79

3. THE RIGHT OF WAY FOR ROUTE ONE WAS ESTABLISHED UTILIZING FOUND MONUMENTATION, AND THE RECORD DESCRIPTION IN THE CUMBERLAND COUNTY COMMISSIONER'S RECORDS VOLUME 17 PAGE 112.

4. THE TOTAL AREA OF THE PARCEL IS APPROXIMATELY 5.35 ACRES.

5. SPACE AND BULK CRITERIA.
   DUNSTAN VILLAGE RESIDENTIAL ZONING DISTRICT ZONE.
   NET RESIDENTIAL DENSITY: ... 2 DWELLING UNITS PER NET RESIDENTIAL ACRE

| | SEWERED | MULTIPLEX TOWNHOUSES | PROVIDED |
|---|---|---|---|
| MIN. LOT SIZE: | 8,500 S.F. | 10,000 S.F. | 69,500 S.F. |
| MIN. STREET FRONTAGE: | 50 FT. | 70 FT. | 300 FT. |
| MIN. FRONT YARD: | 5 FT. | 5 FT. | 66 FT. |
| MIN. SIDE YARD: | 10 FT.* | 10 FT.** | 27 FT. |
| MIN. REAR YARD: | 10 FT.* | 10 FT.** | 17 FT. |
| MAX. BUILDING HEIGHT: | 35 FT. | 35 FT. | 35 FT. |
| MAX. BUILDING COVERAGE: | 40% | 60% | 9.3% |

* 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.

** 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.

6. WETLAND INFORMATION PROVIDED BY MARK HAMPTON ASSOCIATES, THE WETLAND AREAS SHOWN ON THE INDIVIDUAL LOTS SHALL NOT BE DISTURBED UNLESS THE REQUIRED PERMITS ARE FIRST OBTAINED. THE INDIVIDUAL LOTS ARE NOT ELIGIBLE FOR THE LAND B-F FILL EXEMPTION

7. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN JULY OF 2024.

8. BASIS OF BEARING IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802 (NAD83 (2011)). GEOID18 IS INTERNATIONAL FEET, ELEVATIONS DEPICTED HEREON ARE IN NVD88. BASED ON DUAL FREQUENCY GNSS OBSERVATIONS.

9. UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CI/ASCE 38-02. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

APPROVAL-
TOWN OF SCARBOROUGH
PLANNING BOARD

_____ DATE

_____ CHAIRPERSON

NOT FOR CONSTRUCTION

STATE OF MAINE — ASHLEY K. ORR — 18553 — PROFESSIONAL ENGINEER

MATCH L.CRV, F.C. 1900

| REV | BY | DATE | STATUS |
|---|---|---|---|
| C | MKO | 11/17/2025 | SUBMITTED TO THE TOWN OF SCARBOROUGH |
| B | MKO | 09/30/2025 | ISSUED FOR CLIENT REVIEW |
| A | MKO | 07/16/25 | ISSUED FOR CLIENT REVIEW |

ANY REPRODUCTION OR ALTERATION OF THESE PLANS WITHOUT PRIOR WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ARE RESTRICTED. AUTHORIZED USE OF THESE PLANS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

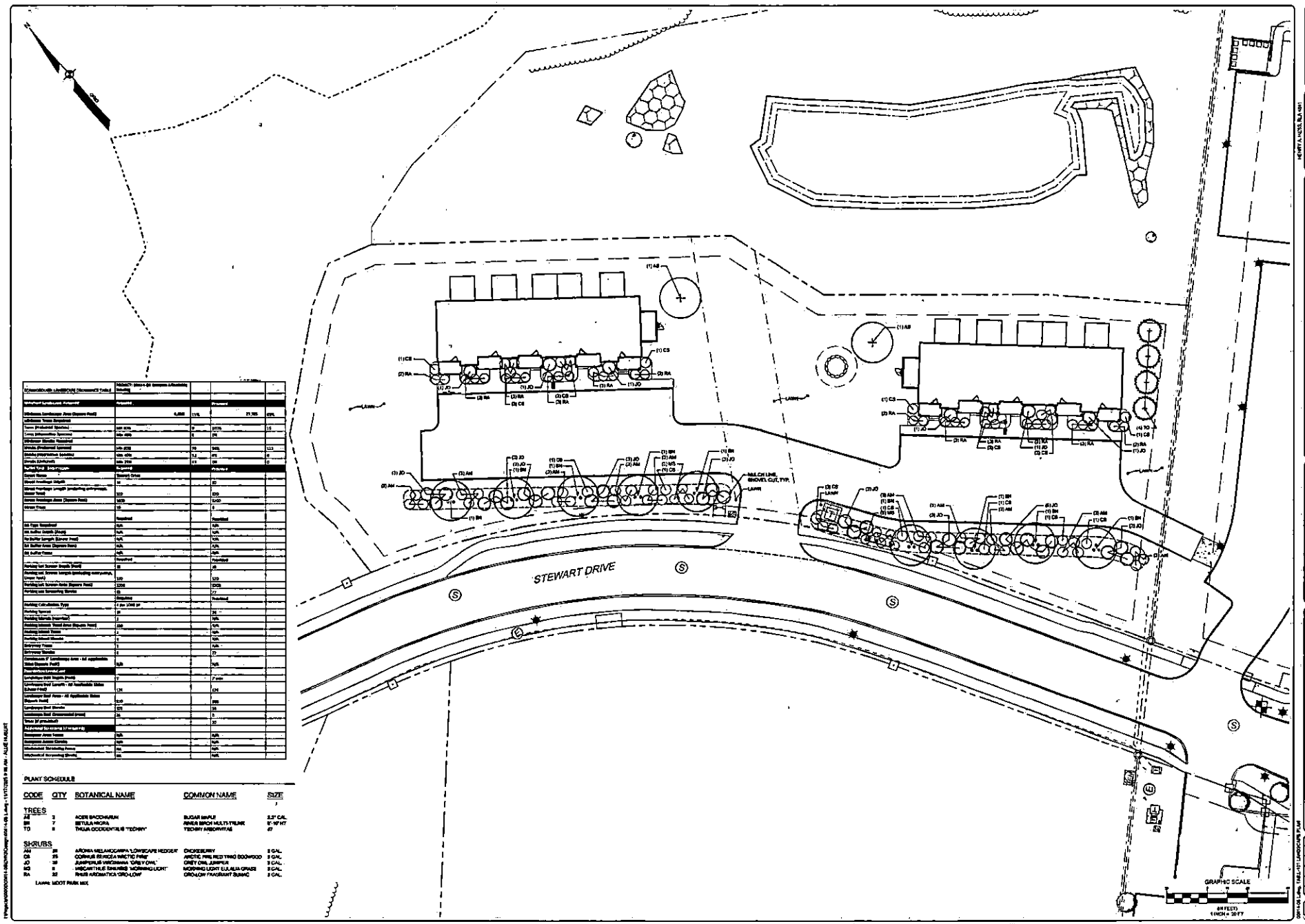
SEBAGO TECHNICS
SEBAGOTECHNICS.COM
75 John Roberts Rd., Suite 4A
South Portland, ME 04106
207.200.2100
South Portland, Bridgton, Rumford and Bath.

SITE PLAN
OF:
DUNSTAN AFFORDABLE HOUSING
25 STEWART DRIVE
SCARBOROUGH, MAINE
FOR:
CUMBERLAIN CONSTRUCTION
1522 PORTLAND ROAD
SACO, ME 04072

| | |
|---|---|
| DESIGNED | AKR/KPW |
| DRAWN | MRW |
| CHECKED | MKO |
| DATE | 07/15/2025 |
| SCALE | 1" = 20' |
| PROJECT | 00414.00 |

SHEET C-101

P:\projects\00000\414.00\CAD\Dwg\00414.00 Sheet - 11x17.DWG 9:51 AM, ALLIE.WILBERT




PLANT SCHEDULE

| CODE | QTY | BOTANICAL NAME | COMMON NAME | SIZE |
|---|---|---|---|---|
| TREES | | | | |
| AS | 1 | ACER SACCHARUM | SUGAR MAPLE | 2.5" CAL. |
| BP | 7 | BETULA NIGRA | RIVER BIRCH MULTI-TRUNK | 6'-10' HT |
| TO | 8 | THUJA OCCIDENTALIS 'TECHNY' | TECHNY ARBORVITAE | 6' |
| SHRUBS | | | | |
| AM | 28 | ARONIA MELANOCARPA 'LOWSCAPE HEDGER' | CHOKEBERRY | 3 GAL. |
| CS | 25 | CORNUS SERICEA 'ARCTIC FIRE' | ARCTIC FIRE RED TWIG DOGWOOD | 3 GAL. |
| JO | 19 | JUNIPERUS VIRGINIANA 'GRAY OWL' | GREY OWL JUNIPER | 3 GAL. |
| MS | 8 | MISCANTHUS SINENSIS 'MORNING LIGHT' | MORNING LIGHT EULALIA GRASS | 3 GAL. |
| RA | 32 | RHUS AROMATICA 'GRO-LOW' | GRO-LOW FRAGRANT SUMAC | 3 GAL. |

LAWN: MOOT PARK MIX

NOT FOR CONSTRUCTION

HENRY A. HOSS, RLA 1901

11/17/2025

| | | | |
|---|---|---|---|
| C | MKO | 11/17/2025 | SUBMITTED TO THE TOWN OF SCARBOROUGH |
| B | MKO | 09/26/2025 | ISSUED FOR CLIENT REVIEW |
| A | MKO | 07/18/25 | ISSUED FOR CLIENT REVIEW |
| ADV | BY | DATE | ISSUE |

THESE PLANS SHALL NOT BE ADOPTED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZATION OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO TECHNICS

SEBAGOTECHNICS.COM
75 John Roberts Road, Suite 4A
South Portland, ME 04106
207.200.2100

South Portland, Bridgton, Portland and Bath

LANDSCAPE PLAN
OF
DUNSTAN AFFORDABLE HOUSING
53 STEWART DRIVE
SCARBOROUGH, MAINE
FOR
CHAMBERLAIN CONSTRUCTION
1722 PORTLAND ROAD
SACO, ME 04072

| | |
|---|---|
| DESIGNED | AKW/KPW |
| DRAWN | MRW |
| CHECKED | MKO |
| DATE | 07/15/2025 |
| SCALE | 1" = 20' |
| PROJECT | 00414-08 |

SHEET L-101

SCHEDULE A

**AFFORDABLE HOUSING AGREEMENT**
**(Must be recorded with the deed to the property as an Exhibit)**

This AFFORDABLE HOUSING AGREEMENT ("Agreement") made as of this 22nd day of November, 2019 (the "Effective Date"), by and between THE TOWN OF SCARBOROUGH, a body politic and Maine municipal corporation with a mailing address of P.O. Box 360, Scarborough, ME 04070-0360 (the "Town") and Dina Duffy, whose mailing address is 37 Mill Commons Unit 231 Scarborough, ME 04074 (together with its successors and assigns, "Owner") (the Town and Owner are sometimes hereinafter collectively referred to as the "Parties").

**WITNESSETH:**

WHEREAS, reference is made to Section VII.C (Residential Density and Affordable Housing Provisions) of the Zoning Ordinance of the Town of Scarborough adopted on November 3, 2004 and last amended on December 19, 2018 (as the same has been or may further be amended from time to time, the "Ordinance"); and

WHEREAS, Owner has purchased the land and buildings known as Mill Commons in the Town of Scarborough, County of Cumberland, State of Maine and more particularly described in the foregoing deed dated 12/18/18 ; and

WHEREAS, the Property is an "Owner-Occupied Affordable Housing Unit" as that term is defined in the Ordinance; and

WHEREAS, in order to comply with the provisions of the Ordinance, Owner agrees to be bound by certain restrictions on the resale of the Property, including, without limitation, restrictions on the consideration for which the Property may be sold, the persons who may purchase the Property, and the persons who may occupy the Property, all on the terms and conditions hereinafter provided and in accordance with Maine law, including 33 M.R.S.A. Sec. 121 *et seq.*;

NOW THEREFORE, in consideration of the conveyance of the Property to Owner, and of the mutual undertakings set forth herein, Owner and the Town hereby agree as follows:

**ARTICLE I**
**PARTIES INTENT**

**1.1 Parties Intent.** The terms and conditions contained herein have been freely and voluntarily accepted by the Parties, each with the opportunity to consult independent and informed advice of legal counsel. The provisions and restrictions contained herein exist to further the mutual purposes and goals of Owner and the Town as set forth herein and in the Ordinance and to create and preserve access to affordable housing and home ownership opportunities for low- and moderate-income individuals and families in the Town of Scarborough. It is the express understanding and intent of the Parties that the terms and conditions hereof will enhance the marketability of the Property by making the Property affordable to individuals and families who, without such provisions, would likely be unable to afford housing in the Town similar to the Property. No sale, transfer or foreclosure shall affect the validity of this Agreement, except as provided herein.

## ARTICLE II
## COVENANTS

**2.1 Affordability Requirement.** Owner and the Town agree and intend that this Agreement and the covenants contained herein are to be interpreted as "Affordable Housing Covenants" as defined by 33 M.R.S.A. Sec. 121 and that they satisfy the requirements set forth in the Ordinance.

**2.2 Enforceability of Covenants.** The covenants and restrictions set forth herein are covenants and restrictions that run with the Property and shall inure to the benefit of the Town and bind Owner and all subsequent Owners of the Property for a period of thirty (30) years from the Effective Date of this Agreement. The covenants and restrictions set forth herein shall be enforceable by the Town.

**2.3 Transfer to Qualified Buyer.** Except as may be set forth herein, Owner may sell, transfer, or otherwise dispose of the Property only to a Qualified Buyer (as that term is defined below) or as set forth in Section 5.3 hereof. Any purported sale, transfer or other disposition to any other person or entity done without following the procedures set forth below, or in violation of the purchase price limitations set forth below, shall automatically be ***null and void***, ab initio, without the necessity for further action or instrument.

**2.3.1** The term **"Qualified Buyer"** shall mean a person or household whose income is eighty percent (80%) or less than the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (hereinafter the "MFI Standard"), and as set out in the Ordinance under the definition of an "Owner-Occupied Affordable Housing Unit."

**2.3.2** Income shall be determined using the most recent Federal Adjusted Gross Income from Form 1040, 1040-A, 1040EZ or other proof of income acceptable to the Town. In the event that an applicant does not file a federal tax return, other methods of income verification may be used in the Town's sole discretion.

**2.4 Owner Occupancy Requirement.** The Property shall at all times be subject to all standards set forth in the Ordinance, including without limitation, the requirement that that all housing units on the Property shall be owner-occupied. On or before December 31 of each calendar year, Owner shall make a written certification to the Town in the form attached hereto as Exhibit B representing and warranting to the Town that the Property is owner-occupied as of the date of such certification and that the Property has been owner-occupied for the entirety of the immediately preceding calendar year.

**2.5 Disbursement of Insurance and Eminent Domain Proceeds.** In the event Owner receives proceeds as a result of a complete eminent domain taking of the Property, Owner and the Town shall share in such proceeds such that Owner shall receive an amount equal to no more than the Maximum Allowable Price as determined under Section 5 above, with the Town receiving the balance of the proceeds, if any. If there occurs a partial eminent domain taking, or if Owner receives any insurance proceeds as a result of any casualty loss to the Property, then the parties shall share in the proceeds on a pro-rata basis, with Owner receiving a percentage of the Maximum Allowable Price based on the diminution of value of the Property and the Town receiving the balance of the proceeds, if any.

## ARTICLE III
## OBLIGATIONS OF THE OWNER, TOWN AND QUALIFIED BUYER/MODIFIED QUALIFIED BUYER IN CONNECTION WITH SALE, TRANSFER OR DISPOSITION OF THE PROPERTY

**3.1 In each instance that Owner intends to effect a sale, transfer or disposition of the Property to a third party (other than a Mortgagee in first position), prior to listing the Property for sale, or entering into a purchase and sale agreement, or otherwise taking any steps to consummate the sale of the Property, the Owner shall:**

**3.1.1** give the Town written notice of such intent in the form attached hereto as Exhibit A (the "Notice of Intent"). The Notice of Intent shall be addressed to the Town at the address set forth above or at such other address as the Town shall provide to Owner in writing from time to time;

**3.1.2** market the Property to Qualified Buyers at a price not to exceed the Maximum Allowable Price;

**3.1.3** provide the Town with whatever information the Town reasonably requests to make the determinations required under this subsection;

**3.1.4** make good faith and best efforts (as reasonably determined by the Town) to market the Property for sale to Qualified Buyers for at least one hundred eighty (180) days following the Notice of Determination (as defined in section 3.2.1.3) (the "Restricted Period") at a price not in excess of the Maximum Allowable Price (the "Good Faith Efforts"). If Owner is unable to find a ready, willing and able Qualified Buyer for the Property after marketing the Property with Good Faith Efforts for the Restricted Period, then Owner may submit a written petition to the Town (a "Petition for Modification") petitioning the Town for consent to sell the Property to a buyer whose income is one hundred twenty percent (120%) or less than the most recently published MFI Standard (a "Modified Qualified Buyer"). The Town must receive the Petition for Modification within six (6) months of the end of the Restricted Period.

**3.2 In each instance that Owner intends to effect a sale, transfer or disposition of the Property to a third party (other than a Mortgagee in first position), the Town shall:**

**3.2.1** Within a reasonable amount of time of receiving the Notice of Intent:

**3.2.1.1** determine the qualifications and income guidelines for a Qualified Buyer;

**3.2.1.2** determine Owner's "Maximum Allowable Price" as set forth under Section 4, below;

**3.2.1.3** communicate the results of such determinations by written notice to Owner (the "Notice of Determination") at the address provided by Owner in the Notice of Intent;

**3.2.2** Within a reasonable amount of time after receiving a Petition for Modification, determine whether Owner made has Good Faith Efforts to identify a Qualified Buyer; and, if Good Faith Efforts were made, determine whether or not to grant the Petition for Modification and provide written notice to Owner of its determination;

**3.2.3** Within a reasonable amount of time from the date it receives the information about a prospective buyer from Owner make the determination as whether the prospective buyer is a Qualified Buyer (or Modified Qualified Buyer, as the case may be);

**3.2.4** Keep all nonpublic personal and confidential information provided regarding any

prospective Qualified Buyer or Modified Qualified Buyer confidential; provided, however, that the Town may disclose such information (i) to the Town's attorneys, accountants and other professional advisors for use in connection with their representation of the Town in connection with this Agreement and/or (ii) or pursuant to lawful process, Freedom of Access Act request, subpoena or court order requiring such disclosure;

3.2.5 Prepare a Certification of Qualified Buyer or Certificate of Modified Qualified Buyer, as the case may be, in form and substance suitable for recording prior to or contemporaneously with the deed conveying the Property.

**3.3 In each instance that Owner intends to effect a sale, transfer or disposition of the Property to a Qualified Buyer or Modified Buyer, as the case may be, the Qualified Buyer or Modified Qualified Buyer shall:**

3.3.1 Upon transfer of the Property, agree to be bound by the terms and conditions of this Agreement by inclusion of the following language in the deed: "The premises are conveyed subject to, and Grantee agrees to be bound by, those restrictions and covenants described in Affordable Housing Agreement dated 9/11/19 and attached to deed recorded in the Cumberland County Registry of Deeds in Book ____, Page ____";

3.3.2 Within thirty (30) days of closing, provide the Town with copies of the final executed settlement statements, the deed of conveyance recorded in the Cumberland County Registry of Deeds, and the Certification of Qualified Buyer or Certificate of Modified Qualified Buyer.

## ARTICLE IV
## DETERMINATION OF MAXIMUM ALLOWABLE PRICE

**4.1 Determination of Maximum Allowable Price.** The Maximum Allowable Price for purposes of this Agreement shall be determined in accordance with the definition of an "Owner-Occupied Affordable Housing Unit" in the Ordinance as of the month in which the Owner submits a Notice of Intent to the Town.

4.1.1 The Owner may request a re-calculation of the Maximum Allowable Price once every six (6) months to reflect changes in area median incomes published by the U.S. Department of Housing & Urban Development.

## ARTICLE V
## MORTGAGES

**5.1 Subordination of Mortgages.** All Mortgages placed against the Property, or any portion thereof, shall be subject and subordinate to this Agreement, except as provided in Section 8.3.3.

**5.2 Amount of Mortgage.** In no event shall the aggregate amount of all Mortgages placed against the Property exceed an amount equal to one hundred five percent (105%) of the Maximum Allowable Price for the Property. Prior to obtaining any Mortgage or refinancing thereof, Owner shall request from the Town the then-current Maximum Allowable Price as set forth in Section 4.1 of the Agreement.

**5.3 Default of Mortgage**

5.3.1 Notice of Default of Mortgage. The Mortgagor shall provide the Town immediately upon receipt a copy of any written notice of any notice of default and/or notice of intent to foreclose under the Mortgage on the Property. Notwithstanding the foregoing, in no event shall failure to provide such notices preclude the Mortgagee's right to proceed with its remedies for default under the Mortgage or the Town's right to proceed with its remedies for default under this Agreement.

5.3.2 Right of Purchase by the Town. The Town shall have the right to purchase the Property from the Owner in the event that a notice of default or notice of intent to foreclose of a Mortgage in first position is recorded in the Cumberland County Registry of Deeds. The purchase price shall be an amount that is the lesser of (a) the amount of the debt secured by all Mortgages recorded against the subject Property, including commercially reasonable costs and expenses, if any, incurred by Mortgagee as a result of a default and due and payable by the Owner under the terms of the Mortgage, or (b) the Maximum Allowable Price. The Town shall have thirty (30) days from the date a notice of default or a notice of foreclosure sale is recorded in the Cumberland County Registry of Deeds to exercise its option and to purchase the Property. The Town's right to purchase the Property pursuant to this Section 5.3.1 shall automatically expire upon the transfer of the Property by foreclosure or deed in lieu thereof.

5.3.3 Termination Upon Foreclosure and Assignment. In the event title to the Property is transferred following foreclosure or by deed in lieu of foreclosure to a Mortgagee in first position the terms of this Agreement applicable to such Property shall automatically terminate subject to Section 5.3.4.

5.3.4 Effect of Foreclosure on this Agreement. Except as provided in Section 5.3.3, in the event of foreclosure or deed in lieu thereof, this Agreement and all covenants and restrictions contained herein shall not be released or terminated and the Mortgagee or any Person who takes title to the Property through a foreclosure need not be a Qualified Buyer or Modified Qualified Buyer but is otherwise subject to this Agreement and must make reference to this Agreement with the applicable Deeds. Subsequent buyers must be a Qualified Buyer and shall be subject to all of the covenants and obligations of this Agreement.

## ARTCILE VI
## EXCEPTIONS/DEFAULT/RIGHT OF ENTRY

6.1 **Transfer to Owner's Heirs.** If the Owner (including the last surviving co-owner of the Property if held in joint tenancy) should die while owning the Property, the personal representative of the decedent's estate shall give the Town notice of the Owner's death. Upon receipt of notice, the Town shall, except for good cause shown, consent to a transfer of the Property to one or more of the following:

A. the spouse of the deceased Owner (in cases where such spouse was not a joint tenant with Owner); or

B. the child or children of the deceased Owner; or

C. member(s) of the deceased Owner's household who have resided in the Property for at least three years prior to the Owner's death.

6.1.1. Any subsequent transfer by a transferee under A, B, or C, above, shall be subject to the terms of this Agreement.

6.2 **Subsequent Destruction.** The restrictions and covenants contained herein shall cease to apply to the Property in the event of involuntary noncompliance caused by fire or other substantial destruction, seizure, requisition or other event that prevents the Town from enforcing the covenants contained herein.

6.3 **Conversion to Rental Property.** In the event that the Town allows the Property to be converted from an owner-occupied property to a renter-occupied property, this Agreement and the covenants contained herein shall survive. However, the affordability requirements will then comply with the then-applicable "Renter-Occupied Housing Unit" affordability requirements as set forth in the Ordinance.

6.4 **Default.** In the event Owner defaults under any term of this Agreement and does not cure such default within thirty (30) days following written notice of such default from the Town, the Town shall have the right to seek specific performance, injunctive relief and/or other equitable remedies, including, without limitation, compelling the re-sale of the Property and the disgorgement of rents and sale proceeds in excess of the rental rates and sale prices permitted hereunder.

6.5 **Right of Entry.** Pursuant to 33 M.R.S. section 122 (5), the Town may enter the Property to assure compliance with the restrictions and covenants contained herein.

6.5.1 Prior to entering the Property, the Town must provide the Owner, its successors and/or assigns, a minimum of twenty-four (24) hours' notice of the intent to enter and must make reasonable efforts to enter the Property between the hours of 9:00am through 5:00pm, unless other arrangements are made with the Owner.

## ARTICLE VII
## MISCELLANEOUS

7.1 **Null and Void Transfers.** Any sale or transfer of the Property conducted contrary to the terms and conditions contained herein shall be null and void. All sales or transfers shall be subject to all terms and conditions contained herein.

7.2 **Severability.** If any term or provision of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction. Upon such determination that any term or other provision is invalid, illegal, or unenforceable, the Parties shall negotiate in good faith to modify this Agreement so as to affect the original intent of the parties as closely as possible in a mutually acceptable manner in order that the transactions contemplated hereby be consummated as originally contemplated to the greatest extent possible.

7.3 **Notices.** Notices required by the Agreement shall be in writing and sent by first class mail, certified, return receipt requested, addressed to the recipient at the address given above. If the Town or its successors or assigns shall change addresses, it shall give notice of the new address in the manner provided in this paragraph.

7.4 **Further Assurances.** Each of the Parties shall execute and deliver such additional documents, instruments, conveyances, and assurances and take such further actions as may be reasonably required

to carry out the provisions the Agreement and give effect to the transactions contemplated by the Agreement.

**7.5 Headings.** The headings in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

**7.6 Entire Agreement.** This Agreement, together with the related exhibits/any other documents incorporated herein by reference and all related exhibits and schedules, constitutes the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to such subject matter. In the event of any inconsistency between the statements in the body of this Agreement, and the related exhibits and schedules (other than an exception expressly set forth as such in the schedules), the statements in the body of this Agreement shall control.

**7.7 Cumulative & Equitable Remedies.** The rights and remedies under this Agreement are cumulative and are in addition to and not in substitution for any other rights and remedies available at law or in equity or otherwise. The Parties agree that irreparable damage would occur if any provision of this Agreement were not performed in accordance with the terms hereof and that the Parties shall be entitled to equitable relief, including injunctive relief or specific performance of the terms hereof, in addition to any other remedy to which they are entitled at law or in equity.

**7.8 Governing Law.** This Agreement shall be governed by and construed in accordance with the internal laws of the State of Maine without giving effect to any choice or conflict of law provision or rule (whether of the State of Maine or any other jurisdiction).

**7.9 Waiver.** The Town shall not waive any defense immunity or limitation of liability which may be available to the Town under the Maine Tort Claims Act or any privileges or immunities as may be provided by law. These obligations survive the termination or expiration of this Agreement. No waiver by the Town of any of the provisions herein shall be effective unless explicitly set forth in writing and signed by the Town so waiving. No failure to exercise, or delay in exercising, any right, remedy, power, or privilege arising from this Agreement shall operate or be construed as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.

**7.10 Indemnification.** The Owner shall indemnify and hold the Town and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense which may be incurred by the Town arising out of or in any way related to this Agreement.

**7.11 Amendment.** This Agreement may only be amended, modified, or supplemented by an agreement in writing signed by each party hereto and recorded in the Cumberland County Registry of Deeds.

DOC :61191 BK:36208 PG:316
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
11/26/2019, 12:26:00P
Register of Deeds Nancy A. Lane E-RECORDED

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

WITNESS:

Lorraine LaChapelle

TOWN OF SCARBOROUGH

By: Thomas J. Hall

Name: Thomas J. Hall
Title: Town Manager

_____

_____
Owner
Print name:

_____

Dina A. Duffey
Owner
Print name:

STATE OF MAINE
COUNTY OF CUMBERLAND, SS

Date: 10/31/19

Personally appeared the above-named Thomas J Hall and acknowledged the foregoing instrument to be his/her/their free act and deed.

Before me,

Yolande P. Justice
Notary Public/Attorney at Law
Print name:
My Commission Expires:

YOLANDE P. JUSTICE
Notary Public, Maine
My Commission Expires October 31, 2022

STATE OF MAINE
COUNTY OF CUMBERLAND, SS

Date: 11/26/19

Personally appeared the above-named Dina Duffy and acknowledged the foregoing instrument to be his/her/their free act and deed.

Before me,

_____
Notary Public/Attorney at Law
Print name:
My Commission Expires:

Charles H. McLaughlin
Attorney at Law

# DRAFT- Housing Assessment - Scope of Work

- Review the 2005 Mayberry Report and evaluate and report on implementation efforts
- Revisit the 5 Questions in the Mayberry scope:
    - Is there a shortage of affordable single family homes in Scarborough?
    - Does the Town have a shortage of affordable retal housing untis?
    - What workforce housing needs are being created by job growth?
    - Will young people from Scarborouhg be able to afford housing here?
    - What housing cost burdens are faced by Scarborough's senior housing?
- Prepare a complete inventory of existing housing stock
    - List type of dwelling/unit type/# of bedrooms
    - Note owner occupied/long term rental/short term rental
    - # of Affordable units and what populations they serve
- Evaluate the connection between job growth and housing needs
- Evaluate the use of Inclusionary Zoning by other communities to incentivize affordable housing
- Review and recommend changes to Scarborough's definition of "affordable" and "workforce" housing
- Provide context for Scarborough in relation to other Maine municipalities in terms of balancing housing needs with community growth
- Evaluate how LD 1829 will impact Scarborough, particularly the impacts on affordable and workforce housing.