

Scarborough Town Council Meeting

Council Meeting Date: September 21, 2022

ACTION ITEM: Order No. 22-091.

SUBJECT:

Order No. 22-091. First reading and schedule a public hearing and the second reading on the proposed amendment to the Chapter 413 – the Growth Management Ordinance. [*Chairman Cloutier*]

PURPOSE:

Take action to extend two of the low impact dwelling unit exemptions that were included in the Growth Management Ordinance re-write and have either expired or will expire at 12/31/2022. We have received several inquiries and a few applications for Town Council exemptions through section 7(f), and this action is intended to satisfy those requests and applications at a pace of growth supported by the Town Council.

BACKGROUND:

In June 2021 the Town Council adopted a new Growth Management Ordinance, which for the first time provided a process for the Town Council to grant an exemption and identified several unit classes that would be exempt from the requirements of the ordinance in Section 6, subject to certain conditions. This action is intended to extend the exemption for 1-bedroom units outside of the CPD district, and dwelling units within the CPD district. As anticipated when the ordinance was replaced, both unit types continue to show a much lower cost to serve than the average dwelling unit in Scarborough.

It is anticipated that the Town Council will follow this action with a more thorough review of the ordinance next year.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- First reading before the Town Council: September 21, 2022.

PROPOSED ACTION:

Recommendation is to move approval of the first reading on Order No. 22-092 and schedule the public hearing and second reading for Wednesday, October 5, 2022.

ATTACHMENTS:

- Crossroads Holdings Revised Request dated August 25, 2022
- AR Building proposal
- Enterprise Business Park proposal
- Proposed Amendments.

**CHAPTER 413
TOWN OF SCARBOROUGH
GROWTH MANAGEMENT ORDINANCE
Repealed and Replaced May 5, 2021
Effective June 1, 2021**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 413 – the Town of Scarborough Growth Management Ordinance is hereby, amended as follows:

Amend Section 6: Exemptions as follows:

e) Multi-family dwelling units outside of the Crossroads Planned Development District that contain not more than one (1) bedroom and not more than seven hundred fifty (750) square feet of living space. A maximum of ~~70~~100 dwelling units shall be exempt from the Growth Management Ordinance under this exemption. This exemption is repealed on December 31, 20~~22~~24.

g) a maximum of ~~104~~289 dwelling units within the Crossroads Planned Development District. This exemption is repealed on December 31, 202~~1~~5.



August 25, 2022

Chairman John Cloutier
Scarborough Town Council
Scarborough Town Hall
259 Route One
Scarborough, Maine 04074

Re: New Application for Crossroads Holdings LLC – Growth Management Ordinance Section 7.F.

Dear Chairman Cloutier,

On behalf of Crossroads Holdings LLC, please find the following new application to the Town Council applied for under Section 7.F. of the Town of Scarborough Growth Management Ordinance. This is a new application (separate from the application submitted in October of 2021 that has not been acted on and remains pending).

This new application is being submitted to enable the Downs project to continue and proceed with the next phase of the project (Phase 1 of Town Center) and to perform the infrastructure required by Town’s Planning Board and planning and zoning requirements; the MaineDOT; the MaineDEP; the public utility agencies and the project as called for in the Town’s CEA (Credit Enhancement Agreement); Downtown Revitalization Plan; Downtown Committee Report; and the Town’s Comprehensive Plan.

The terms of this Section 7.F. Application are as follows:

- Number:** 289 Dwelling Units in Multi-Family and Mixed-Use Development
- Locations:** See Attached Master Plan to see the planned use of this approval. Approximately 222 are necessary to activate the Mixed-Use Town Center (Phase 1) and approximately 67 Units are necessary for critical projects in the Innovation District and Town Center Residential. The exact specifics of these units may vary
- Schedule:** We project that this Exemption will be used between now and '25. These dwelling Units are to be designed, built and occupied over the next 3 – 3 1/2 Year timeframe with the majority units (210-230) coming online in '24 and '25 with the new Town Center
- Pace:** If averaged, approximately 87 Units / Year (3 1/3 Years +/-) will be completed, with fewer units in '23 and more in '24/'25 due to length of planning, permitting and infrastructure construction



Town Center – Proof of Concept:

Dwelling Units in multi-family and mixed-use development are necessary to enable the type of development planned in the 1st Phase of Town Center; will enable the design, engineering and financing of the 1st Phase; and can attract the exciting retail, restaurant, brewery and other commercial end-users that have been planned and anticipated

The 1st Phase of Town Center will include commercial space in mixed-use building(s) with public amenities and destinations (restaurant, brewery, retail etc.) that are in the public interest and benefit the town as a whole

Schedule with Comprehensive Town-wide Traffic Improvements:

Crossroads Holdings has already pre-permitted the traffic for the overall project and the Town Center with the Planning Board and MaineDOT. The \$12.5 Million in town-wide off-site improvements has begun this year with significant traffic improvements occurring each year ('22, '23 and '24) so that town-wide traffic and congestion relief will be completed by or before occupancy of these units.

Schedule with Town, State and Public Utility Requirements:

The local (Town), State and public utility entitlements for the project require the extension and looping of infrastructure (roadways, watermains, sewer lines etc.) through Town Center including roadway connections to Market St and Haigis Parkway. These infrastructure improvements are mandated by the Town and these other agencies and have timelines and costs that can only be met if this application is approved.

Without this Section 7.F. approval, Phase 1 of the Town Center, the Traffic Improvements and the Town, State and other agency infrastructure requirements will not be executed as agreed to

Public Benefits:

- New Development within a modern, walkable Town Center providing space for new Restaurants, Breweries, and other Retailers providing shopping, dining and entertainment opportunities for the use and benefit of the Town has a whole
- Planning and Public Input on a New Town Square with greenspace and public amenities to be developed in the Town Center and provide for public use and access for the benefit of the Town has a whole
- Reserving a Location for a Future Community Center Site within the Town Center for the use and benefit of the Town has a whole
- Completion of the Omnibus 3-Year \$12.5 Million Off-Site Traffic Improvements for the benefit of the Town has a whole

Performance Standards:

- Design, Permitting and Construction of 15,000 SF Ground Floor Commercial Space in a Mixed-Use Building



- Design (with Coordinated Public Input Process), Permit and Establish Public Access/Use and Amenities for Town Square planned in Town Center
- Reserve a Community Center Site of Up to 3.5 Acres in the Town Center
- Completion of Off-Site Traffic Improvements for Years '22, '23 and '24

In conclusion, this new application provides for the immediate needs for the project so that the Downs can continue in accordance with its master plan, zoning, CEA agreement, Town and State approvals and regulatory requirements. Further this application is necessary for the planned mixed-use Town Center to begin and deliver the public amenities and quality of life that have been planned since the inception of the project and the Town's zoning before that.

We request this matter be placed on the next available agenda and look forward to working with the Town Council on an approval that enables the project to move forward.

Sincerely,

A handwritten signature in black ink that reads 'Dan Bacon'.

Dan Bacon
Development Director
On behalf of Crossroads Holdings LLC

DIRECT: 207.289.6968
CELL: 207.232.5154
dbacon@mr.holdings

CC: Rocco Risbara, Crossroads Holdings LLC
Peter Michaud, Crossroads Holdings LLC
Alyssa Tibbets, Jensen Baird



TOWN CENTER RESIDENTIAL

- 06 TANDEM COURT, CONDOMINIUMS
- 07 THE GABLES, CONDOMINIUMS
- 08 FRONTRUNNER PARK, SINGLE FAMILY HOMES
- 09 HAYLOFT, APARTMENTS
- 10 TOWNHOUSES AT FRONTRUNNER PARK
- 11 AMERICAN HOUSE AT THE DOWNS, SENIOR CARE FACILITY
- 12 FRONTRUNNER CONDOR
- 13 HACKAMORE APARTMENTS

45 Units - Hackamore Place II

PHASE 1 RESIDENTIAL

- 14 UPLANDS, SENIOR HOUSING
- 15 THE MOORING, MEMORY CARE HOME
- 16 MILL COMMONS, CONDOMINIUMS
- 17 CARRIAGE WALK, APARTMENTS
- 18 CRIST MILL, NEIGHBORHOOD, SINGLE FAMILY HOMES

222 Units - Town Center Phase 1

LEGEND

- EXISTING BUILDING
- PLANNED BUILDING
- BUILDING UNDER WAY
- DOG RECREATION AREA
- EXISTING TRAILS (0.5 MILES)
- PROPOSED TRAILS

THE DOWNS

NORTH

22 Units - Innovation Live-Work Units

MEMO Exemption Overview

289 Units Exempt - Q3 '22 Exemption Approval

Forecast - Completion / Occupancy - Protected Units by Year

- 0 Units in '22
- 67 Units in '23
- 110-120 Units in '24
- 100-110 Units in '25

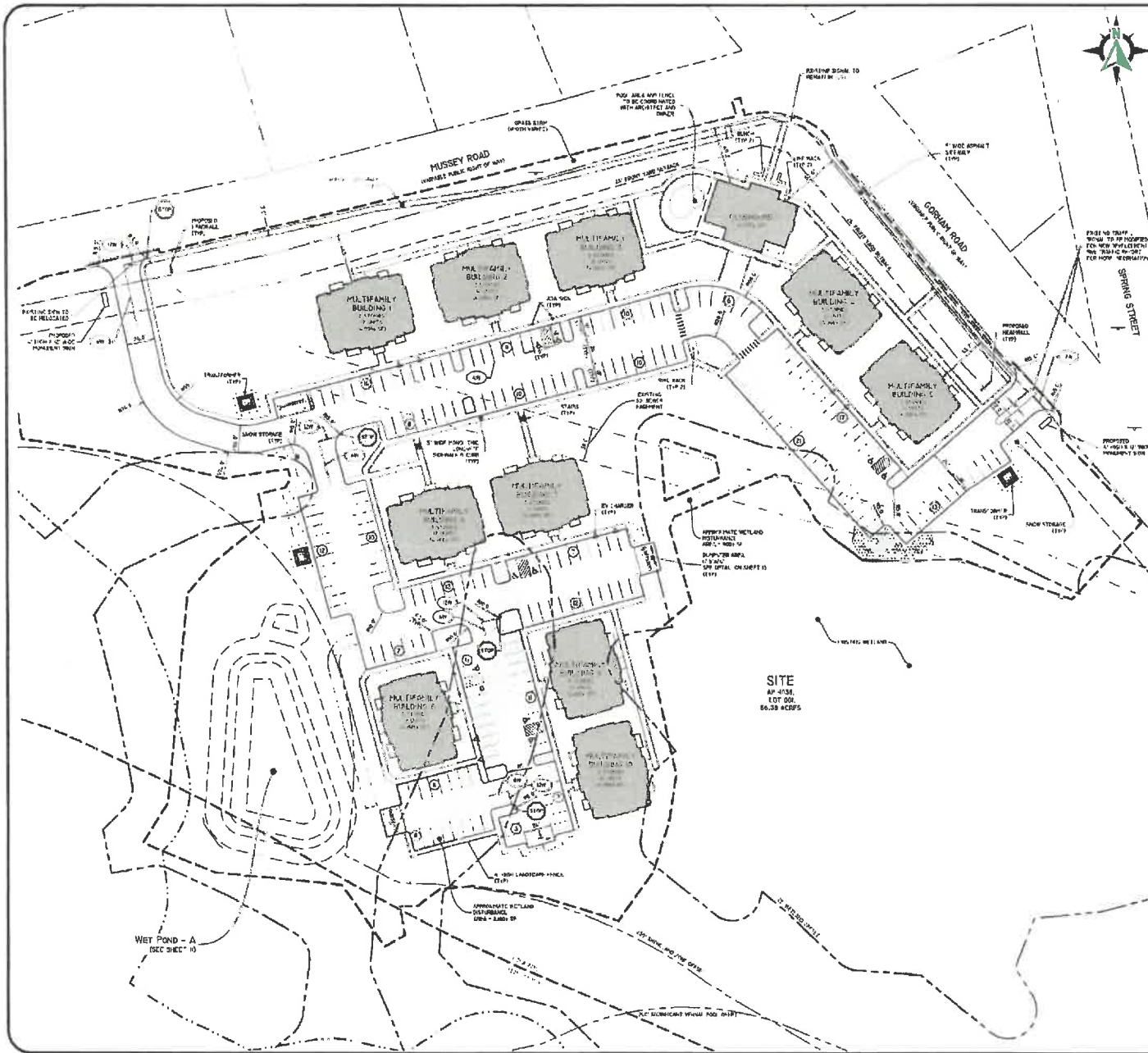
Units within the project areas outlined may vary due to unforeseen impacts, such as entitlements, construction costs, phasing and market conditions and may be adjusted without re-approval under Section 7.F.

INNOVATION DISTRICT

14. DUCAS CONSTRUCTION	21. INDIAN CREEK INVESTMENTS LLC	27. INCUBE 51
15. ZOOM DRAIN	22. AV TECHNIK	28. OYSTER LLC
16. MAINELY TUBS	23. THROTTLE CAR CLUB	29. IDBOX
17. DPR	24. THROTTLE GARAGE	30. COSTCO
18. CROWN LIFT TRUCKS	25. PRIDE STORAGE SOLUTIONS	31. DILLON SHEET METAL
19. VENTINOVE HOLDINGS	26. SURE EXPRESS	
20. SCOREBUILDERS	29. INCUBE 50	

Item #6

AR Building requests a site plan review for development of 120 multifamily units on a 57 acre parcel located at 35 Mussey Road. The project includes 10, 3 story buildings with a 1 story clubhouse, and would include a mix of one and two bedroom market rate units. It would also preserve 32 acres of the site as open space adjacent to Warren Woods.



GENERAL NOTES:

- THE SITE IS LOCATED ON THE CORNER OF SCOWHEGAN ST. AT THE INTERSECTION WITH MUSSEY RD.
- THE SITE IS APPROXIMATELY 1/4 AC. IN AREA.
- THE STREET OF MUSSEY RD. IS 40 FT. WIDE.
- THE SITE IS LOCATED IN THE FLOOD ZONE A REFERENCE FROM FLOOD HAZARD RATE MAP.
- THE SITE IS TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
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DIMENSIONAL REGULATIONS:

TYPE OF ZONING	TYPE	MAXIMUM HEIGHT	MAXIMUM AREA	MINIMUM SETBACK
RESIDENTIAL	R-1	35 FT.	10,000 SF	10 FT.
MULTIFAMILY	M-1	40 FT.	15,000 SF	10 FT.
COMMERCIAL	C-1	45 FT.	20,000 SF	10 FT.
INDUSTRIAL	I-1	50 FT.	25,000 SF	10 FT.

USE AND ZONING:

REQUIREMENTS:

- THE SITE IS TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
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PERMITS:

CONSTRUCTION:

OPERATING:

MAINTENANCE:

REPAIRS:

PARKING REGULATIONS:

REQUIREMENTS:

- THE SITE IS TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
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Diprete Engineering

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PROFESSIONAL ENGINEER

NO. 18331

SITE LAYOUT PLAN

MUSSEY ROAD

SCOWHEGAN STREET

A.R. BUILDING COMPANY, INC.

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Completion of the EBP Master Plan

What is the project?

- It is the multifamily residential component of the Master Plan, and it is located in the Growth Zone
- 336 multifamily units in (14) 3-story buildings of 24 units each, 8 units per floor, incorporating a mix of studios, 1BR's, and 2BR's, with luxury amenities
- Well-designed, attractive, and located in a great setting with a full-service clubhouse
- Minimal impact on schools as these units are designed for singles, couples, and seniors, with proposed rents in the “workforce housing” range
- The development will bring much-needed new residents to further support businesses already in the Park, the Downs, and beyond.
- The development team is willing to financially support adjacent/Town-related community and public service projects.

Residential Concept and Connectivity Plan

