

Why the Proposed Crooker Relocation is Consistent with the 2019 Topsham Comprehensive Plan Update

A REPORT FOR THE TOPSHAM PLANNING BOARD

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Introduction

Crooker Construction, LLC, a Maine-based company headquartered in Topsham, is proposing to move its headquarters and manufacturing facilities from its current site across from the Topsham Fair Mall three miles north to undeveloped land near the intersection of White House Crossing Road and Lewiston Road/Route 196. The new manufacturing facility will be near to Crooker's primary rock quarry in the northwest section of Topsham. The move will free the existing site headquarters for redevelopment as a new mixed-use neighborhood center.

This move will require a zoning change at the new site from Suburban Residential R2 to some sort of industrial zone. Such a zoning change would have to be approved by the Planning Board, the Board of Selectmen, and the Town Meeting of Topsham.

The first step in the process is for the Planning Board to determine that the proposed zoning change is, with proper performance standards, consistent with the recently adopted 2019 Topsham Comprehensive Plan Update. If the Planning Board makes such a determination, Crooker Construction, LLC, will follow up by proposing a zoning change to the Planning Board for its acceptance or revision. If the Planning Board accepts or revises the change, it will in turn send that proposal to the Board of Selectmen, who have the option of putting it on the ballot for Town Meeting. If the Town Meeting approves the zoning change, then Crooker Construction can proceed to assemble an application and submit it to the Planning Board to receive project approval.

This memorandum begins the process. It presents the case that the proposed project, in fact, is consistent with the Topsham Comprehensive Plan Update. This is the case that shall be submitted to the Topsham Planning Board.

This memorandum has seven sections:

1. Description of the Proposed Project;
2. Description of the Crooker Corporation;
3. Project consistency with the Comprehensive Plan Update regarding expansion of rural businesses;
4. Project consistency with the Plan Update regarding development of a new neighborhood;
5. Project consistency with the Plan Update regarding improved traffic flow and safety;
6. Other reasons that the Proposed Project is consistent with the Plan Update; and
7. A proposed approach for drafting the zoning amendment.

1. The Proposed Project

Crooker's major product is asphalt and construction aggregates. Production begins with rocks hauled by truck from their primary quarry in the northwestern part of Topsham to their plant, four miles away on Lewiston Road/Route 196. The rocks are processed and sized accordingly for aggregate sales and asphalt production. From there, the asphalt is trucked to construction sites for paving.

In order to remain competitive in the industry, the company has determined that it needs to make a significant investment in infrastructure and efficiency. Therefore, Crooker has outlined a plan to move its manufacturing and headquarters from the Topsham Fair Mall site to a 67.6-acre site north along Lewiston Road/Route 196.

There will be several buildings at the new plant site, including the batch plant and supporting buildings. A private quarry truck haul road will be constructed from Crooker's quarry less than a mile away to the new plant, eliminating quarry truck traffic on local roads.

For Crooker, this move will result in increased efficiency: reduced travel times from quarry to plant, and updated technology with new plant equipment.

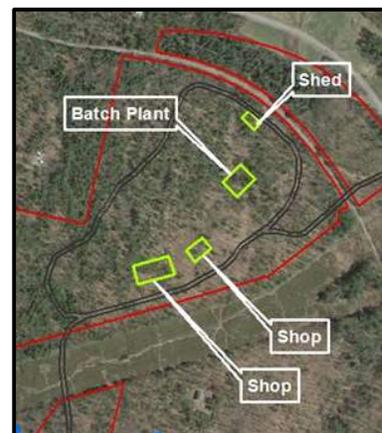


Figure 1 (above): Crooker proposes moving its headquarters to a new location less than a mile from their Topsham quarry. Its current location is outlined on the bottom right of the figure.



Figure 2 (above): The 67.6-acre parcel shown surrounding Crooker's proposed batch plant facility is currently vacant land. The quarry truck haul road will include a tunnel underneath River Road.

Figure 3: One proposed layout of the new batch plant is shown. For reference, Lewiston Road/Route 196 is located in the upper right of the figure.



2. Crooker Construction, LLC

Crooker Construction is one of Maine's most experienced earthwork, utility, paving and aggregate manufacturing contractors. Established in 1935 with just a single employee, the company has now grown to employ over 200 skilled workers, constructing some of the largest and most technical projects throughout the Midcoast region. Crooker has a substantial network of resources, including over 700 pieces of equipment and seven pits and quarries. In 2016, Crooker also acquired Precast Concrete Products of Maine (now Precast of Maine). Established in 1974 in Topsham, Precast has been providing quality precast concrete products throughout Maine and New Hampshire to contractors and homeowners alike, employing over 30 skilled craftsmen.

Crooker is one of the largest private employers in Topsham. Many of Crooker's employees are hired from Topsham and surrounding towns. Of its 200-plus employees, 58% live within 15 miles of the headquarters. Crooker offers very competitive wages, with employees earning between \$900 and \$1,400 per week, with a total annual payroll exceeding \$16 million annually. In an effort to create a knowledgeable applicant pool, this year Crooker began offering their Crooker Construction Institute. This three-week paid program trains high school graduates looking to enter the construction industry.

Crooker is one of the top 10 taxpayers in Topsham, paying over \$300,000 annually in property taxes. It also has 136 vehicles registered in Topsham, paying over \$66,000 in excise taxes.

3. Why it is consistent: The Update anticipates zoning amendments to enable rural businesses to grow and expand

From Volume 1 of the Update:

- *“Business and rural landscapes do mix.” (page 27)*
- *“Further, this plan recognizes that rural and land-based businesses may continue to grow, and performance standards may need to be evaluated as part of future zoning amendments to ensure protection of natural resources, and compatibility with working farms and existing residential neighborhoods.” (page 134)*
- *“However, this planning process identified a desire to see additional growth in areas not served today by sewer and water, including business growth at existing industrial sites off Route 196 in the Pejepscot Village area.” (page 130)*
- *Industrial Special District. “This district outlines the existing industrial zone, encompassing clusters of industry and businesses along the Androscoggin River off Route 196. This area should be zoned and regulated as special districts to reflect the uniqueness of the land use activity, and the intent for the future growth or transformation that may be desired for that specific area. Future zoning efforts should assess and, if necessary, amend performance standards to address potential impacts of industry on adjacent land of neighborhoods.” (page 135)*

The Crooker project was under public discussion as the 2019 Comprehensive Plan Update was being completed. The Comprehensive Plan Committee did not take a position either for or against this particular project. However, the Plan indicates that the Committee anticipated that a rezoning request would be made for the project.

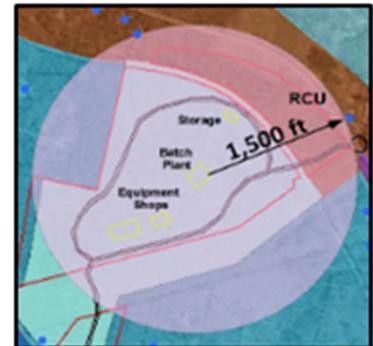
The excerpts above show that the Update anticipates that rural, resource-based industries will continue to grow, and that zoning and performance standard amendments may be needed to accommodate such growth.

The proposed project has built-in buffers that will protect the surrounding residential neighborhood, as called for in the Plan. The proposed plant location has natural dust and noise remediation already built into the site, with trees and landscape acting as buffers. The project site is adjacent to a Central Maine Power powerline transmission corridor on one side, and a wooded lot on the other. On the proposed plant site, the closest residential dwelling would be 1,500 feet away from production; this is three times farther than the current plant distance of 500 feet from its closest residential neighbor on Munroe Lane. Subsequent sections will describe how the proposed project will improve traffic safety and provide potential trail enhancements for neighbors.

This rezoning proposal will also include ordinance provisions for protecting neighborhood residential properties near the site. That is why it can be said that the proposed zone change is consistent with, and in fact is anticipated by, the 2019 Comprehensive Plan Update.



Figure 4 (above) The blue dots within the circle represent each home within 1,500 feet of the current plant location. Below, Figure 5 shows the nearest residence being 1,500 feet away from the proposed plant site.



4. Why it is consistent: Enables development of new neighborhood at key site identified in the Update

From Volume 1 of the Update:

- *“The Town may need to enter into public-private partnerships with developers to realize new mixed-income, multigenerational neighborhoods.” (page 21)*
- *“Based upon preferences expressed during the public engagement process for where to direct new growth, the team identified a number of potential catalyst sites that represent opportunities for future development. Each catalyst site has been drawn with the intent to create vibrant, walkable mixed-use neighborhood centers...” (page 110)*
- *“The Crooker District illustrative plan reimagines how the site could be transformed in the future over many years to accommodate new light industrial, commercial, and residential development.” (pages 122-3)*
- *“Sites around Topsham Fair Mall Road and the Crooker Site were identified as opportunities for long-term transformation, including the establishment of new, walkable streets and blocks with a mix of land uses and businesses.” (page 135)*

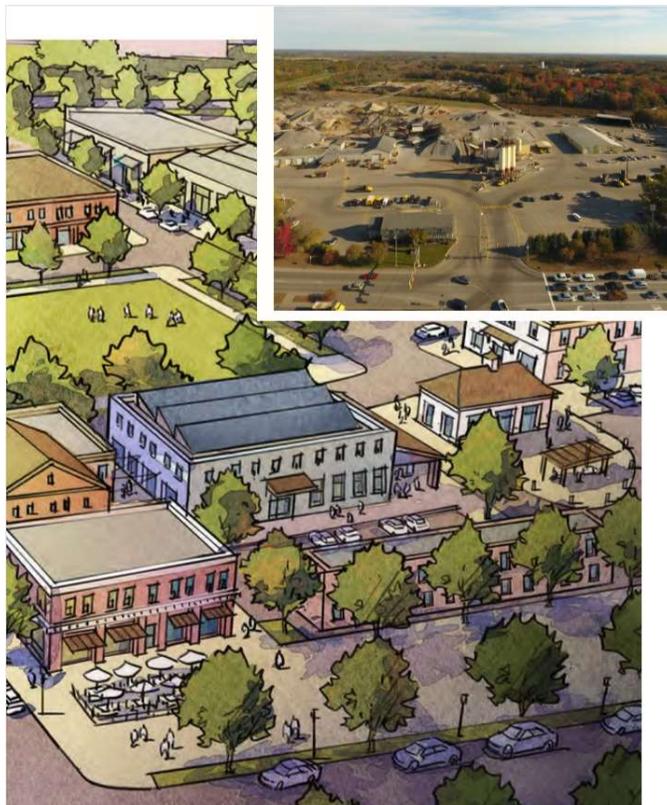
The Update identified the 51-acre Crooker site at 103 Lewiston Road across from the Topsham Fair Mall as a “catalyst” site for a future neighborhood center in town for social gathering and recreation (page 111). Drawings from the Update are provided below.

The great importance given to the redevelopment of the existing Crooker resource manufacturing operation in the Update means that it is very important to the Plan that the current manufacturing operation be relocated. There can be no new neighborhood unless the Crooker plant is moved to another location.

This proposal accomplishes that move. It frees the valuable site, while retaining the employment and property tax benefits of keeping the entire Crooker operation within the municipal boundaries of Topsham.



Figures 6 (above) and 7: These concept drawings for a future “Crooker District” at the current Crooker plant site are included in the Comprehensive Plan Update as ideas for possible redevelopment options were Crooker to relocate.



5. Why it is consistent: Improves traffic flow and safety, reducing heavy truck traffic from a neighborhood street, a dangerous intersection on Route 196, and a dangerous section of road on Route 196

From Volume 1 of the Update:

- “We heard from residents that they are concerned about street safety.” (page 8)
- Pejepscot residents want “safer bike routes” and “automobile safety.” (page 38)
- “Topsham residents are asking for slower safer streets.” (page 57)
- Map identifies that the intersection at Route 196 and Meadow Cross Road is a “dangerous intersection,” and that Route 196 from Meadow Cross Road to River Road is a “dangerous roadway.” The proposed project will improve conditions at both of these dangerous places. (page 67)

By relocating Crooker’s headquarters, a minimum of 170 industrial truck trips entering and leaving the facility on Lewiston Road/Route 196 will be eliminated. Further, with a “clean slate” at Crooker’s current location, the Town can better balance the needs of future development with pedestrian access at an intersection also described as dangerous.

When looking at the impact of relocation on northern portions of Route 196, Meadow Cross Road and River Road, the change is measurable. Currently, quarry haul trucks travel an average of 646 miles each day on local roads, which translates to over 150,000 road-miles per year. The trucks pass approximately 47 residences that are directly on River Road and Lewiston Road an average of 170 times each day, depending on the time of year. This daily traffic will be replaced by a private, internal road running from the quarry to the plant facility.

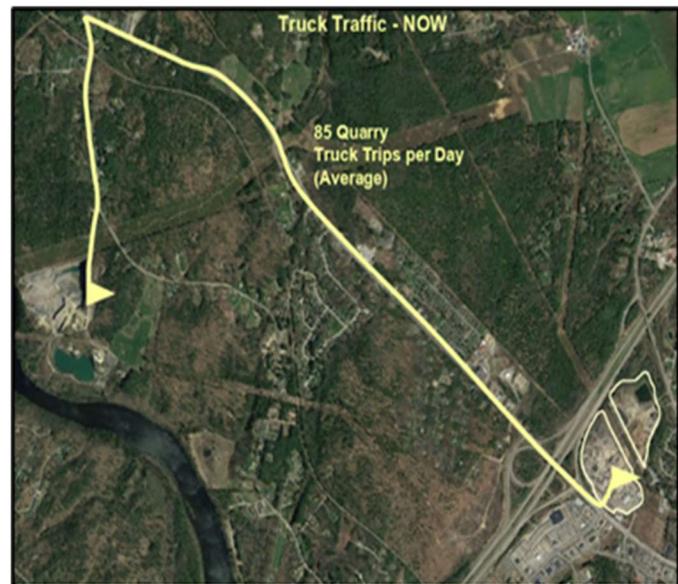


Figure 8: Quarry truck haul trucks makes on average 170 trips daily on the route shown above. The current plant is shown at the bottom right. Trucks travel up Lewiston Road/Route 196, turn left onto River Road, and continue onto Quarry Road to reach the quarry. The same route is used to return from the quarry to the plant site.

As part of Crooker’s plans of constructing a private road, they would also build a tunnel in the only place in which the haul route crosses a Town street (River Road), to ensure there is no mixing of their heavy trucks with family automobiles. With this relocation, Crooker would eliminate all quarry truck haul trips to and from their quarry and traveling on River Road and Lewiston Road/Route 196. As a result, the residential character and safety for pedestrians, bikers and local traffic would be significantly improved, with no quarry haul trucks on local roads. **Figure 8** shows the current pattern of quarry truck haul traffic. **Figure 9**, below, the pattern on the proposed private haul road.



Figure 9: Crooker's new location will allow quarry haul trucks to completely avoid local roads. The private road will travel around the quarry and loop up to the new plant. This figure also shows the proposed location of the tunnel under River Road.

The “Safe Streets and Tactical Repair” map in the Comprehensive Plan Update on page 67 identifies the intersection of Lewison Road/Route 196 and Meadow Cross Road as a “dangerous intersection.” Further, Route 196 from Meadow Cross Road to the turn onto River Road is labeled a “dangerous roadway”. The Crooker project will improve conditions at both of these locations.

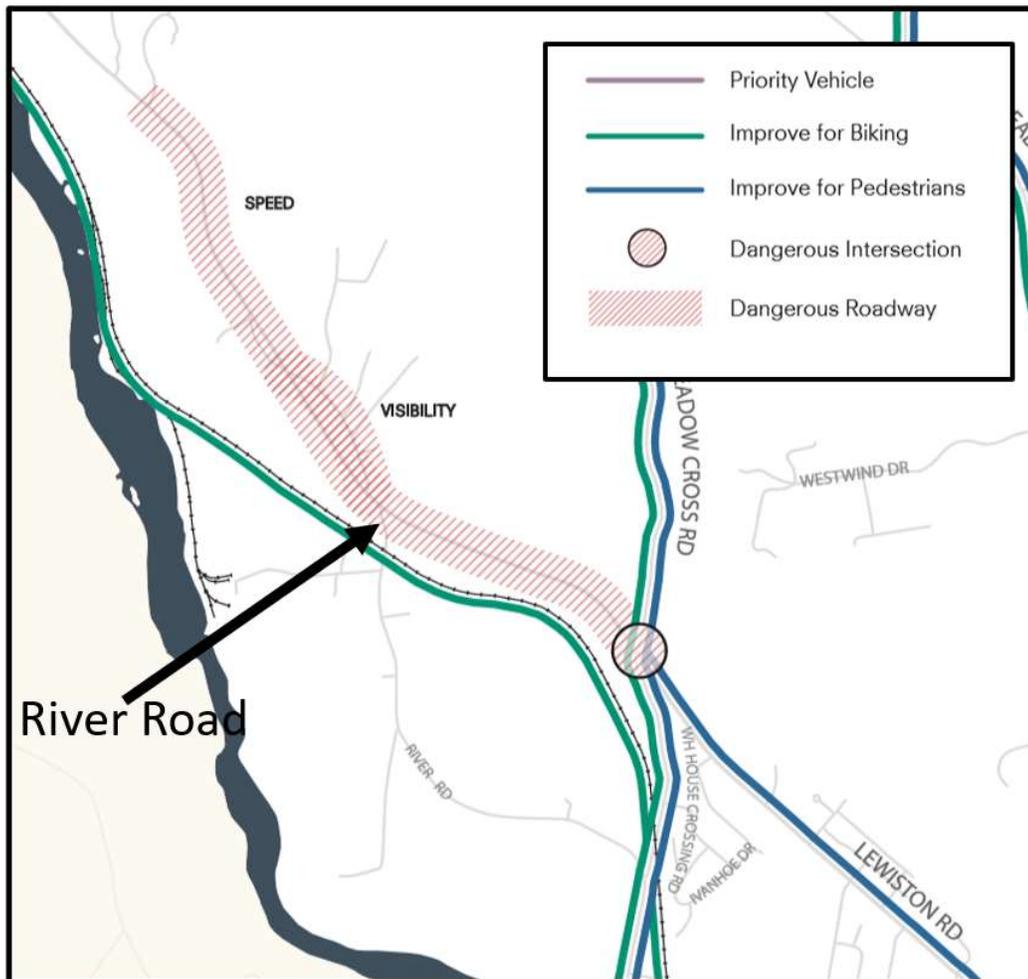


Figure 10: The intersection of Lewiston Road and Meadow Cross Road has been identified in the Plan as a “dangerous intersection”, and the roadway between that intersection and River Road labeled a “dangerous roadway”.

Crooker is proposing to help finance improvements at the intersection of Route 196, Meadow Cross Road and White House Crossing Road. This improvement would help to minimize the impact of trucks turning into and leaving the new plant headquarters from Route 196.

6. Why it is consistent: Additional reasons

A. It will improve the tax base

From Volume 1 of the Update:

- *“... the need to expand its property tax base so that people can continue to live here..” (page 8)*
- *“... adding additional infill and development to places already served by infrastructure will yield increased taxable value for the Town.” (page 24)*
- *Encourage a “pattern of development that delivers a higher municipal return on investment.” (page 154)*

Crooker currently is one of the top 10 taxpayers in Topsham, paying over \$366,000 annually in property and excise taxes. This project will involve dismantling buildings and equipment put in operation in 1972, and replacing them with new, more valuable buildings and equipment, leading to more tax revenues.

The vacant land where the new plant will be located currently pays \$1,730 in property taxes. That amount will be considerably more once the new plant is built.

In addition, this move frees up the current headquarters site for redevelopment as a mixed-use neighborhood. A 2013 Planning Decisions, Inc., study estimated that a redeveloped Crooker site could generate in the area of \$760,000 in new Town property taxes based on the current tax rate.

B. It will preserve jobs

From Volume 1 of the Update:

- *“Consider applicability of keying TIF policy to goals of job creation...” (page 154)*

From Volume 2 of the Update:

- *Work with MCED to “expand economic opportunity, competitiveness, and strategic advantages.” (page 7)*

Good jobs and economic opportunities are important factors in a community’s success. Over the years Crooker has been growing steadily. Today, over 200 local jobs are attributable to the company. Crooker Construction provides these quality jobs to men and women who are interested in outdoor and physical work. The company offers the Crooker Construction Institute to help young people explore and become qualified for heavy construction. These diversify the job base of Topsham and provide a greater range of opportunity to Mount Ararat High School and other local graduates.

C. It will reduce greenhouse gas emissions

From Volume 1 of the Update:

- *“Since the 2007 Comprehensive Plan, the Town has taken the initiative to complete a Climate Action Plan to reduce its greenhouse gas emissions to 20% below the Town’s 2008 baseline and mitigate the impacts of climate change at the local level. The Climate Action Plan develops specific strategies in the sectors of energy use, transportation, land use, green purchasing, waste and water use that will be necessary to minimize Topsham’s impacts on climate change and meet the established 20% greenhouse gas emission reduction target set by the plan. Work should continue to lessen the Town’s impacts on the environment by improving energy efficiency, promoting recycling, and conserving resources when cost effective.” (page 105)*

Transportation accounts for 55% of Maine’s carbon emissions. The proposed project will reduce vehicle-miles for heavy trucks in Topsham by over 150,000 miles per year. In addition, the product of the Crooker plant, asphalt, is 100% recyclable. Asphalt is a low-emission product, and is well regulated by the United States Environmental Protection Agency (EPA). In 2002, the EPA officially delisted asphalt plants as a major source of air pollution.

Finally, the replacement of old equipment installed in the 1970’s and 1980’s with new rock processing equipment will reduce emissions related to production.

D. It will provide access for people to walk and bike to the riverfront.

From Volume 1 of the Update:

- *“Provide more access to the three rivers... People would like to see boat access on the Topsham side of the Androscoggin River for kayaks, canoes, and paddle boards, both above and below the dam.” (page 76)*
- *“Work regionally to explore opportunities to build segments of footpaths in the Androscoggin Railroad Corridor.” (page 76)*
- *Map showing a “New Foot Path (Riverwalk) next to Crooker quarry and “New Rail with Trail” along edge of new Crooker site on Route 196. (page 77)*

The proposed project consolidates Crooker land ownership between Lewiston Road/Route 196 and the Topsham border. Crooker Construction pledges to work with trail groups in Topsham to facilitate plans to connect trails and provide greater access to the Androscoggin River.

7. Proposed Rezoning Approach

The site to which Crooker proposes to relocate its resource-based manufacturing operation is currently zoned R2 (Suburban Residential), which is designed for medium-density housing. The existing Crooker quarry operation is just next door, and is zoned Industrial. Industrial uses involve the *assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.*

The 2019 Comprehensive Plan Update's future land use plan shows R2 zone to be part of part of the *Rural-Suburban Lands – Limited Growth Sector*. Regarding the Limited Growth area, the Update says “... *this plan recognizes that rural and land-based businesses may continue to grow and performance standards may need to be evaluated as part of future zoning amendments to ensure protection of natural resources, and compatibility with working farms and existing residential neighborhoods.*”

Put another way, the Update anticipates that “future zoning amendments” may be forthcoming in order to allow that existing “rural and land-based businesses may continue to grow.” This is exactly the kind of zoning amendment the Update anticipated.

The Update says that, as part of any rezoning request, “*performance standards may need to be evaluated to ensure... compatibility with working farms and existing residential neighborhoods.*”

There are performance standards in place in two sections of the current Topsham zoning ordinance. First, there are General Performance Standards (Article VII) covering all projects. These general standards address air emissions, erosion control, explosive materials, floodplain management, lighting, off-street parking and loading, traffic, landscaping, refuse disposal, sanitary provisions, setbacks and screening, signs, stormwater management, water quality, water supplies, noise (day and nighttime), soils, storage, toxic and noxious discharges, vibration, and vernal pools.

Second, there are also performance standards included in the Town's Site Plan Review ordinance (Chapter 175). These cover landscaping and buffering of neighbors; appropriate internal site design; vehicular access; parking and circulation; surface water drainage; effect on

Current Zoning in the Pejepscot Area

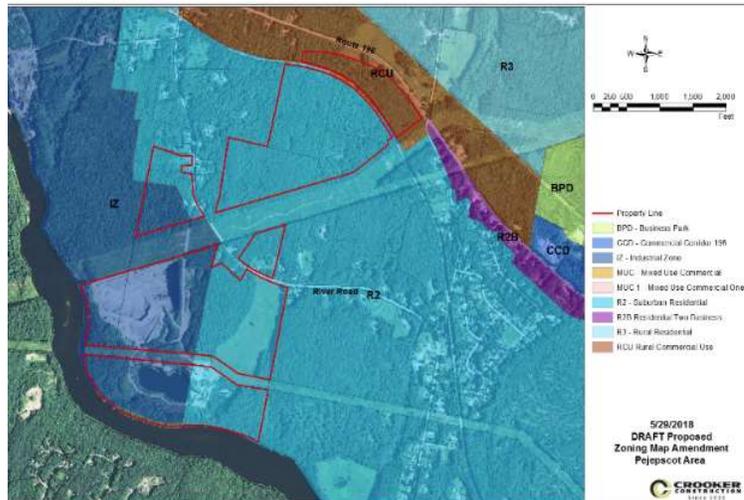


Figure 11: The red outlines show the lots that would house the location of the plant, the current quarry and the road between the two sites.

existing utilities; appropriate signage; buffering of special features of the development from neighborhood; appropriate exterior lighting, with consideration for neighboring properties; emergency vehicle access; effect on police, fire, public works, and other municipal services; water pollution; air pollution; effect on future water needs; effect on existing water supply; erosion; sewage; and effect on natural beauty, historic sites, and habitat.

While these standards address all of the performance topics might be anticipated in a review of this proposed project, it is fair to say that they were not designed with a project of this kind in mind. For the most part, they were designed to address the kinds of issues that arise with strip commercial development along the highway – roadway signs, automobile circulation, building design and landscaping. A large resource-based manufacturing facility raises different kinds of traffic circulation and buffering issues.

For this reason, ***a simple expansion of the industrial zone to cover the new parcel is not the right solution.*** It would require the Planning Board to stretch to apply standards appropriate to a drive-in hamburger stand to a major industrial project. Also, it would create insecurity about future possible uses at the site. What if the site, once rezoned, was sold to another industrial operator for an unanticipated use? Or even if it stays in Crooker’s hands, what are the precise uses and operations which would take place there?

Nor is creating a contract zone. Contract zoning allows the Town to negotiate a specific point-by-point agreement with a developer about what will take place on a specific site, as well as what supporting activities the Town will commit to undertaking. The problem of contract zoning is that it can prolong development disputes over many years (see Scarborough experience with Dunstan Crossing) and would require Town Meeting approval of the initial contract and of any subsequent contract amendments in future years. This is too much administration.

The appropriate zoning solution in this case is to create a new “Resource Industry District” in the zoning ordinance. The zone would apply to resource-based industry developments in Topsham, including mineral extraction and processing, food processing, aquaculture, etc. The district would be approached in the same way as the Mixed-Use-Commercial-1 zone. The developer would be required to submit a master plan for all proposed activities on the site, and to show how the completed project would meet the environmental and traffic and buffering standards called for in the Update. Those standards, however, would be designed in this ordinance to specifically address large resource-based manufacturing operations.

Once the Planning Board approves a master plan for the site, the developer then returns to the Planning Board for approval for the individual buildings and improvements as they are ready for development.

This approach would ensure that the performance standards applied to the project are appropriate for resource-based industrial developments; that the Planning Board and neighbors

would be able to see and review the project as a whole before individual pieces are developed; and that the integrity of the area is preserved.

The new zone would be proposed to include Crooker's existing quarry, now in the Industrial zone, as well as the new land in the R2 zone. This would enable the Planning Board to review a master plan that covers all operations from the quarry to the connecting road to the manufacturing facility.

This approach will be discussed at the meeting of the Planning Board in order to get a sense of whether it is the right direction.