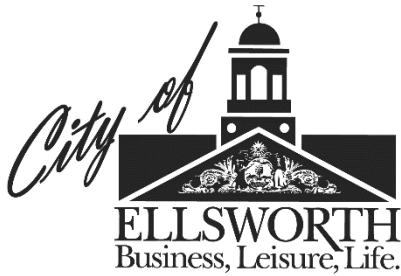


# Ellsworth Courthouse Alternative Location Proposal



Special City Council Meeting January 7, 2025

City Council Chamber



*City Manager*

1 City Hall Plaza ♦ Ellsworth, ME 04605-1942

Phone (207) 667-2563

[www.ellsworthmaine.gov](http://www.ellsworthmaine.gov)

# Memo

To: Ellsworth City Council

From: Charlie Pearce, City Manager

Date: January 6, 2025

Subject: City Council Options for Building  
a New Hancock County Judicial Center in Ellsworth



## Background

The City of Ellsworth is on the cusp of what will likely be the most significant public investment in decades: the siting and construction of a new Hancock County Judicial Center. The state judiciary has identified Ellsworth as the municipality with the highest need for a new courthouse in Maine.

An initial Surry Road site proposal from the judiciary drew concerns about its impact on the rural/neighborhood character of the area and the missed opportunity to situate such a transformative investment in a designated growth zone. In response, the City initiated an extensive public process to evaluate alternative locations leading to this special City Council meeting to discuss and finalize a decision that will shape Ellsworth for generations.

Recently, the judiciary signaled that they have the requisite due diligence needed to move forward with the preferred alternative location of the city, the Wardwell Property off of High Street, based on an analysis from their architect from engineering and environmental surveys done by the city with its partners.

This special meeting has been called to determine the location and future of the new Hancock County Judicial Center and to decide whether to move forward with the preferred alternative courthouse site (Wardwell Property), to take no action, and allow the state to build the courthouse on the Surry Rd., or to pursue a moratorium on courthouse being built within the city.

## Options for Consideration

### Option 1: Move Forward with the Wardwell Property



**Summary:** Develop the courthouse on the Wardwell Property, located in the city's designated Urban Core growth area.

**Key Advantages:**

- Aligns with the city's Comprehensive Plan by promoting growth in the Urban Core and minimizing sprawl.
- Acts as an economic anchor, attracting businesses and increasing tax revenue.
- Encourages sustainable development and infrastructure improvements, such as a new access road connecting High Street to the Wardwell site.

**Challenges:**

- Requires an investment in time and potential financial resources from the city for road construction, which can be offset by some measure by grants and state/federal funding as well impact fee schedules, potential TIF funding, and increased property tax revenue.

**Action Steps:**

- Finalize a land swap agreement with the Wardwell family and the state judiciary.
- Authorize funding for road construction and pursue external funding sources.
- Continue to coordinate with Maine Judiciary, Maine DOT, and DEP to ensure compliance with environmental and infrastructure standards.

**Option 2: Take No Action (Surry Road Development)**

**Summary:** Allow the state judiciary to proceed with constructing the courthouse on the Surry Road property without city involvement.

**Key Advantages:**

- No immediate financial investment from the city.
- Simplifies decision-making by delegating responsibility to the state.

**Challenges:**

- Contradicts the city's Comprehensive Plan by encouraging development outside the Urban Core.
- Limits potential economic benefits for Ellsworth by isolating the courthouse from key growth areas.

**Action Steps:**

- Ensure the state adheres to local planning and environmental regulations during development.
- Monitor progress and provide necessary city oversight.

### **Option 3: Establish a Moratorium on Courthouse Construction**

**Summary:** Delay any courthouse construction within city limits for a certain period of time to allow for further evaluation and planning.

#### **Key Advantages:**

- Provides additional time to address community concerns and refine plans.
- Allows exploration of additional alternative solutions that align with long-term city goals.

#### **Challenges:**

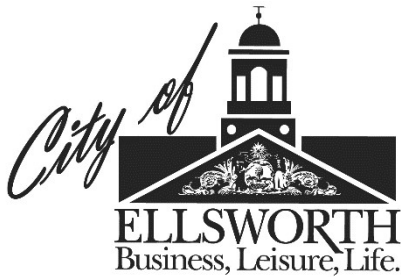
- High risk of losing the courthouse project entirely to another municipality.
- Delays economic and infrastructure benefits associated with courthouse development.

#### **Action Steps:**

- Draft and implement a temporary moratorium ordinance.
- Conduct further studies to identify optimal development strategies.
- Engage stakeholders in additional discussions to build consensus about moving forward.

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Additional information about the Wardwell property, the Surry Rd. Project, and the legal option of issuing a moratorium are available in this packet but will be discussed further for questions during the upcoming Special City Council meeting.



## City Manager

1 City Hall Plaza ▪ Ellsworth, ME 04605

Phone (207) 667-2563

[ellsworthmaine.gov](http://ellsworthmaine.gov)

# Wardwell Background Memo

To: Ellsworth City Council

From: Charlie Pearce, City Manager

Date: January 6, 2025

Subject: Memo on Alternative Courthouse Project Progress and Next Steps



## Background:

The City of Ellsworth faces a critical challenge in siting a new courthouse to meet the needs of the state judiciary and the local community. After an extensive multiyear search process the state judiciary initially proposed (Spring 2024) constructing a courthouse in Ellsworth (considered to have the highest need for a new court facility in the state). The initial location chosen was on the Surry Road which falls within a Neighborhood Zone.

Following that announcement, many in the city and community stakeholders raised significant concerns about the impact of this site on the rural neighborhood character and future development of Ellsworth in that area and the lost opportunity of building in a more defined growth area. In response, the city initiated a collaborative process to identify an alternative location that would align with the community's vision while meeting the technical requirements of the judiciary.

This memo outlines the progress made, the rationale for selecting the Wardwell Property as a potential alternative site to ensure this critical project moves forward successfully and the City Council, Ellsworth Community, and the Judiciary has the information they need to make an informed decision about moving forward with this important work either at the Wardwell location, the Surry Rd. location, or to push to delay a decision on a new courthouse in Ellsworth to a future year.

## Summary of Work Completed to Date

Over the past several months, the City of Ellsworth has undertaken a comprehensive and transparent process to engage the community and the state judiciary in identifying a suitable location for a new courthouse. Below is a summary of the key milestones:

### 1. Community and Council Direction (Workshop 1):

- Date: July 30, 2024



- **Outcome:** The community and majority of the City Council expressed the opinion that while the state possesses the legal authority to construct on the Surry Road, it is preferable for the city's future development that the courthouse not be built in such a rural Neighborhood Zone. Although the state can invoke special use exemptions, stakeholders emphasized their preference for alternative locations to be sought before making that decision.
- 2. **Review of Potential Sites (Workshop 2):**
  - **Date:** September 26, 2024
  - **Outcome:** Following the issuance of a Request for Information (RFI), the community and council reviewed 12 potential alternative site locations. During that process, the Wardwell Property on High Street emerged as the preferred option due to its size, accessibility, beauty, potential for current and future land valuation growth, and alignment with the state's siting needs.
- 3. **Feasibility Discussion for Wardwell Property (Workshop 3):**
  - **Date:** November 14, 2024
  - **Outcome:** After the state judiciary indicated openness to the Wardwell Property, contingent on specific requirements, the city once again engaged the city council and community in a discussion of the alternative location pros and cons. Key discussions included:
    - Potential of road construction to access the property and necessary components.
    - Initial environmental survey results indicate minimal wetland impact but potential vernal pools that may need to be bisected.
    - Discussion of preliminary renderings confirming the site's feasibility for current and future courthouse needs.
- 4. **December City Council Meeting:**
  - Date: December 16, 2024
  - Update on road and site.

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### **Benefits of the Wardwell Site**

The Wardwell Property stands out as an excellent location for the new courthouse due to its unique blend of technical, economic, and recreational benefits:

- **Meets Technical Requirements:** The site satisfies all the operational needs of the court system while aligning with the city's strategic growth goals.
- **Central Urban Core Location:** Situated near High Street, the property is centrally located, ensuring convenient access for residents and avoiding the urban sprawl risks associated with less-central developments.

- **Economic Growth Catalyst:** A \$55 million courthouse at this site could attract significant additional investment in the area, encouraging sustainable development, providing additional urban housing opportunities, and boosting the local economy.
- **Preservation of a Special Place:** The site offers south-facing exposure and is nestled along the scenic Card Brook wilderness sanctuary. By developing the courthouse here rather than pursuing high-density housing or retail development at this location, this natural gem will be preserved for future generations. The project also opens new opportunities for public access to trails along Card Brook, showcasing the best of Ellsworth's natural beauty while remaining close to the High Street retail corridor.
- **Trail Network Access:** The Wardwells have agreed to provide the city with an easement for a gravel parking area near the rail trail, marking the first public parking access to the Downeast Sunrise Trail system in Ellsworth, which connects Ellsworth to Machias, Maine (87.9 miles). This addition enhances recreational opportunities and bolsters tourism/local enjoyment.
- **Increased Land Value and Development Potential:** The construction of a small access road (approximately 0.22 miles) would dramatically increase the value of adjacent parcels. For instance, one parcel could rise in value from \$40,000 to \$800,000. This improvement could further facilitate additional housing/business development investments, directly addressing Ellsworth's documented workforce housing shortage and contributing to long-term tax revenue growth.
- **Proximity to Key Amenities:** The site's location near schools, the historic downtown, and a regional hospital with emergency and LifeFlight services positions it perfectly for additional development. Recent studies, including the comprehensive plan and the Business Attraction Plan, emphasize the need for residential housing and strategic investments in water and sewer infrastructure to accommodate growth.
- **Traffic and Emergency Access Improvements:** A long-term study could evaluate extending the road from High Street to Main Street, creating a bypass to alleviate congestion on Beals Avenue. This would improve access for emergency personnel and enhance connectivity for the broader region. Such improvements mirror similar successful projects, such as the upcoming one in Presque Isle, Maine's \$84.3 million bypass project.

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Suggested Motion on following page.

**Motion: Ellsworth City Council**

**Date:** January 7, 2025

**Subject:** Authorization for State/City Partnership for Alternative Hancock Judicial Center Location Development

**Motion:**

**Whereas**, the City of Ellsworth recognizes the need for a new courthouse facility and supports a state/city partnership to achieve this goal;

**Whereas**, an alternative location for the courthouse has been identified to better serve the needs of the community and judicial system;

The City Council hereby moves to:

1. **Authorize the City Manager** to facilitate a land swap agreement between Alice Wardwell and the State of Maine's Judicial Bond Council for a 17.9-acre parcel of off High Street (street number not yet assigned; Tax Map 21, Lot 15) in exchange for a 17.9-acre parcel owned by the State of Maine at 120 Surry Road for the State of Maine Judiciary to construct a new courthouse facility on the Wardwell property.
2. **Instruct the City Manager** to negotiate and execute an easement purchase agreement with the Adams and Merrill property owners for parcels off of High Street (Adams: Map 131, Lot 73; Merrill: Map 131, Lot 40, and Map 131, Lot 41), funded through the Local Roads Account. These funds are to be allocated for the purpose of constructing a roadway connecting High Street to the proposed courthouse facility on the Wardwell property.
3. **Authorize the City Manager** to enter into a contract with the State of Maine's Judicial Branch. The contract shall define the standards and timelines by which the City will fulfill its obligation to construct a road to the proposed courthouse facility not to exceed \$1.5 million in City issued Bond Anticipation Notes (BAN) or Bond funds.
4. **Instruct the City Manager** to actively pursue state, federal, and all other funding opportunities to reduce the financial burden on the City for road development. This effort shall include proposed zoning and land use modifications aimed at spurring housing and economic development and generating new tax and fee revenue from road and utility usage in the City's Urban Core Growth Area. The City Manager shall provide a funding report on the city road project quarterly until the project closes.
5. **Direct the City Manager** to pursue a rights-of-first-refusal agreement on the remaining Wardwell properties off of High Street (Tax Map 21, Lot 15), considering potential:
  - a. Conservation easements,
  - b. Developer partnerships, and
  - c. State and federal road and infrastructure improvement programs.

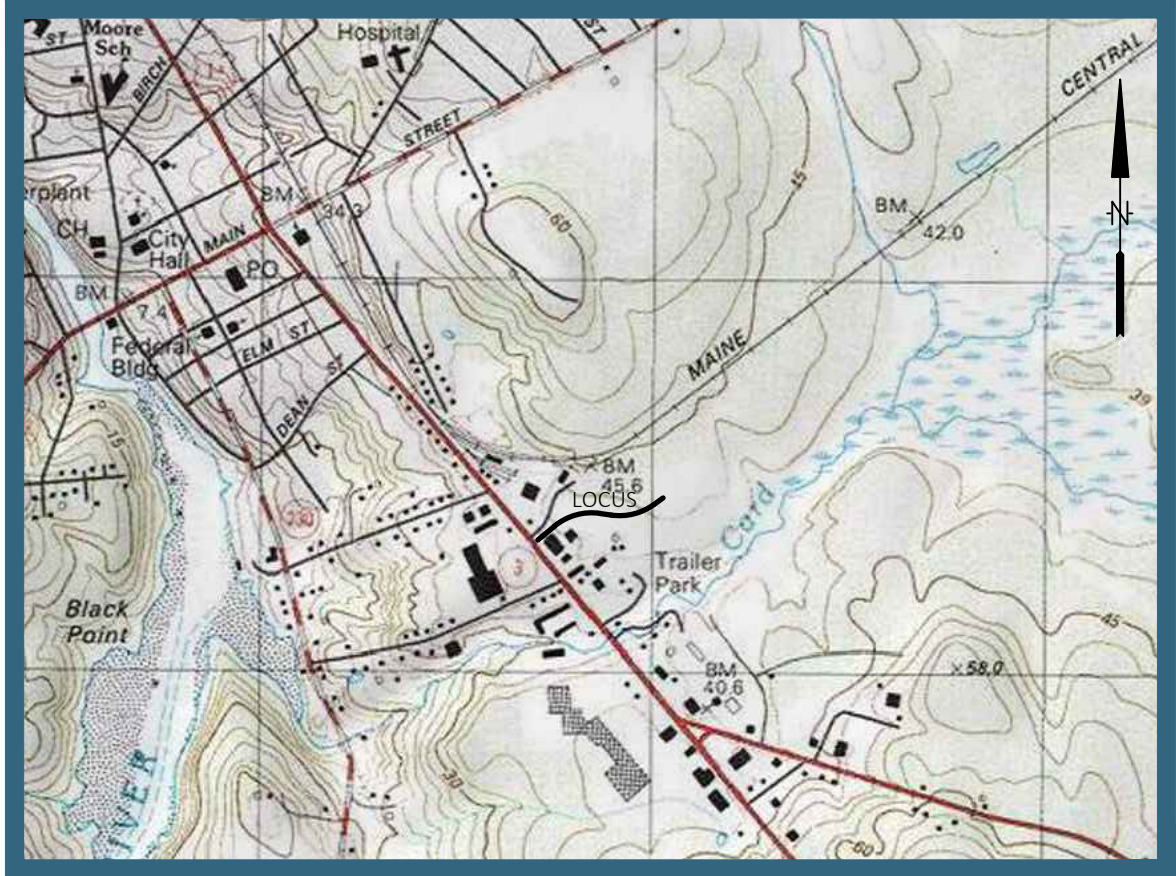
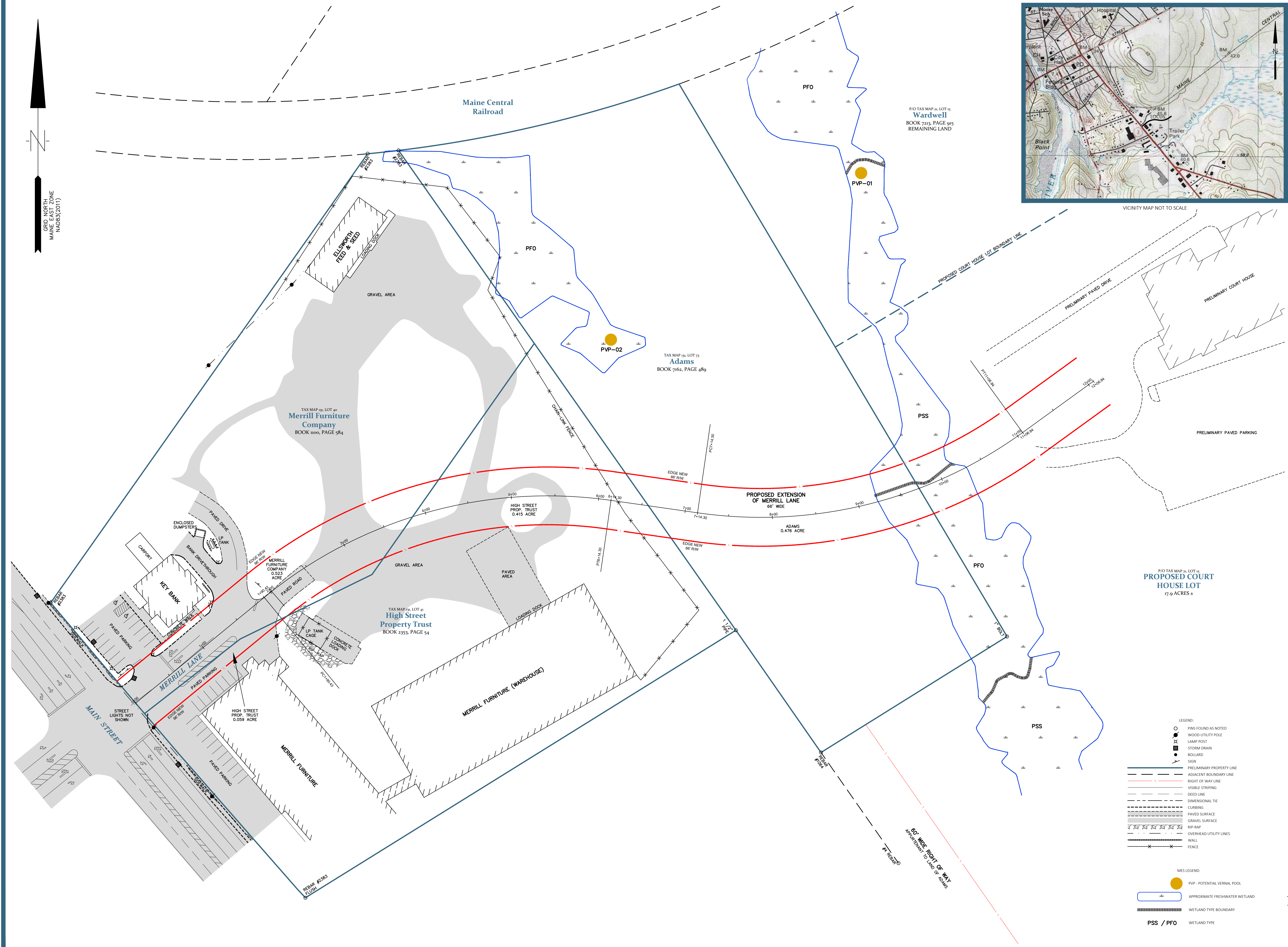
**Effective Date:** This motion shall take effect immediately upon passage.



## **Section 1**

# Surveys and Environmental Review





RIGHT OF WAY RELOCATION /  
EXTENSION PLAN OF:  
**Merrill Lane**  
Main Street/Long Lane  
Ellsworth, Maine  
Hancock County

CLIENT:  
City of Ellsworth  
1 City Hall Plaza  
Ellsworth, ME 04605

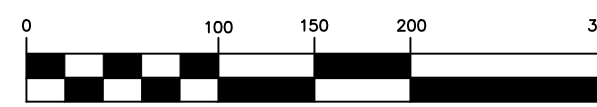
DATE: DECEMBER 19, 2024  
BDB

JOB NUMBER: 065088

REVISIONS:

SURVEY CERTIFICATION:  
BOUNDARY LINES SHOWN HEREON ARE APPROXIMATE PENDING FURTHER INVESTIGATION. THE INFORMATION SHOWN HEREON DOES NOT ADHERE TO THE TECHNICAL STANDARDS, AS APPLICABLE, CONTAINED IN CHAPTER 90, PART 2, OF THE RULES OF THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

SCALE: 1" = 100'



Graphic Scale in Feet

NOTES:

All Book/Page & Planfile References shown hereon are to the Hancock County Registry of Deeds.

Land owners shown according to City of Ellsworth Tax Records.

Distances are Grid Distances using an OPUS-derived Ground to Grid Combined Scale Factor of 0.99989893.

Wetland information shown for reference only and based upon ongoing work performed by Moyse Environmental Services.

Proposed courthouse improvements based on preliminary layout and are approximate only.

REFERENCES:

A Plan entitled Acadia Village Resort, Brook Acres, Inc., dated November 23, 1987, revised January 4, 1988 & June 23, 1988, and prepared by Herrick & Salsbury, Inc.

A Plan entitled Site Plan Prepared for: Acadia Village Resort, dated January 27, 1994, revised August 8, 1994, and prepared by Herrick & Salsbury, Inc.

A Plan entitled Plan of Portion of Acadia Village Resort Property for: Nancy J. T. Adams, dated January 9, 1995, and prepared by Herrick & Salsbury, Inc.

A Plan entitled Amended Subdivision Plan of: Acadia Village Resort, dated February 23, 1996, prepared by Herrick & Salsbury, Inc., and recorded at said Registry in Planfile 27-95.

A Plan entitled Boundary Survey Plan, for Patrick Wardwell, dated April 24, 2023, prepared by Haley-Ward, and recorded at said Registry in Planfile 51-47.

A Plan entitled Boundary Survey for: Roy P. Allen, II, dated August 3, 2023, prepared by Herrick & Salsbury, Inc., and recorded at said Registry in Planfile 51-33.

A Plan entitled Final Subdivision Plan of: Acadia Village Resort, dated August 4, 2023, prepared by Herrick & Salsbury, Inc., and recorded at said Registry in Planfile 31-198.

A Plan entitled Boundary Survey, MAG Properties, dated January 17, 2024, and prepared by Herrick & Salsbury, Inc.

- LEGEND:
- PINS FOUND AS NOTED
  - WOOD UTILITY POLE
  - LAMP POST
  - STORM DRAIN
  - BOLLARD
  - SIGN
- PRELIMINARY PROPERTY LINE
- ADJACENT BOUNDARY LINE
- RIGHT OF WAY LINE
- VISSILE STRIPING
- DEED LINE
- DIMENSIONAL TIE
- CURBING
- PAVED SURFACE
- GRAVEL SURFACE
- RIP RAP
- OVERHEAD UTILITY LINES
- WALL
- FENCE
- MES LEGEND:
- PVP - POTENTIAL VERNAL POOL
  - APPROXIMATE FRESHWATER WETLAND
  - WETLAND TYPE BOUNDARY
  - PSS / PFO WETLAND TYPE

**Herrick & Salsbury**  
INC.

LAND SURVEYORS AND LAND USE CONSULTANTS

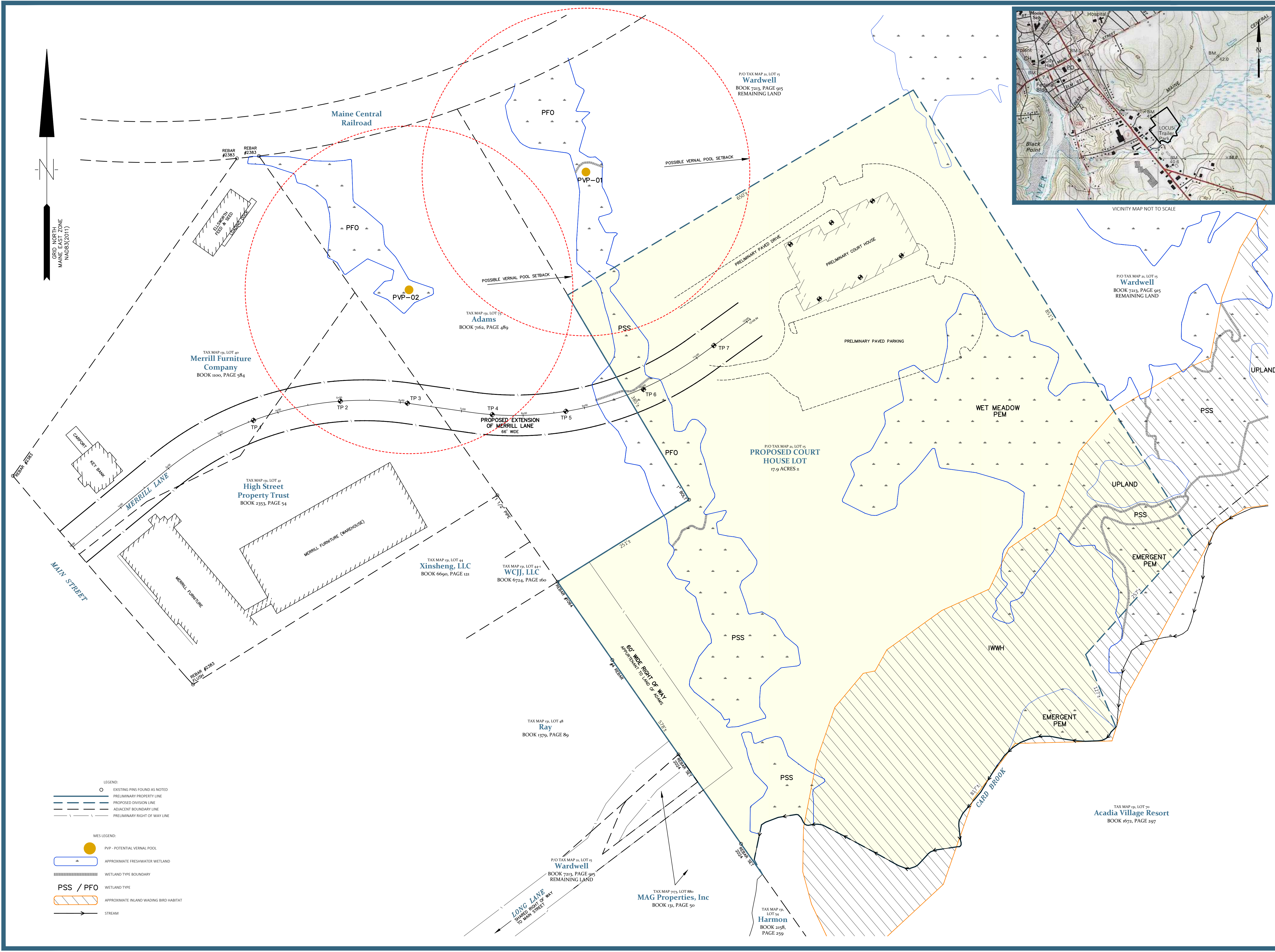
Helping You Protect Your Land Investment

130 Oak Street, Suite 1  
Ellsworth  
Maine, 04605  
207.667.7370

123 Main Street Suite C-1  
Northeast Harbor  
Maine, 04662  
207.276.0565

www.herrickandsalsbury.com





BOUNDARY SURVEY FOR:  
**City of Ellsworth**  
Merrill Lane/Long Lane  
Ellsworth, Maine  
Hancock County

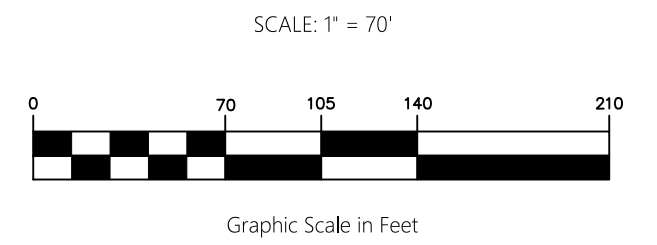
OWNER OF RECORD  
Alice B. Wardwell  
343 Main Street  
Ellsworth, ME 04605

DATE: DECEMBER 19, 2024  
DOB

JOB NUMBER: 06508C

|            |
|------------|
| REVISIONS: |
|            |
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|            |
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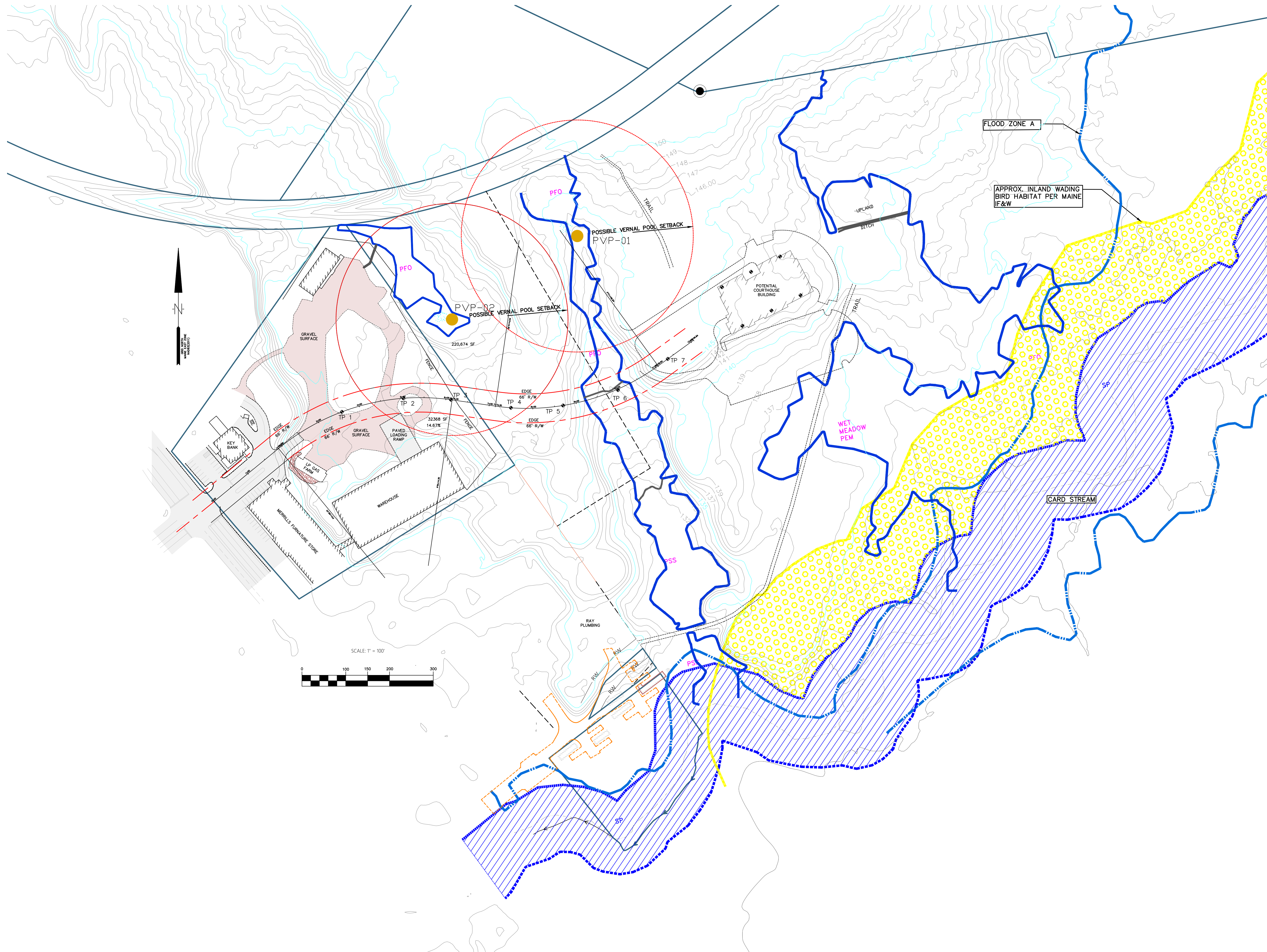
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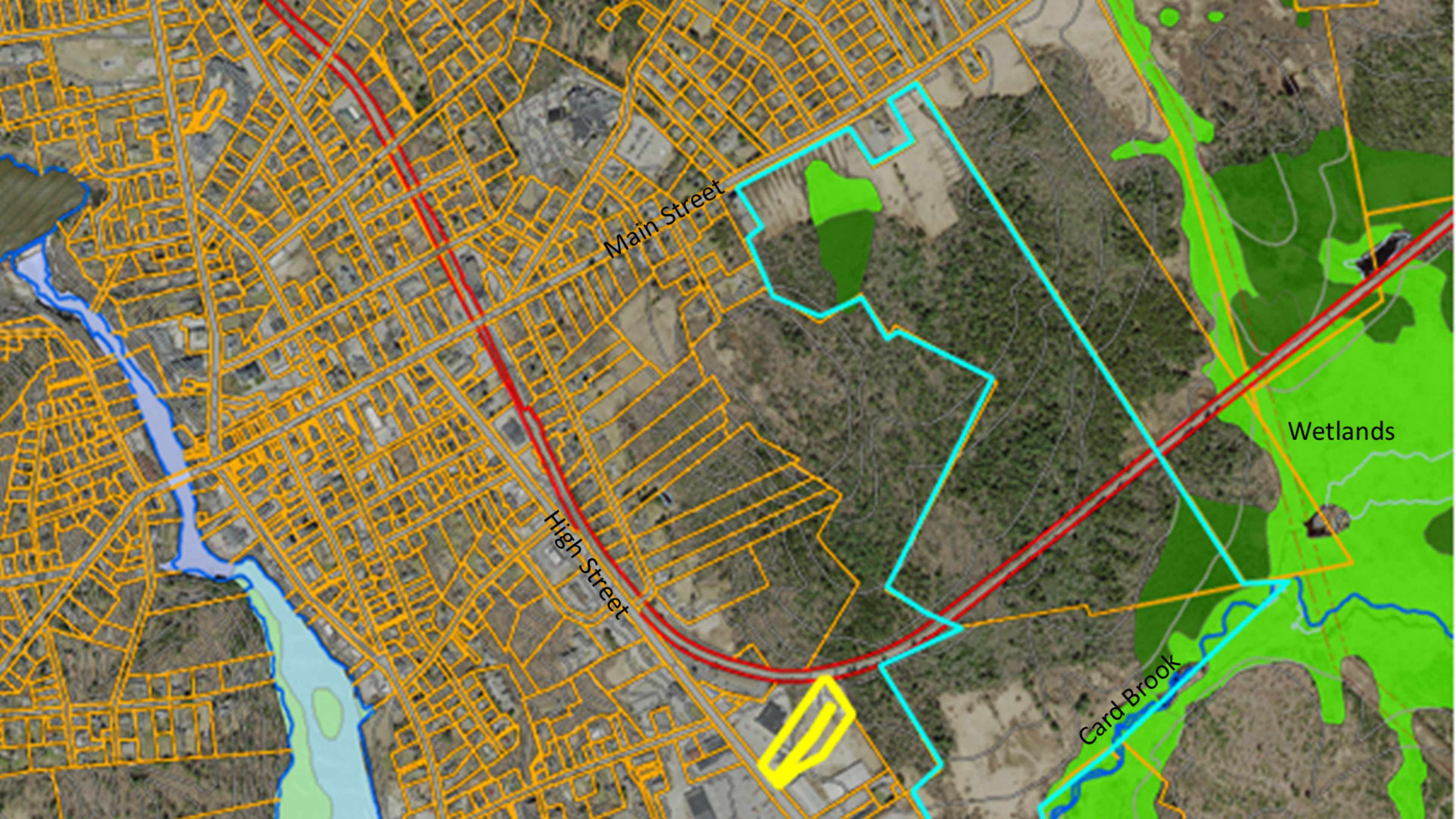
123 Main Street Suite C-1  
Northeast Harbor  
Maine, 04662  
207.276.0565

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Main Street

High Street

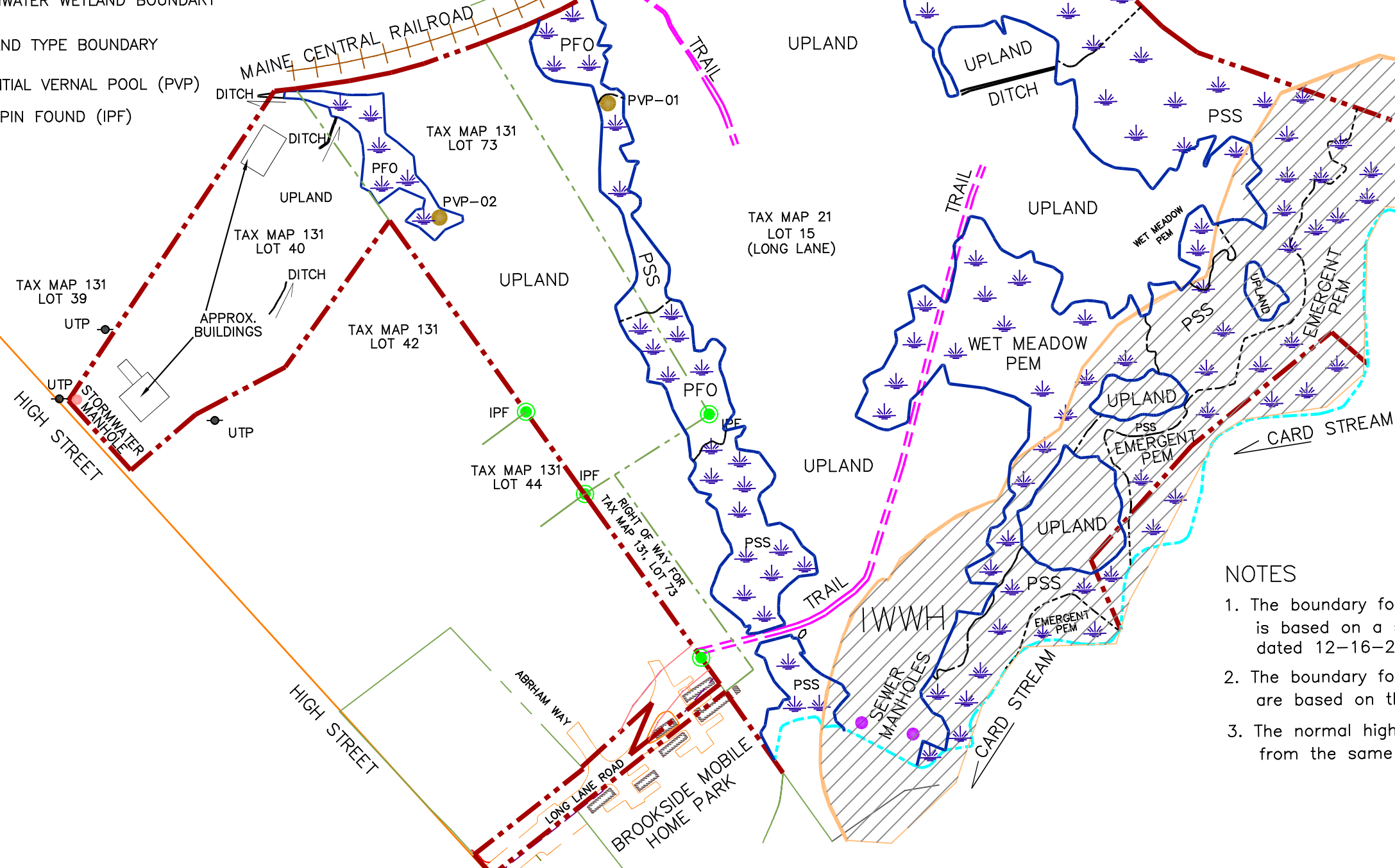
Wetlands

Card Brook



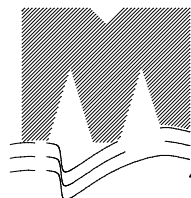
# MAP LEGEND

- SITE BOUNDARY (LIMIT OF INVESTIGATION)
- TAX LOT BOUNDARIES
- APPROX. INLAND WADING BIRD HABITAT (IWWH) PER MAINE IF&W
- NORMAL HIGH WATER LINE OF STREAM
- ⬮ FRESHWATER WETLAND BOUNDARY
- WETLAND TYPE BOUNDARY
- POTENTIAL VERNAL POOL (PVP)
- IRON PIN FOUND (IPF)



## NOTES

1. The boundary for Tax Map 21, Lot 15 is based on a survey from Haley Ward dated 12-16-2022
2. The boundary for Tax Map 131, Lots 40 & 73 are based on the City of Ellsworth Tax Maps
3. The normal high water line of Card Stream is from the same Haley Ward survey in Note 1.



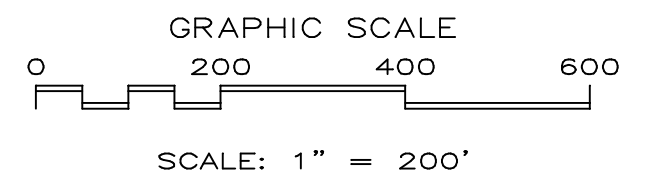
MOYSE  
ENVIRONMENTAL  
SERVICES

Soil and Land Use Consulting  
42 Pleasant View Avenue, Bangor, ME 04401  
Phone (207) 945-6179  
Fax (207) 433-7225

PROTECTED  
RESOURCES MAP  
CITY OF ELLSWORTH  
TAX MAP 131, LOTS 40 & 73  
& TAX MAP 21, LOT 15  
LONG LANE ROAD  
ELLSWORTH, MAINE  
12-18-24 024-153WP

FRESHWATER WETLAND TYPES PER COWARDIN ET AL. 1979

PFO = FORESTED WETLAND  
PSS = SCRUB SHRUB WETLAND  
PEM = EMERGENT WETLAND







## **Section 2**

### Wardwell Property Photos





























## **Section 3**

# Excerpts from the Comprehensive Plan and Housing Needs Assessment



# City of Ellsworth Comprehensive Plan - Excerpts

Published November 15<sup>th</sup>, 2024

**Principle 2:** *Protect and preserve the natural environment and rural lifestyle and encourage sustainable and resilient growth.*

*To support efforts outlined in this Plan, the City will look at areas to expand water and sewer infrastructure to better support growth in the City's Urban Core. Sufficient capital planning will be important to help ensure that infrastructure is properly maintained, and infrastructure upgrades or replacements are adequately planned and budgeted for.*

---

*While ample development potential exists within the City's Urban Core, either on undeveloped or underdeveloped parcels, building single-family homes in undeveloped rural areas is often easier and less expensive for developers. This type of sprawling residential development has numerous impacts beyond the loss of open space. Building housing further from the center of the City (as opposed to infill development in and around downtown) puts a greater burden on municipal services to expand infrastructure maintenance and provide services to a larger geographic area, including road maintenance, snow plowing, and emergency response. With the significant increase in costs to build and maintain infrastructure, building closer to the City's center can help to reduce the costs associated with new development and construction outside of areas served by water, sewer, and roads. Homes further from the Urban Core, require more driving for residents to access goods and services, creating more traffic. This type of development also does not address the needs of those who are seeking smaller, more affordable homes or who do not drive. Additional growth and density within and near downtown will have numerous benefits, including minimizing infrastructure costs for new development, supporting downtown businesses, reducing traffic impacts and transportation costs for downtown residents, creating safer and more active streets, and creating more opportunities for social connection.*

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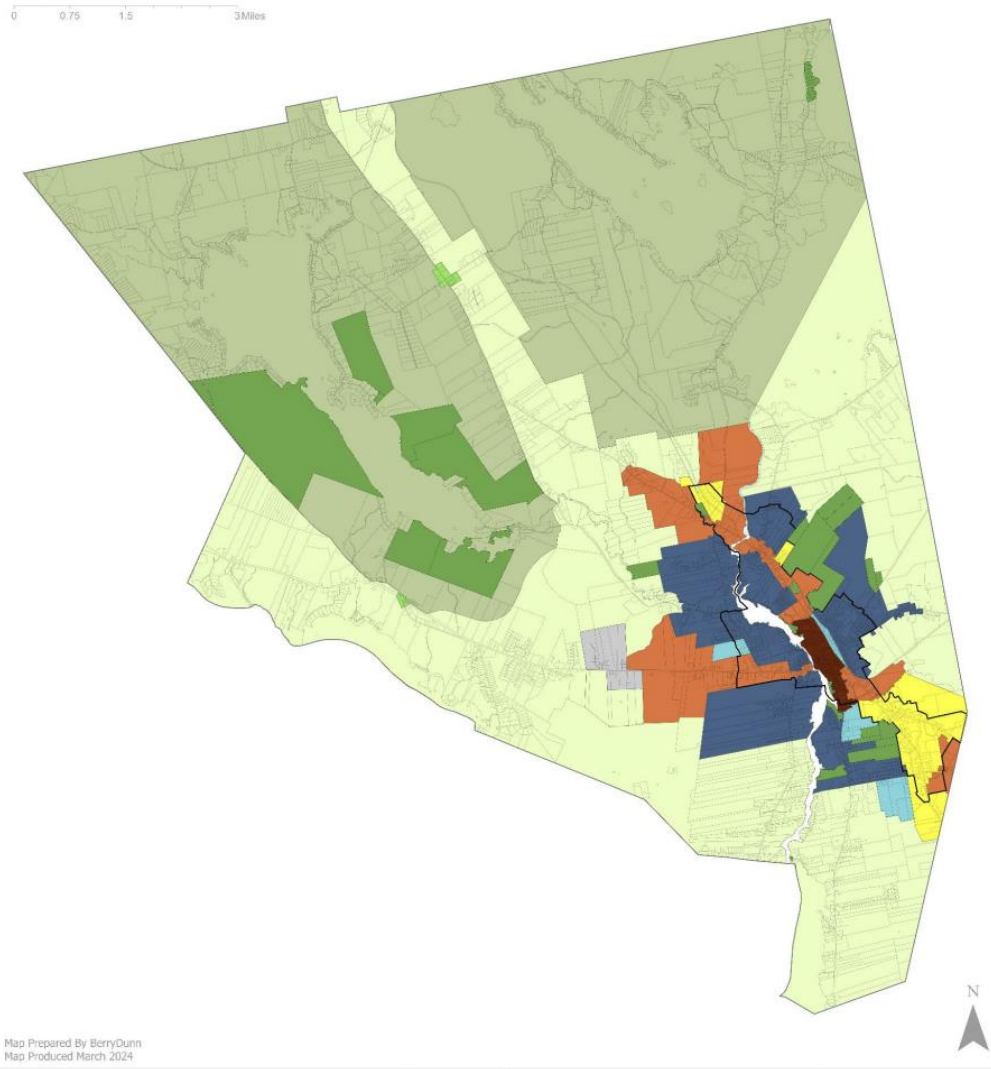
*Directing growth to the Urban Core will also support the City's goals of preserving open space and significant natural areas. Most of the City is undeveloped and consists of privately owned, undeveloped land, much of which is covered by forests, wetlands, and other natural features that comprise wildlife habitats. Directing growth away from undeveloped areas through land use regulations can help to maintain open space areas and habitats that are not permanently conserved. Additionally, the future land use plan expands the current drinking water zone to include Branch and Green Lakes to minimize impacts of future development on water quality of the lakes.*

*In recent years, the City has seen an increase in development pressure outside of the Urban Core. Development has happened closer to the City's lakes, including the area between Green and Graham Lakes. Much of the City's land is rural, forested land and water bodies. The community has emphasized the desire to preserve the rural character of much of the City and protect water quality, natural resources, forests, and areas suitable for agriculture.*

---



# Future Land Use Map



## City of Ellsworth Comprehensive Plan Future Land Use

- City Boundary
- Urban Core
- Future Land Use
- (I) Industrial
- (C) Commercial
- (N) Neighborhood
- Neighborhood Mixed Use
- (U) Urban
- (DT) Downtown
- Rural Village
- (R) Rural
- (RC) Rural Conservation
- Conservation Lands

*Promote tax increment financing in strategic locations to facilitate the infrastructure to support mixed-use (commercial and residential) development as desired by the community.*



---

*Based on the community's vision, future land use plan, and policies and actions, the City is planning for potential sewer and water upgrades and infrastructure expansion in the Urban Core to support additional residential and commercial growth. To help ensure that critical longterm projects are adequately funded in the future, the City will continue to maintain a 10-year CIP and update it annually in coordination with budgetary changes and the recommendations of this Plan. The implementation plan outlines relative costs, funding sources, and priority for capital related actions. This information will be used to inform the City's CIP update and plan funding mechanisms for all projects, including non-capital-related projects.*

---

*Metrics could include the type and location of new development, new land conservation acreage and location, trail miles, transit ridership, or the location and type of new businesses opening in Ellsworth. Future evaluation and reports should include an overview of zoning and policy changes, capital projects, and new development. Reporting should consider development trends and evaluate consistency with the Plan and goals for development in different areas of the City.*



# Housing Needs Assessment and Strategy - Excerpts

Published December 4<sup>th</sup> 2024

## **Housing Taskforce Study Strategy 1: Decrease Development Costs**

*More municipalities are developing tools at the local level to directly fund housing development, including tax increment financing (TIF) districts, affordable housing trust funds, using public land, and being more proactive in moving development projects forward by seeking funding for these projects through partnerships and grants*

*Initiative 6: Leverage State and federal funding and build partnerships to maximize impacts of funding. Partnering with other agencies, nonprofits, or municipalities can increase access to funding and can expand capacity for grant writing and management. As a relatively small community, Ellsworth has limited staff capacity to support housing and economic development initiatives. Grant writing and management can be time consuming and may prohibit a municipality from applying for additional grants to support its goals due to staff resourcing and availability. Partnering with local organizations or regional municipalities can support the City in accessing additional funding and strengthening grant applications.*

---

## **Initiative 7: Allow for increased density in walkable neighborhoods.**

*Allowing for increased density in walkable neighborhoods (areas in and around downtown and near commercial areas) enables more people to live near essential services, shops, jobs, and transportation. Higher density in walkable areas helps meet housing demand in areas with existing infrastructure, supports local businesses, and reduces dependencies on cars. In Ellsworth, this could look like decreased minimum lot sizes and setbacks to allow for the development of smaller homes on smaller lots in existing neighborhoods or for multifamily units in mixed-use areas. Higher density in walkable areas, including areas outside of the downtown district, can support existing businesses and reduce traffic in the downtown and along major corridors. Amend the Unified Development Ordinance, in coordination with the Comprehensive Plan update, to allow for additional density in the Urban Core.*

---

## **Strategy 3: Increase Development Opportunities**

*Directing development to the City's downtown and Urban Core will support other goals outside of housing, including increased walkability, number of jobs, a more vibrant downtown, and open space preservation. Achieving these goals will also help improve livability for people of all ages and abilities. Transfer of development rights (TDR) is a tool that can encourage development where it is most appropriate (within the Urban Core), while also protecting open space. Increasing development potential for properties within the Urban Core through use of TDR will create more opportunities for larger-scale housing developments.*

<https://www.maine.gov/dacf/municipalplanning/docs/transferdevrightsintro.pdf>

*The City's draft Comprehensive Plan provides a framework for directing growth and higher density development to the Urban Core. To support this growth, the City will need to evaluate its infrastructure capacity and needs over time. This includes water and wastewater treatment capacity. The City has been*



*pursuing grants to further invest in clean water and treatment capacity, which can support further investment in the Urban Core.*

---

**Initiative 14: Facilitate cottage court/pocket neighborhood development.**

*Cottage court or pocket neighborhood developments are small clusters of compact homes arranged around shared open space that prioritize community living and efficient land use. This style of development provides smaller homes, which can support older residents looking to downsize or young adults looking for starter homes. These neighborhoods can also support open space preservation and natural resource protection in rural areas by shrinking the footprint of development and leaving more land undeveloped.*

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**Initiative 16: Establish tax increment financing (TIF) districts for affordable housing.**

*A TIF district is a flexible finance tool that is used to leverage the new property taxes generated by a specific project or area. A municipality can define the district size, the amount of new taxes to be captured, and public or private projects that will be funded by the revenue. Incremental taxes can be used to fund economic development initiatives, public infrastructure or services to support development, or to reimburse developers for development project costs through a credit enhancement agreement. Maine's Affordable Housing TIF (AHTIF) Program allows municipalities to use the TIF tool to assist affordable housing projects by designating a specific area as an affordable housing development district and adopting an affordable housing development program. Incremental tax revenues can subsidize the project and pay for related costs for infrastructure and facilities.*

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**Initiative 17: Add wastewater treatment capacity in designated growth areas.**

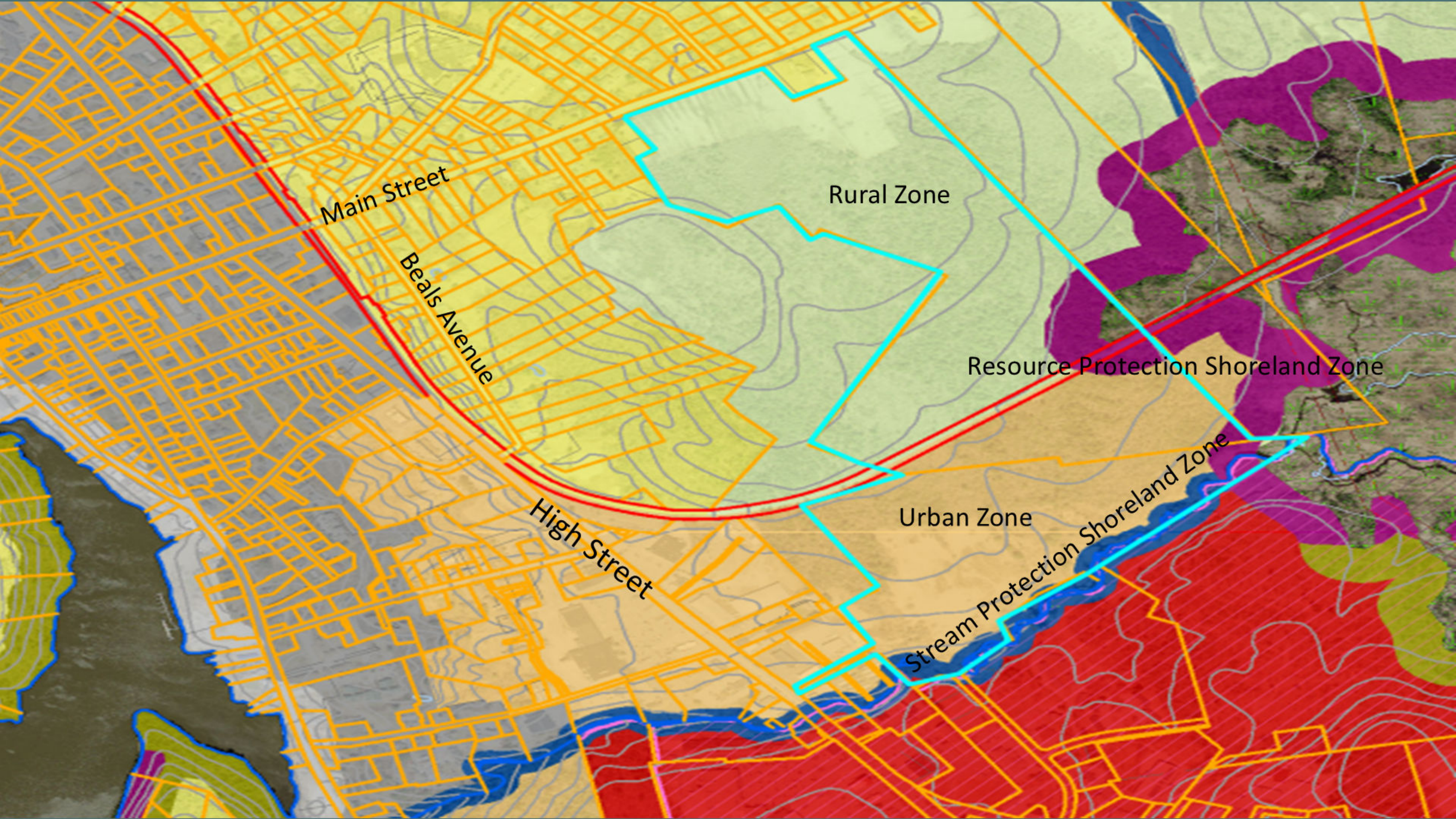
*Improving wastewater infrastructure supports smart growth by concentrating development in growth areas, preserving the surrounding rural landscape. The City has obtained grants and plans to improve its water and wastewater infrastructure. By investing in infrastructure in growth areas outlined in the Comprehensive Plan, the City can guide development into areas with existing roads, water and sewer lines, and sidewalks. While most of the Urban Core is developed, many of these areas are underdeveloped, based on what is currently allowed by zoning and what is desired by the community, as detailed in the Comprehensive Plan. Wastewater capacity should accommodate the density and location of growth that is recommended and anticipated in the Comprehensive Plan and that will support a variety of housing types and densities in accessible and walkable neighborhoods.*

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**Initiative 18: Extend water and sewer lines to accommodate higher density development in growth areas.**

*Like growth-related investments for wastewater treatment capacity, extending water and sewer lines to accommodate higher density in growth areas can support smart growth in the City. New sewer lines would be shorter and could connect to the existing network. Planning for infrastructure expansion in alignment with the City's Comprehensive Plan will be critical in helping to ensure that new development occurs in a way that is fiscally sustainable and compatible with the City's goals, including improving walkability and connectivity, enhancing the vibrancy of downtown, and supporting the development of diverse and affordable housing options. There are several areas within the Urban Core that are not currently served by water and wastewater systems, but that are walkable to downtown and other commercial centers and could otherwise support more dense development.*





Main Street

Beals Avenue

High Street

Rural Zone

Urban Zone

Resource Protection Shoreland Zone

Stream Protection Shoreland Zone









## **Section 4**

# Surry Road Courthouse Information



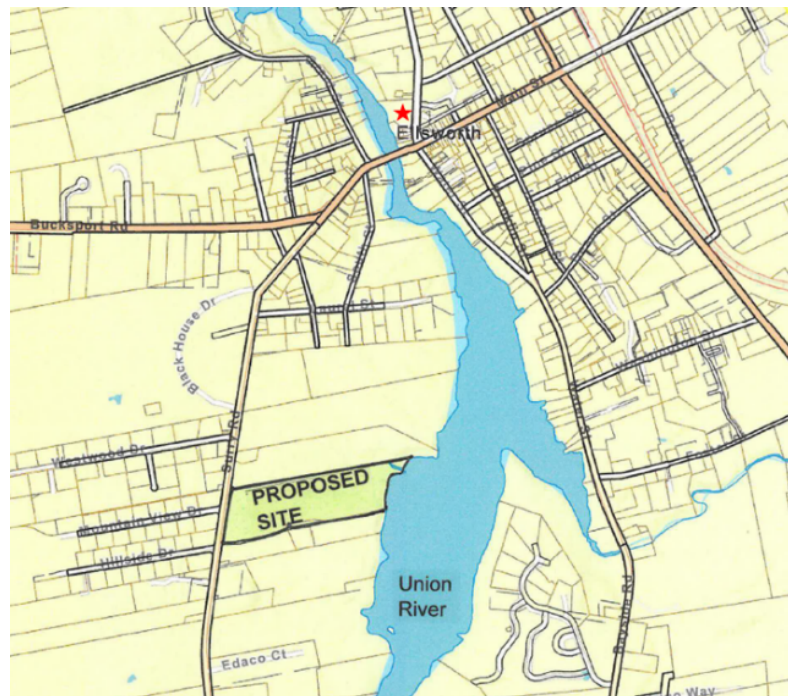
# FAQs for the Hancock Judicial Center Proposal

## 1) Summary of the proposal:

The Judicial Branch proposes to build a new Hancock Judicial Center (HJC) at 120 Surry Road in Ellsworth, consisting of 4 courtrooms (2 jury and 2 non-jury) with a consolidated clerk's office, at least 8 conference rooms, and 125 public parking spaces. The building will be 2 1/2 stories, with a footprint of about 25,000 square feet. The proposal was developed in consultation with professional architects and engineers to confirm that the property was suitable.

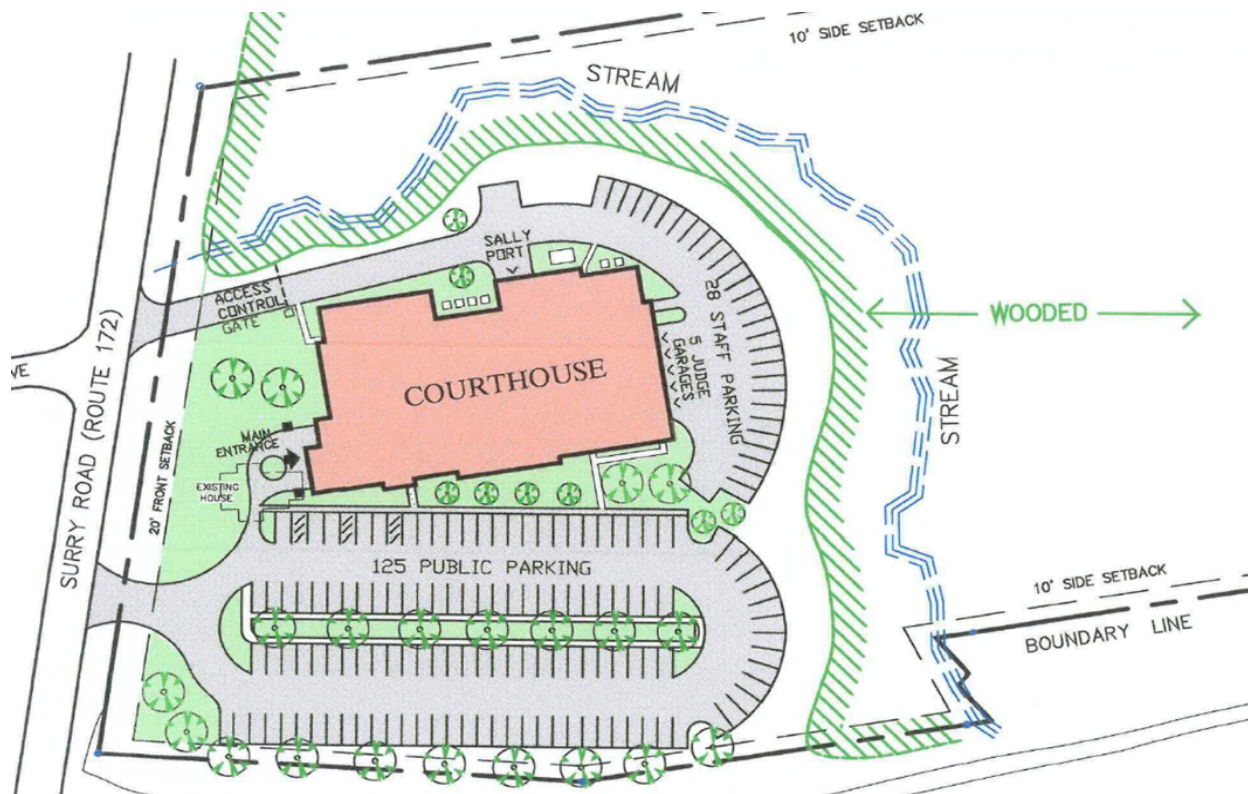
### Site Location & Description:

- 120 Surry Road (Rte. 172), Ellsworth
- 0.9 miles from existing courthouse and city center
- 17.9 acres
- 350' road frontage
- mostly undeveloped with sloping views to the Union River
- 3-phase electric
- city water/sewer
- surveyed
- environmental inventory (wetlands, vernal pool check) completed
- sidewalk to within 500 yards (City open to extending)
- stormwater mitigation feasible onsite
- commercial and residential abutters (café, auto repair business, offices, and single and multi-family dwellings, including a vacant single-family home on the site)





Project sketch:



**2) What is the projected cost of the project and how will it be funded?**

The project is estimated to cost \$55M and will be funded by securities (bonds) issued by the Maine Governmental Facilities Authority.

**3) Why is a new courthouse needed for Hancock County?**

The current Hancock County Courthouse was built in 1931 and has numerous safety, space, electrical, parking, and mechanical deficiencies that have negatively affected court operations and public service for many years.

The Judicial Branch first considered options to renovate the present courthouse or add a standalone addition next door. Both options proved infeasible. Considerable portions of adjoining property are not buildable because of wetlands and rock ledge. The current and adjoining properties lack sufficient parking. Renovation of the present courthouse would interfere with the historic preservation of a local landmark.

**4) How was the 120 Surry Road site selected?**

The Judicial Branch has been pursuing suitable properties in Ellsworth on which to construct a new courthouse facility to serve the residents of Hancock County since 2019.



Meetings with County and City officials, discussions with area real estate professionals, and advertising in the Ellsworth American identified over 20 properties that met the minimum requirements for 5 acres of buildable area and public infrastructure access. Additional criteria such as proximity to the Ellsworth city center, road frontage, zoning, cost, topography, and environmental considerations narrowed the options significantly.

Environmental wetlands concerns and rock ledge prevented the development of the property adjacent to the current courthouse- Another property on the Bucksport Road that looked promising initially had wetlands restrictions that made the property incompatible with our proposed use.

**5) Has the proposal been presented to the Ellsworth Planning Board for approval?**

Not at this time. The Judicial Branch will follow the applicable City and State permitting and approval processes for the project when our design plan is complete.

**6) Will the proposal comply with zoning restrictions for a Neighborhood Zone per the City of Ellsworth's Ordinances and Codes?**

The Judicial Branch intends to have its design comply with all zoning restrictions.

**7) Has a traffic study been done for the location?**

A traffic study has not yet been done, but one is planned as part of the design plan.

**8) How will the proposal affect pedestrian traffic, stormwater runoff, and the character of the neighborhood?**

The Judicial Branch has had discussions with City officials regarding extending sidewalks to the property to improve pedestrian traffic. Development of the project will include facilities to treat stormwater onsite and mitigate stormwater runoff to pre-development levels. We intend to develop property west of the existing stream only. Land near the Union River will not be developed.

**9) How can I stay informed about the progress of the project?**

Check for updates on the HJC project on the Judicial Branch website at:  
<https://www.courts.maine.gov/about/projects/index.html>



# Courthouse Building and Capital Improvement Projects

The Judicial Branch Facilities team oversees the ongoing maintenance and repair of state courthouses through budget appropriations made by the Maine Legislature. Construction of new courthouse facilities and major capital improvements are funded by tax-exempt governmental bonds authorized by the Legislature.

Contact [info@courts.maine.gov](mailto:info@courts.maine.gov) for questions about courthouse building and capital improvement projects.

## Current Proposals

LD 2090, An Act to Modernize and Consolidate Certain Court Facilities, became law on May 1, 2024. The legislation allows the Maine Governmental Facilities Authority to increase the amount of securities that it may issue to fund new court facilities in Hancock, Somerset, and Androscoggin Counties. [Read State Court Administrator Amy Quinlan's testimony on LD 2090, An Act to Modernize and Consolidate Certain Court Facilities.](#)

## Hancock Judicial Center

### Summary

The Judicial Branch proposes building a new Judicial Center at 120 Surry Road in Ellsworth to replace the [Hancock County Courthouse](#) at 50 State Street. The Hancock County Courthouse was built in 1931 and has numerous safety, space, electrical, mechanical, and parking deficiencies that have negatively affected court operations and public service for many years.

### Proposed Site & Building Plan



Proposed site drawing of Hancock Judicial Center. [Click to Enlarge](#)

On March 15, 2024, after an extensive search and after discussions with city, county, and state officials, the Judicial Branch purchased an 18-acre parcel, seven acres of which will be developed for the new facility.



The building will be 2.5 stories high, with a building footprint of about 25,000 square feet, four courtrooms, a consolidated clerk's office, at least eight conference rooms, 125 public parking spaces and will be fully accessible throughout. The Hancock Judicial Center will cost about \$55M to design and construct. [FAQs on the Hancock Judicial Center Proposal](#)

The project will comply with the City of Ellsworth's zoning requirements and the planning board approval process, which has not begun.

## **Additional Information**

[Existing Conditions Plan for 120 Surry Road, Ellsworth](#) (PDF)

[Wetland Report for 120 Surry Road, July 24, 2023](#) (PDF)

## **Somerset Judicial Center**

### **Summary**

Somerset County is currently served by two courthouses in Skowhegan: the [Skowhegan District Courthouse](#) and the [Somerset County Superior Courthouse](#), both aging and obsolete courthouses. Neither of these two buildings alone provides sufficient space to meet the present and future operational needs of Somerset County. The Judicial Branch proposes to renovate and add an addition to the Skowhegan District Courthouse and return the Somerset County Superior Court building to the County, consolidating court operations into one building.

### **Proposed Site & Building Plan**

The proposed site of the new Somerset County Judicial Center will be at 55 Court Street in Skowhegan. We will be adding to the existing courthouse a 30,000 square foot three-story addition. It will feature four courtrooms (two jury and two non-jury), at least eight public conference rooms, and an enlarged area for a clerk's office. We expect the courthouse design and construction to cost \$45M.

Approximate time frame: April 2026 through December 2027.

## **Androscoggin Judicial Center**

### **Summary**

Androscoggin County is presently served by the [District Court on Lisbon Street in Lewiston](#) and the aging [Androscoggin County Courthouse](#) in Auburn. The Judicial Branch proposes consolidating the two facilities by adding on to the District Court building and



returning the space occupied by the Androscoggin Superior Court building in Auburn to Androscoggin County. The resulting facility will be located on Lisbon Street in downtown Lewiston and be known as the Androscoggin Judicial Center.

## **Proposed Site & Building Plan**

To build this facility, the Judicial Branch plans to acquire the building at 55 Lisbon Street, next door to the present District Court. We plan to gut the building and remodel it to add three additional courtrooms (two jury and one non-jury) to the five courtrooms already in the District Court building. At least eight more public conference rooms and, if space allows, an additional room for dispositional conferences and hearings, will be added. We expect the courthouse design and construction to cost approximately \$105M.

Approximate time frame: April 2027 through October 2029.

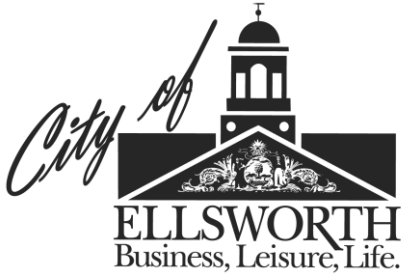




## **Section 5**

### Moratorium





## Planning Department

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Phone (207) 669-6615 ♦ Fax (207) 667-4908  
[mwilliams@ellsworthmaine.gov](mailto:mwilliams@ellsworthmaine.gov) / [www.ellsworthmaine.gov](http://www.ellsworthmaine.gov)

# MEMO

To: City Council  
From: Matthew Williams, City Planner  
CC: Charlie Pearce, City Manager; Tim Pease, Managing Partner, Rudman Winchell  
Date: January 6, 2025  
RE: **Large-Scale Non-Residential Development Moratorium Ordinance**

## Background

As directed by the City Manager and in consultation with the City's legal counsel, I have prepared the following memorandum outlining potential options for a moratorium to allow the City more time to plan and manage potential large-scale development in certain parts of the City.

## Moratorium Process and Requirements

A moratorium is a land use ordinance that allows a municipality to temporarily prevent specific types of development to give the municipality time to plan and manage the development. When enacting a moratorium, City officials must follow 30-A M.R.S § 4356. State law requires a municipality to address five items within the moratorium ordinance: 1) Identify the development issue at hand; 2) Describe the need for a moratorium related to the identified development; 3) Provide details on term of moratorium, enforcement, findings of necessity, legal authority, and a clear effective date; 4) Public notice timelines; and 5) Description of existing laws that are repealed during the moratorium timeframe. A moratorium requires a public hearing and cannot last more than 180 days. A moratorium can be extended for an additional 180 days by following the public hearing process over again.

The necessity of this ordinance should define the development concern in a way narrow enough to be clear about what is affected, but broad enough to not target a specific development project. The municipality should be prepared to address the development concern through more permanent ordinance changes.

There are pros and cons to instituting a moratorium. In this case the advantages are: 1) A moratorium will halt large-scale development that is undesirable in a specific part of the city due to its character; 2) The moratorium may help prevent overburdening of public facilities. More due diligence would be necessary to ensure the development would not cause this.

Considerations before entering into a moratorium include: 1) This action can delay any development in the City as it signals the community does not want large-scale development; 2) Requires a large time commitment from public officials and staff to draft new ordinances to address the development concern; 3) Can be difficult to reach a consensus on what post-moratorium regulations should be; 4) Can frustrate developers and create animosity.



## Potential Need for a Moratorium

The Judicial Branch of the State of Maine purchased a 17.9-acre property at 120 Surry Road in Ellsworth in March 2024. The Judicial Branch plans to build a 25,000 square-foot judicial building to replace the current Hancock County Courthouse. The property is located in Ellsworth's Neighborhood zoning district.

The purpose of Neighborhood zoning district, as set forth in the Ellsworth Unified Development Ordinance, is to “recognize transitional areas and provide for a well-planned compatible mixed-use environment. It encourages a combination of land uses which might normally be regarded as incompatible. Uses locating in this zone shall be landscaped to ensure compatibility and screening. The purpose of this zone is to protect existing and attract new residential neighborhoods. It is either served or has the potential to be served by public water and sewer.”

The Ordinance includes in its Table of Uses a broad category called “Special Uses”. A “special use” is defined as a “governmental or public service use providing public health, safety, comfort, convenience, or the general welfare for the general benefit of the citizens funded in whole or in part by the City of Ellsworth or a quasi-municipal organization, including by way of illustration, municipal buildings, schools, public parks and recreational facilities, cemetery, public art, museum, interpretation center, public parking, fire stations, ambulance services, highway garage, distribution and transmission of essential services ; essential facilities, hospital, Federal Aviation Administration –designated commercial service airport, heliport.”

Special Uses are included in all zoning districts, including the Neighborhood district, even though the category includes many highly intensive activities. However, the Unified Development Ordinance does not address the impacts of these highly intensive uses that, but for the fact that the use is a “government or public service use”, would not be an allowed use in many zoning districts. Because the Ordinance allows a broad swath of certain highly intensive uses in all zoning districts, but does not mitigate those impacts with specific development criteria, the Ordinance is arguably inadequate as presently drafted to address such large-scale developments.

## Suggested Next Steps

**Request the City Manager request the Planning Department and City legal counsel begin drafting a moratorium on large-scale non-residential development within Neighborhood zones in the City and further request that the Planning Board and City staff begin drafting ordinance changes to address the concerns of overdevelopment in the Neighborhood zone.**