

AGENDA
ORDINANCE COMMITTEE

Thursday, September 20, 2018

4:30 p.m.
Council Chamber A

- Item 1.** Call to order.
- Item 2.** Attendance.
- Item 3.** Approval of Minutes: June 21, 2018.
- Item 4.** Public Comment.
- Item 5.** Resident survey on marijuana.
- Item 6.** Temporary signs in the right of way.
- Item 7.** Moorings.
- Item 8.** Adjournment.

Item 5.

Adult Use Marijuana Survey

Under the State of Maine's "Marijuana Legalization Act," municipalities are given substantial control over regulating marijuana establishments. The State requires that municipalities wishing to allow for some or all types of marijuana establishments to first "opt in" by passing legislation to legalize marijuana establishments. There are four types of establishments covered by the law: marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores. A municipality may choose to allow any or all types of these businesses.

The State also gives municipalities substantial powers to regulate marijuana establishments within their borders, including the ability to limit the number and types of establishments and to restrict where they may operate through zoning and land use regulation.

The Town Council Ordinance Committee would like to know more about residents' opinions on this topic. We ask that you complete this short survey so that we may better understand how the community wishes to respond at this time.

* Required

Residency

We want to hear from residents of Scarborough. To ensure that the voices of residents are heard, we ask that you answer a couple of questions:

1. Are you a resident of Scarborough? *

Mark only one oval.

☐

Yes

☐

No

Stop filling out this form.

Residency, continued

2. Please provide either of the following: (1) your first and last name or (2) your street address: *

Support for Marijuana Establishments in Scarborough

3. On a scale from 1 to 5, with 5 being the highest, please indicate your level of support in general for legalized marijuana establishments of any kind in the Town of Scarborough. *

Mark only one oval.

1

2

3

4

5

Not at all supportive

☐
☐
☐
☐
☐

Very supportive

Cultivation facilities

A marijuana cultivation facility is licensed to cultivate, prepare, and package marijuana and to sell marijuana products to marijuana manufacturing facilities, stores, and other cultivation facilities.

The State gives municipalities the authority to regulate marijuana establishments through land use and zoning restrictions, which would allow Scarborough to exert substantial controls over the location of any potential marijuana cultivation facilities.

4. Would you support a decision to allow marijuana CULTIVATION facilities in Scarborough? *

Mark only one oval.

- ☐ Yes, and I have no preference as to where such facilities are located
- ☐ Yes, but only in established industrial areas
- ☐ Yes, but only in established industrial and rural areas
- ☐ No
- ☐ I am not sure

5. What comments or concerns do you have about the location of potential marijuana cultivation facilities?

Manufacturing facilities

A marijuana manufacturing facility is licensed to purchase marijuana products from a cultivation facility and to manufacture, package, and label marijuana products; and to sell marijuana and marijuana products to marijuana stores and other manufacturing facilities.

The State gives municipalities the authority to regulate marijuana establishments through land use and zoning restrictions, which would allow Scarborough to exert substantial controls over the location of any potential marijuana manufacturing facilities.

6. Would you support a decision to allow marijuana MANUFACTURING facilities in Scarborough? *

*

Mark only one oval.

- ☐ Yes, and I have no preference as to where such facilities are located
- ☐ Yes, but only in established industrial areas
- ☐ No
- ☐ I am not sure

7. What comments or concerns do you have about the location of potential marijuana manufacturing facilities?

Testing facilities

A marijuana testing facility is licensed to develop, research, and test marijuana, marijuana products, and other substances.

The State gives municipalities the authority to regulate marijuana establishments through land use and

zoning restrictions, which would allow Scarborough to exert substantial controls over the location of any potential marijuana testing facilities.

8. Would you support a decision to allow marijuana TESTING facilities in Scarborough? *

Mark only one oval.

- ☐ Yes, and I have no preference as to where such facilities are located
- ☐ Yes, but only in established industrial zones
- ☐ No
- ☐ I am not sure

9. What comments or concerns do you have about the location of potential marijuana testing facilities?

Retail stores

A marijuana retail store is licensed to purchase marijuana, marijuana plants, and seedlings from a cultivation facility, to purchase marijuana or marijuana products from a manufacturing facility, and to sell marijuana, marijuana products, immature plants and seedlings to consumers.

The State gives municipalities the authority to regulate marijuana establishments through land use and zoning restrictions, which would allow Scarborough to exert substantial controls over the location of any potential marijuana retail establishments.

10. Would you support a decision to allow for RETAIL marijuana stores in Scarborough? *

Mark only one oval.

- ☐ Yes, and I have no preference as to where these stores are located
- ☐ Yes, but only in commercial or business areas
- ☐ Yes, but only in dense commercial areas such as those along Route 1 and Payne Rd
- ☐ Yes, in commercial areas but NOT in Town and Village center areas
- ☐ No
- ☐ I am not sure

11. What comments or concerns do you have about the location of possible retail marijuana stores?

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013][Amended 09/06/17]

J. TEMPORARY SIGNS

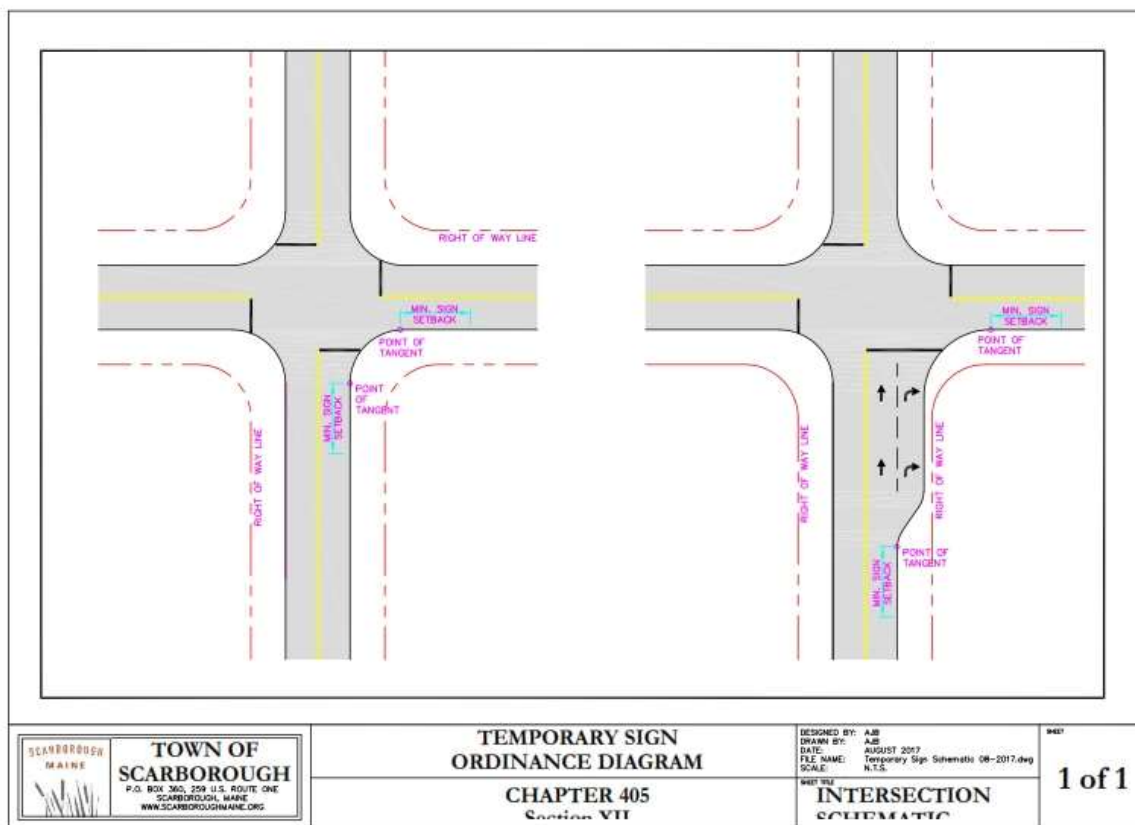
The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations.

Temporary signs specified in this section shall not be attached to fences, trees, utility poles, light poles, traffic control devices or the like. [09/06/17]

To protect ecologically sensitive areas and scenic views no temporary signs shall be placed in the right-of-way along:[09/06/17]

- Route One between Dolloff Way and Southgate Road
- Black Point Road between Old County Road and Tide Mill Lane
- Black Point Road between Seal Rock Drive and Sanctuary Lane
- Pine Point Road between 67 Pine Point Road and the Eastern Trail
- Pine Point Road between Holly Street and Snow Canning Road
- Pleasant Hill Road from Minuteman Drive to Hackmatack Drive (Pleasant Hill Preserve Area)
- Bayview Avenue between Houghton Street and Morning Street

To promote public safety in and around intersections with high traffic volumes no temporary signs shall be placed in the right-of-way within 30 feet of the following intersections, as measure linearly from the point of tangent to the intersection, or the point of tangent where a dedicated turn lane is provided, whichever is furthest from the intersection:



SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013][Amended 09/06/17]

- The Route One – Broadturn Road/Pine Point Road intersection
- The Route One – Payne Road intersection
- The Route One – Haigis Parkway intersection
- The Route One Gorham Road/Black Point Road intersection
- The Route One – Pleasant Hill Road intersection
- The Payne Road – Haigis Parkway intersection
- The Payne Road – Gorham Road intersection
- The Payne Road – Gallery Boulevard intersection

The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way [Adopted 09/06/17]

Temporary signs in the right-of-way are permitted for a period not to exceed 6 weeks in a calendar year. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the name and phone number of the person placing the sign. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed with 30 feet of another bearing the same message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

2. Temporary Signs on Private Property [Adopted 09/06/17]

Temporary signs on private property are permitted for no more than 6 consecutive months with not less than 30 days between displays of a sign bearing the same message. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

3. Temporary Sandwich Board Sign. [Adopted 08/19/09][09/06/17]

One (1) Sandwich Board Sign may be displayed on the premises of a commercial or similar public entity for general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board Sign shall require a sign permit, per subsection A.2., which will establish a business or uses ability to use such a sign and delineate the area in which it will be displayed. A Sandwich Board Sign shall be located on a sidewalk or walkway in a manner that it does not infringe on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels

Section 1a. Placement of Private Moorings.

It shall be a violation of this Ordinance to place any mooring in the harbor without a permit from the Harbormaster issued in accordance with 38 M.R.S.A. Sections 3, 7-A and 8. and insurance No more than two (2) moorings will be issued to the same household. No more than three (3) moorings will be issued to the same commercial entity. A person whose application for a mooring permit is denied may appeal as provided in Article X of this Ordinance. There shall be no appeal from the issuance of a permit.

The sale of a boat does not include the sale of the mooring location. The mooring permit holder must notify the Harbormaster immediately upon the sale of their boat.

Section 1b. Minimum Mooring Requirements. [amended 02-20-13]

All moorings shall conform to the following specifications. [amended 04/04/2007]

Size of Boat	Up to 16'	from 16' up to 25'	from 25' up to 30'	from 30' up to 36'	36' and above
Weight of Block	Up to 500# (open boat)	Up to 750#	Up to 1,000#	Up to 1,250#	1500# minimum
Size of Chain Shackle	½"	½"	5/8"	¾"	¾" to match minimum
Size of Nylon Pennant	½"	½"	¾"	1"	1"
Length of Mooring maximum	25'	25'	30'	35'	35'

All mooring gear shall be inspected and/or serviced by a mooring service company, or by the owner with Harbor Master approval, at least once bi-annually to determine the condition of gear and to ensure compliance with minimum standards set forth by this ordinance.

All mooring owners or mooring service companies shall notify the Harbormaster's office in writing of all inspections and service completed to mooring gear.

The Town of Scarborough recommends a 2.5 to 1 ratio for permanent moorings with the following minimum specifications:

Mushroom, Granite Block, or Pyramid (of ample size/weight) - see chart below

Heavy Chain 1.5 times maximum water depth

Light chain or Nylon line (not floating line) 1.0 times maximum water depth

Pennant 2.5 times the distance from chock to waterline

Buoy (white poly ball preferred)

Must have assigned number and blue band painted 3" (or larger) on buoy

Total scope = Heavy chain + light chain + Pennant

Example: 25 ft. cruiser;
20 ft. maximum water depth;
Distance from chock to waterline = 3 ft.

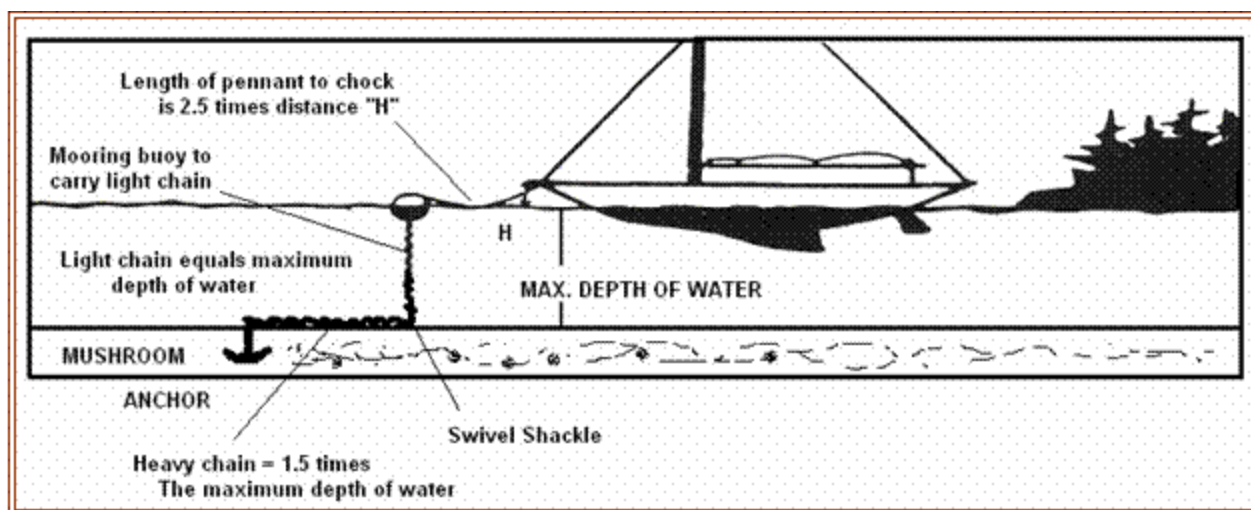
Requires: 1.5 x 20 = 30 ft. of heavy chain
1.0 x 20 = 20 ft. of light chain or equivalent nylon line
2.5 x 3 = 7.5 ft. pennant

The following chart contains the minimum requirements for seasonal moorings in sheltered waters. Vessels moored year-round and/or in open areas should upgrade 1-3 steps.

Boat Length	Boat Weight	Mushroom Weight	Block Weight	Chain Size (Bottom)	Chain Size (Top)
22'	1,500 lbs	75 lbs	300 lbs	1/2"	3/8"
26'	5,000 lbs	150 lbs	500 lbs	3/8"	3/8"
30'	8,000 lbs	200 lbs	1,000 lbs	5/8"	3/8"
35'	12, 000 lbs	250 lbs	2,000 lbs	3/4"	1/2"
40'		500 lbs	3'000 lbs	3/4"	1/2"
50'+ over	Reviewed on an individual basis				

For the safety of his/her boat and that of adjacent boats, mooring permit holders are responsible for having their mooring set and making any required adjustments or repairs.

Boats must have been moored by July 1 of the permitted year or the mooring permit shall be revoked.



The Harbormaster may permit variations from these specifications, if in his or her judgment, the proposed mooring has holding power equivalent to that which would be provided by a mooring meeting these specifications.

All moorings that are to be placed up river from the day marker in Scarborough must be built using granite block only and cannot be any higher than 24 inches in overall height.

Marker Buoys to show at all tides. All chains to be at least one foot above high water mark. All moorings to be inspected every two years - no later than July 1st.

The Harbormaster shall maintain a plot plan of the anchorage area indicating locations of moorings, size of boats, and areas to be used as waterways. A copy of this map will be kept on file at the Town Office.

Subletting of Mooring Space:

The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or boat owner; however another boat owner may use the mooring, provided the original owner pays the fee or fees and has requested permission from the Harbormaster to moor such vessel through a completed notice of intent form that can be found on the Town of Scarborough website, scarboroughmaine.org.

Section 1c. Creation and Maintenance of a Mooring Waitlist

Two mooring waitlists shall be maintained by the Town Clerk and available for inspection in the Town Clerk's office. The first shall be for commercial applicants and the second for recreational applicants. Commercial applicants will be verified by the Harbormaster and shall provide proof of a commercial State license or a Federal permit. Commercial applicants will, if requested by the Harbormaster, provide proof of commercial waterfront activity equaling 20% of their annual household income. Applicants seeking a mooring shall be placed on the waitlist in order of date and time of application. No one household shall be allowed to hold more than two (2) spots on the waitlist at any one time. When a mooring becomes available the Town Clerk will first consult the commercial waitlist which will be given priority. If the next name on either waitlist is unable to accept the mooring they may request to stay on their respective waitlist until the next mooring becomes available. If, at the time of the second mooring becoming available, the applicant again is unable to accept the mooring their name shall be removed from the waitlist and the applicant would need to reapply if they wished to again be listed. If an applicant on the waitlist has died their spot may be reassigned to a legal heir providing the Town of Scarborough has been notified within six (6) months of the applicants death.

TOWN OF SCARBOROUGH MOORING PERMIT APPLICATION – 2018

Valid April 1, 2018, through March 31, 2019

Item 7.

Town Clerk's Office

P.O. Box 360

Scarborough, ME 04070-0360

(Please print or type)

Please check one: Commercial Mooring____ Recreational Mooring____

Please check one: New____ Renewal____

To be completed by Clerk's Office only:

Mooring # _____

Owner's Last Name _____

Date of Application _____

Owner Information: (Please complete all sections)

Full Name: _____ Winter Home Telephone: _____ Business Telephone: _____

Winter **Mailing** Address: _____ Town/City: _____ State/Zip: _____

Summer **Street** Address: _____ Town/City: _____ State/Zip: _____ Summer Phone: _____

(Street address is physical address—not a P.O. Box)

E-Mail Address: _____

Boat Information: (Please complete all sections—Do NOT put "Same as last year." [We may not have anything from previous years!])

Boat Registration/Document #: _____ Boat Name: _____ Make: _____

Color (hull/trim): _____ Length: _____ Draft: _____ Propulsion: _____ Engine type: _____

Important Information:

1. Proof of boat registration, in the name of the mooring applicant, is required prior to a permit being issued

2. This permit is non-transferable and is for the use of the above-named boat only, except on a temporary basis at the discretion of the Harbor Master as outlined in Article V section 1b, in Chapter 1400, the Town of Scarborough Coastal Waters and Harbor Ordinance.

3. Location of all NEW moorings will be assigned by the Harbor Master or Deputy. The location is subject to change at any time at the discretion of the Harbor Master or Deputy as conditions dictate.

4. Holder of permit is responsible for setting mooring and making adjustments as required for the safety of this boat and adjacent boats.

5. Mooring number must be painted on mooring buoy in at least 3-inch letters of a contrasting color to ball.

6. The valid mooring registration sticker must be affixed to the boat on the port side following the State registration sticker.

7. If any boat on a licensed mooring is taking on water or in danger of sinking, the Harbor Master may authorize a private contractor to pump out said boat at the expense of the owner. The owner must pay the contractor within 60 days or owner will lose mooring privileges.

8. Registration form and fee must be received **before May 1 of the current year** or the fee will double. All moorings not registered by July 1 of the current year will be considered abandoned and cut loose and their location re-assigned, unless prior arrangements have been made with the Harbor Master. **Please Note:** All moorings must be in, with a boat registered to the mooring holder attached, by July 1 or the location will be re-assigned according to waiting list priority.

I have read the above rules, as well as Chapter 1400, the Town of Scarborough Coastal Waters and Harbor Ordinance, and agree to abide by all the rules and regulations set forth therein.

Signature: _____

Date: _____

OFFICE USE ONLY

Mooring Fee: _____ \$50.00 Recreational Resident/real estate taxpayer of Scarborough _____ \$100.00 Recreational Non-Resident

Pier Maintenance Fee: _____ \$50.00 Recreational Resident/real estate taxpayer _____ \$150.00 Recreational Non-Resident _____ \$100.00 Commercial Resident/Real estate Taxpayer
_____ \$300.00 Commercial Non-resident

Date received:_____ In Person____ Sticker mailed/given (date)_____ Rec'd by:_____ Cash/Amount Paid:_____ Check # or Credit/Amount Paid:_____

TOWN OF SCARBOROUGH MOORING PERMIT APPLICATION

WAITING LIST

Town Clerk's Office

P.O. Box 360

Scarborough, ME 04070-0360

(Please print or type)

Please check one: Commercial Mooring____ Recreational Mooring____

Owner's Last Name _____ Date of Application _____

Owner Information: (Please complete all sections)

Full Name: _____ Winter Home Telephone: _____ Business Telephone: _____

Winter **Mailing** Address: _____ Town/City: _____ State/Zip: _____

Summer **Street** Address: _____ Town/City: _____ State/Zip: _____ Summer Phone: _____

(Street address is physical address—not a P.O. Box)

Email address: _____

Boat Information: (Please complete all sections)

Boat Registration/Document #: _____ Boat Name: _____ Make: _____

Color (hull/trim): _____ Length: _____ Draft: _____ Propulsion: _____ Engine type: _____

Important Information to Know:

1. Proof of boat registration, in the name of the mooring applicant, is required prior to a permit being issued.
2. Mooring permits are non-transferable and for the use of the above-named boat only, except on a temporary basis at the discretion of the Harbor Master as outlined in Article V section 1b, in Chapter 1400, the Town of Scarborough Coastal Waters and Harbor Ordinance.
3. Location of all NEW moorings will be assigned by the Harbor Master or Deputy. The location is subject to change at any time at the discretion of the Harbor Master or Deputy as conditions dictate.
4. Holder of mooring permit is responsible for setting mooring and making adjustments as required for the safety of this boat and adjacent boats.
5. Mooring number must be painted on mooring buoy in at least 3-inch letters of a contrasting color to ball.
6. The valid mooring registration sticker must be affixed to the boat on the port side following the State registration sticker.
7. If any boat on a licensed mooring is taking on water or in danger of sinking, the Harbor Master may authorize a private contractor to pump out said boat at the expense of the owner. The owner must pay the contractor within 60 days or owner will lose mooring privileges.
8. Registration form and fee must be received **before May 1 each year** or the fee will double. All moorings not registered by July 1 of each year will be considered abandoned and cut loose and their location re-assigned, unless prior arrangements have been made with the Harbor Master.

Please Note: All moorings must be in by July 1 or the location will be re-assigned according to waiting list priority.

Mooring fees once approved: — Resident/Scarborough Real Estate Taxpayer: \$50.00/year — Non Resident: \$100.00/year

I have read the above rules, as well as Chapter 1400, the Town of Scarborough Coastal Waters and Harbor Ordinance, and agree to abide by all the rules and regulations set forth therein.

Signature: _____ Date: _____

OFFICE USE ONLY

Received by:_____

Date received:_____