

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 16, 2019
WORKSHOP RE: PINE POINT CO-OP 6:00 P.M.
REGULAR MEETING – 7:00 P.M.

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: December 19, 2018 - Regular Town Council Meeting.
January 9, 2019 - Special Town Council Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 19-001, 7:00 p.m. Public hearing and action on the following new request from Giovanni P. Del Ocana d/b/a Little Ceasars Pizza, located at 200 Gallery Blvd. *[Town Clerk]*

OLD BUSINESS:

Order No. 19-002. Act on the names post to the various Committees/Boards, as recommended by the Appointments/Negotiations Committee on January 9, 2019. *[Appointments/Negotiations Committee]*

NEW BUSINESS:

Order No. 19-003. First reading and refer to the Planning Board the proposed changes to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Section XVIII.B Haigis Parkway District. *[Long Range Planning Committee]*

Order No. 19-004. Act on the request from the Town Engineer to accept the \$115,000 Grant money from the Department of Environmental Protection for the Phillips Brook Watershed Implementation Plan. *[Town Engineer]*

- Item 8.** Non Action Items.
- Item 9.** Standing and Special Committee Reports and Liaison Reports.
- Item 10.** Town Manager Report.
- Item 11.** Council Member Comments.
- Item 12.** Adjournment.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 16, 2019
REGULAR MEETING – 7:00 P.M.

Order No. 19-001. Move approval on the new request from Giovanni P. Del Ocana d/b/a Little Ceasars Pizza, located at 200 Gallery Blvd.

Town Clerk

Ought to Pass

Sponsor

Recommendation

01/16/2019

First Reading/Vote

Public Hearing

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: January 11, 2019

RE: Food Handlers License

The following applicant is seeking approval for a Food Handlers License:

- Giovanni P. Del Ocana d/b/a Little Ceasars Pizza, located at 200 Gallery Blvd.

This is an existing business that now has a new owner. The completed application is on file with Clerk's Office and there are no outstanding issues and it is recommended that this license be approved.

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Order No. 19-002. Move approval on the names post to the various Committees/Boards, as recommended by the Appointments/Negotiations Committee on January 9, 2019, as follows:

Board of Assessment Review:

Re-appoint Matt Chamberlain and Melinda Torrens, as full voting members, with terms to expire in 2021.

Cable Television Committee:

Re-appoint Art Dillon, as a full voting member, with a term to expire in 2021.

Coastal Waters and Harbor Committee:

Re-appoint Calvin Bayley and Maria Odlin, as full voting members, with terms to expire in 2021 and appoint Michael Slavin as 1st Alternate, with a term to expire in 2021.

Community Services and Recreation Advisory Board:

Re-appoint Richard Murphy, as a full voting member, with a term to expire in 2021

Conservation Commission:

Re-appoint Rachel Hendrickson as a full voting, with a term to expire in 2021.

There is 1 vacancy left on this Commission – full voting member [2021]

Energy Committee:

Re-appoint Rick Meinking and David Kirsten as full voting members and Ronald Allen as 1st Alternate – all terms would expire in 2021.

With these re-appointments, this Committee is full.

Historic Preservation Implementation Committee:

Appoint Will Rowan as a full voting member to fill a term to expire in 2019.

With these appointments, this Board is full.

Housing Alliance:

Re-appoint Eric Boucher and Deborah Grew as full voting members with a term to expire in 2021 and appoint Will Rowan as a full voting member with a term to expire in 2021.

There is 1 vacancy left on the Alliance – full voting member [2019]

Long Range Planning Committee:

Re-appoint Judy Roy as 1st Alternate and Cory Fellows as 2nd Alternate with terms to expire in 2021.

With these re-appointments, this Committee is full.

Parks and Conservation Land Board:

Re-appoint Rachel Hendrickson as a full voting member, with a term to expire in 2021.

There is 1 vacancy on this Board - full voting member [2021]

Personnel Appeals Board:

Re-appoint J. Anton Bodor as a full voting member, with a term to expire in 2021. Move Art Dillon from 1st Alternate into a full voting position with a term to expire in 2019.

There is 2 vacancies on this Board – 1st Alternate [2021] and 2nd Alternate [2020]

Senior Advisory Board:

Re-appoint Carol Spencer as full voting member with a term to expire in 2021 and appoint Erica Jordan as a full voting member with a term to expire in 2021.

There are 2 vacancies on this Board – 1st Alternate [2020] and 2nd Alternate [2021]

Shellfish Conservation Commission:

Re-appoint Paul Erickson as a full voting member with a term to expire in 2021 and move Nathan Orff from 1st Alternate to a full member, with a term to expire in 2020 and appoint Matthew Hassler as a full voting member with a term to expire in 2021.

There is 1 vacancy on this Commission – 1st Alternate [2019]

Zoning Board of Appeals:

Re-appoint Karen Shupe as a full voting member with a term to expire in 2021 and appoint David Bourke as a full voting member with a term to expire in 2021.

There are 2 vacancies on this Board – 1st Alternate [2021] and 2nd Alternate [2020]

Appointments/Negotiations Committee

Ought to Pass

Sponsor

Recommendation

01/16/2019

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 16, 2019
REGULAR MEETING – 7:00 P.M.

Order No. 19-003. Move approval of the first reading and refer to the Planning Board the proposed changes to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Section XVIII.B Haigis Parkway District and schedule the public hearing upon receipt of the recommendations of the Planning Board, as follows:

Long Range Planning Committee

Ought to Pass

Sponsor

Recommendation

01/16/2019

First Reading/Vote

Scheduled after the Planning Board PH

Public Hearing

Second Reading/Final Approval/Vote

To: Town Council
From: Jay Chace, on behalf of the Long Range Planning Committee
Date: January 9, 2019

RE: Amendments to Haigis Parkway District: Commercial/Residential Use Ratios

Through the fall and winter the Long Range Planning Committee has been reviewing the existing provisions in the Haigis Parkway District (HP) which regulate how the ratio of residential activity is determined in relation to commercial activity. This issue came to attention of the LRPC by way of a challenging review process identified by Staff, the Planning Board and a developer during the first attempt to apply the current provisions to a development application. The LRPC is proposing language which seeks to clarify process; the language is not aimed at changing the underlying policy.

Overview

In 2012 the Council adopted updates to the HP District with an eye towards modernizing the zone and broadening the allowed uses to facilitate new development in the district, while at the same time maintaining the goals for the Parkway as a growth area for high-quality, high value commercial development. As part of this process limited residential uses (e.g. multi-family, mixed-use buildings & live/work units) were written into the district as permitted uses through the Planned Development review process only. To ensure the goal of maintaining the HP as a primarily commercial district, language was added to the regulatory provisions which simply states, *"Given that the HP District is principally a business district, the floor area of all residential uses within a planned development shall be a maximum of 40% of the total floor area of all the building floor area within the planned development."*

The Issue

When the current provisions are applied to a project that will be built out over time (i.e. with various phases of development) it is permissible for the residential use to build out faster than the commercial uses. However, in working with the current provisions the Planning Board identified that the language does not provide clear guidance with respect to how to determine the build-out ratio for a phased development. In the first application of this provision the Board and applicant struggled with an approach that would work. For this reason the LRPC was asked to review the issue and provide clarity to the language to ease the administrative burden of the Board.

Recommendation

The LRPC considered and deliberated on this matter of the course of a few months. The proposed language modifications below provides a regulatory approach for the Planning Board to determine the max. amount residential development at the outset of the development through the Planned Development review process.

Below is the proposed Zoning Ordinance amendments:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine Section XVIII.B Haigis Parkway District, is amended as follows:

Subsection C. Planned Development Standards

4. Required of Planned Developments Incorporating Live/Work Units, Residential Dwellings within a Mixed-Use Building and/or Multi-family Dwellings

Live/work units, residential dwellings within a mixed-use building and multifamily dwellings are allowed as part of a planned development provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential uses that are designed in a manner and sited in locations that are appropriate and conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

- a. ~~Given the HP District is principally a business district, the maximum amount of residential use(s) shall not exceed 40% of the non-residential use(s) at full build-out. Determination of the full build out use ratio is calculated as described below: the floor area of all residential uses within a planned development shall be a maximum of 40% of the total floor area of all the building floor area within the planned development.~~
 - i. ~~For planned development projects that consist of a single lot or building, the floor area of all residential uses shall be a maximum of 40% of the total non-residential use floor area at the time of approval.~~
 - ii. ~~For planned development projects that consist of multiple lots or buildings the maximum amount of residential use is based on the amount of total non-residential use floor area that can be accommodated on the lots and/or buildings, as determined by the applicant and approved by the Planning Board. In determining the total non-residential floor area the applicant shall complete a conceptual build-out analysis for each lot and/or building, including all typical and necessary supporting infrastructure associated with the assumed building size; including, but not limited to, parking fields, stormwater facilities, landscaping, etc. The Planning Board shall verify the applicant's analysis, and may require modifications, prior to approval.~~
- b. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents.
- c. Any other non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.
- d. Residential uses are designed with outdoor amenities, open spaces or common spaces usable for the active or passive recreation. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each.

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Order No. 19-004. Move approval on the request from the Town Engineer to accept the \$115,000 Grant money from the Department of Environmental Protection for the Phillips Brook Watershed Implementation Plan.

Town Engineer

Ought to Pass

Sponsor

Recommendation

01/16/2019

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote



MEMORANDUM

To: Scarborough Town Council

From: Angela Blanchette, P.E. - Town Engineer

Date: January 16, 2019

Re: Phillips Brook Restoration Project Grant

The Environmental Protection Agency (EPA) through Maine Department of Environmental Protection (DEP) recently awarded the Town of Scarborough a two-year, \$115,000 grant to improve the health of Phillips Brook.¹ To support these efforts and secure the grant the Town of Scarborough has allocated \$50,000 in the approved FY19 municipal budget under the Planning Department's Capital Improvement Plan.

Phillips Brook is a 2.77-mile stream that flows from Saco, across Broadturn and Payne Roads, and into Scarborough Marsh. DEP lists the Brook as an "Urban Impaired Stream," which means that pollution levels make it difficult for stream life to survive.

As a first step to clean up Phillips Brook, the Town received funding from the EPA and DEP to develop the Phillips Brook Watershed Management Plan, which was completed in the spring of 2018. The Plan is a road map to restore the Brook and recommends a combination of construction projects, education and outreach efforts, and Town ordinance and policy changes to improve the water quality of the Brook.

The \$115,000 grant will help the Town begin implementing the recommendations outlined in the Management Plan. Funds will be used to improve conditions at the Department of Public Works laydown yard on Payne Road, which is a high priority site identified in the Plan. The grant will also support education and outreach efforts aimed at reducing winter salt use and promoting healthy lawn care practices. The goal being to reduce the use for fertilizers as well as weed and bug killers, because data indicates that these pollutants are impacting the stream.

In addition, to the Town of Scarborough, DEP and EPA, project partners include Friends of Scarborough Marsh, Maine Audubon, and Scarborough residents.

The work associated with the grant is anticipated to be completed by December 2020.

¹ Funding for this project was provided, in part, by the U.S. Environmental Protection Agency under Section 319 of the Clean Water Act. The funding is administered by the Maine Department of Environmental Protection in partnership with EPA.