

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 1, 2019
WORKSHOP ON THE RECYCLING PROGRAM – 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: April 3, 2019 – Regular Town Council Meeting.
April 10, 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. 19-024, 7:00 p.m. Public Hearing the proposed amendments to Chapter 405, the Zoning Ordinance, Section II, Contract Zoning. *[Ordinance Committee]*

Order No. 19-029, 7:00 p.m. Public Hearing on the proposed FY2020 Municipal School Budgets. *[Town Manager]*

Order No. 19-030, 7:00 p.m. Public Hearing and action on the new request for a Liquor License and a Food Handlers License for Stern Seafood, Inc., located at 96 King Street. *[Town Clerk]*

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-031. First reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Zoning Ordinance, Section XII.H. Campus Directional Signs. *[LRPC]*

Order No. 19-032. First reading and refer to the Planning Board the proposed amendment to Chapter 405B – the Site Plan Review Ordinance, Section III.B. Site Plan Application Procedures & Action. *[Ordinance Committee]*

Order No. 19-033. First reading and schedule a public hearing on the proposed amendments to Chapter 601 – the Traffic Ordinance, Section II. Higgins Beach and Section IV-2 Pine Point Co-Op (Time Limit). *[Ordinance Committee]*

Order No. 19-034. First reading and schedule a second reading on the Bond Order for the Municipal and School Capital Improvement Projects of the Town of Scarborough. *[Town Manager]*

Order No. 19-035. Act on the request to sign the Warrant for the Special Municipal Election scheduled for Tuesday, June 11, 2019, at the Scarborough High School – Alumni Gym; appoint the warden and warden clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary *[Town Clerk]*

Order No 19-036. Act on the request from the Tax Collector for an abatement of taxes on property located at 29 Matthews Way – Map T003, Lot 029. *[Town Manager]*

Item 8. Non Action Item.

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 – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-024. The second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section II, Contract Zoning will be scheduled for Wednesday, May 15, 2019. *[Ordinance Committee]*

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

04/03/2019 – Vote: 7 Yeas

First Reading/Vote

05/01/19

Public Hearing

05/15/19 - Vote

Second Reading/Final Approval/Vote

To: Planning Board

From: Jay Chace

Date: April 10, 2019

RE: Amendments to Contract Zone Review Process

At the request of the Ordinance Committee staff has been asked to look a providing draft language to the Zoning Ordinance as relates to the review process for contract zones. The proposed amendments were recommended by the Ordinance Committee and considered at 1st reading by Town Council on April 3. The Planning Board is to conduct a public hearing and provide a recommendation to Town Council for consideration.

Based on a recent contract zone amendment review processes questions have been raised about the current procedures set forth in the Zoning Ordinance. The interest expressed by the Ordinance Committee is to update the amendment process to ensure that the public is engaged early in an amendment process.

When a new contract zone is proposed the first step in the process is a joint hearing between the Council and Planning Board to discuss the merits of the proposal. This meeting also includes a formal public hearing. Public notifications are made of the meeting through both newspaper advertisements as well as mailings to abutters. Following the joint hearing, the process includes these separate steps: Planning Board preliminary review, including another formal public hearing with abutter notification, Council 1st reading, Council public hearing, Council 2nd reading. Assuming approval at Council 2nd reading the item returns to the Board for final site plan and/or subdivision approval.

When an amended contract zone is proposed the first step in the process is first reading by Council. Subsequent to Council first reading is the preliminary review by the Planning Board at which time public notifications, including abutter notifications, are made and a formal public hearing is held. Following Planning Board preliminary hearing the Council conducts a public hearing and 2nd reading. Assuming approval at Council 2nd reading the item returns to the Board for final site plan and/or subdivision approval. Abutter notification is not made in this instance until after Council 1st reading has taken place.

The proposed amendments would align the process for an amendment to a contract zone to that of a new proposal. This would ensure that amendments would receive the similar detailed attention and public notification as when the proposal first was considered.

Proposed Amendments to Chapter 405, Town of Scarborough Zoning Ordinance, Section II.I, Contract Zoning

(Additions shown as underlined, deletions shown as ~~striketthrough~~)

I. CONTRACT ZONING [September 19, 2001][Amended 10/03/01][Amended 11/20/02]
[Amended 07/21/2004]

1. Contract Zoning Authorized

Contract zoning is authorized for zoning map and/or text changes when the Town Council, exercising its sole and exclusive judgment as the legislative body of the Town of Scarborough, determines that it is appropriate to modify the zoning district regulations applicable to a parcel of land, subject to appropriate conditions and restrictions which relate to the physical development or operation of the property, and which will allow reasonable uses of the land which would not have been permitted by the existing zoning district regulations but which remain consistent with the Town of Scarborough Comprehensive Plan and compatible with the existing and permitted uses within the existing zoning district classification. For purposes of this section the term “contract zoning agreement” shall mean either an original agreement or any subsequent amendments.

2. Relationship to Shoreland Zoning

A parcel rezoned under this Section II(I) may include land areas subject to the Shoreland Zoning Ordinance for the Town of Scarborough, but any provision of a contract zoning ~~amendment~~ agreement adopted by the Town Council which removes or modifies any restrictions or limitations imposed by the Shoreland Zoning Ordinance shall not take effect until approved by the Commissioner of Environmental Protection as required by 38 M.R.S.A. Section 438-A(3).

3. Public Benefit Required

Contract zoning shall promote the general welfare of the residents of the Town of Scarborough. The Town Council shall approve a contract zoning request only if it determines, exercising its sole and exclusive judgment as the legislative body of the Town, that the proposed contract zoning is in the public interest and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification. Guidelines for the Council to apply in making those determinations are set forth in Appendix A to this Ordinance.

4. Procedures

Requests for a contract zoning agreement or an amendment to an existing contract zoning agreement shall not be subject to Section II(G), but shall be processed exclusively as provided in this Section II(I). A summary of the procedural steps is contained in Appendix B to this Ordinance.



a. Preliminary Joint Review of Application for Contract Zoning by Planning Board and Town Council.

- i. The person proposing a contract zoning agreement or an amendment to an existing contract zoning agreement shall submit an application for contract zoning to the Town Planner, which shall include, at a minimum, the following elements:
- A map showing existing and proposed zoning district lines.
 - The address or exact location of the request, including the Scarborough Assessor's map references for the property to be rezoned.
 - The name, address and telephone number of the property owner and of the applicant, if the applicant is not the owner.
 - Evidence of the applicant's right, title or interest in the property.
 - A site analysis that describes the major features of the property, allowing the Planning Board and Town Council to make informed judgments about how it will be used. Guidelines for preparation of the site analysis are contained in Appendix C to this Ordinance. This requirement may be waived by the Town Planner for amendments that do not propose to utilize lands that were not previously considered as part of the contract zone process.
 - A conceptual development plan showing the approximate layout of all buildings, structures, streets, driveways, parking areas and other significant improvements to be constructed on or above the surface of the ground plus any proposed open spaces, conservation areas, buffer areas or other features of the development, but is not required to show subsurface infrastructure installations, building plans, engineering plans or other details which would be required for a subdivision plan or site plan. This requirement may be waived by the Town Planner for amendments that do not propose to utilize lands or other improvements that were not previously considered as part of the contract zone process.
 - A statement describing the existing use of the property and the proposed new use and development and describing how the proposed contract zone will be consistent with the Town of Scarborough Comprehensive Plan, will be consistent with existing and permitted uses within the existing zoning district classification of the property, will be in the public interest, and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification .
 - A proposed contract zoning agreement which complies with the requirements of Section II(I)(5) below.

- Any other information requested by the Town Planner and/or the Town Engineer.
 - A non-refundable application fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council
- ii. The Town Planner will review the application and, upon being satisfied that the application is sufficiently complete for review by the Planning Board and the Town Council, will schedule a joint meeting of the Planning Board and Town Council to commence review of the request for contract zoning. The Town Planner shall cause notice of the joint Planning Board/ Town Council meeting to be given in accordance with the requirements of 30-A M.R.S.A. § 4352(8), at the applicant's expense. Such notice shall be sent to the owners of all properties within five-hundred (500) feet abutting of the property to be rezoned. Such notice shall indicate that the joint meeting will include a public hearing conducted by the Planning Board at which the public will be given an opportunity to speak on the proposed contract zoning ~~amendment~~ agreement.
- iii. The joint Planning Board/Town Council meeting shall be conducted as follows:
- Presentation by the applicant.
 - Comments from Town staff.
 - Comments from members of the public. (This shall constitute the public hearing by the municipal reviewing authority required by 30-A M.R.S.A. § 4352(8).)
 - Response or rebuttal from applicant.
 - Discussion among members of the Planning Board and the Town Council, which may include questions posed to the applicant, staff and the public.
 - Comments from members of the Planning Board concerning the land use implications of the proposed contract zoning ~~amendment~~ agreement.
 - Preliminary Town Council discussion of contract zoning ~~amendment~~ agreement.

The Joint Planning Board/Town Council meeting may be continued from time-to-time by vote of the Town Council until the Council has concluded its discussion and is prepared to give the applicant preliminary direction concerning the further processing of the contract zoning request. At the conclusion of the discussion, the Council shall, by vote, advise the applicant: (1) to withdraw the request for contract zoning; (2) to continue to process the request for contract zoning, with or without modifications suggested by the Council; or (3) to revise and resubmit the application for contract zoning, under Section II(I)(4)(a)(i) above. The vote of the Town

Council shall constitute direction from the Council to the applicant as to how to proceed, but shall not be binding on either the applicant or the Council, which reserves its sole and exclusive judgment as the elected legislative body of the Town of Scarborough until its final vote on the proposed contract zoning amendment agreement.

b. Planning Board Plan Review.

- i. Every development proposed in an application for contract zoning shall require review and approval under the Town of Scarborough Site Plan Review Ordinance. In addition, if the development proposed is a subdivision, it shall require review under the ordinance entitled "Subdivision Regulations of the Town of Scarborough, Maine" (the "Subdivision Ordinance"). The application(s) for plan review shall be submitted only after the Town Council has given its preliminary directions to the applicant pursuant to Section II(I)(4)(a)(iii) above.
- ii. The Planning Board shall hold a public hearing to consider the site plan review application and the subdivision application, if required, whether or not a public hearing is required by the Site Plan Review Ordinance or the Subdivision Ordinance. The Planning Board shall review the site plan review application under the Scarborough Site Plan Review Ordinance and the subdivision application, if required, under the Subdivision Ordinance, applying the applicable standards of each ordinance and the zoning standards of the proposed contract zoning amendment agreement. If the Planning Board determines that the proposed development meets such standards, the Board shall grant preliminary, provisional approval to the plan[s], subject to enactment of the contract zoning amendment agreement by the Town Council.
 - a. The Planning Board shall also provide an advisory opinion to the Council and advise to the applicant of any changes or revisions to the proposed contract zoning agreement necessary to conform the agreement to the Planning Board's preliminary approval of the plan.
- iii. In the case of a subdivision, the Planning Board shall not make findings as to whether the proposed subdivision is in conformity with the Town of Scarborough Comprehensive Plan, but shall condition preliminary subdivision approval upon a determination by the Town Council under Section II(I)(4)(c)(ii), below that the proposed contract zoning amendment agreement is consistent with the Comprehensive Plan.

c. Town Council Action on the Contract Zoning Amendment Agreement. [Amended 08/20/08]

- i. Except as provided in Section II(I)(6)(b) below, the Town Council shall not take final action on the contract zoning agreement amendment until after the Planning Board has given preliminary site plan approval and preliminary



subdivision approval, if required. The Council shall process the proposed contract zoning amendment agreement under the procedures of section 213 of the Council-Manager Charter of the Town of Scarborough Charter and the Rules and Orders-Procedures of the Scarborough Town Council. In addition to the public hearing required by section 213 of the Charter, the Council may also conduct as many additional hearings and meetings as the Council deems necessary for consideration of the contract zoning application.

- ii. Before taking its final vote on the contract zoning agreement request, the Town Council shall determine whether the proposed contract zoning amendment agreement:

- (1) is consistent with the Town of Scarborough Comprehensive Plan,
- (2) is consistent with the existing and permitted uses within the existing zoning district classification of the property,
- (3) is in the public interest, and
- (4) will have beneficial effects on the town as a whole which would not result if the property were developed under the existing zoning district classification.

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The Council shall state its reasons for its findings and conclusions on each of those determinations, which shall constitute the legislative findings of the Town Council. The Town Council shall then vote on the contract zoning amendment agreement, which shall include any necessary map change and a contract zoning agreement complying with the requirements of Section II(I)(5) below. Final passage of the contract zoning amendment agreement shall require the affirmative vote of at least two thirds of the Council members present and voting, but in no event less than four. [Amended 05/21/03 – retroactive to 11/20/02]

- iii. The contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate and recorded by the applicant in the Cumberland County Registry of Deeds. The agreement shall not take effect until it is recorded. If the agreement is not recorded within 90 days after the Town Council approves the request for rezoning, the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the agreement if the Council determines that changed circumstances warrant rescission. All contract zoning agreements approved and recorded prior to August 20, 2008 are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval.

d. Final Planning Board Action.

After the contract zoning agreement is recorded in the Registry of Deeds, the Planning Board shall complete its final site plan review of the development proposal and final subdivision review, if required. In the case of a subdivision, the Planning Board shall adopt as its findings under 30-A M.R.S.A. § 4404(9) and Sections 3(I) and 6:1 of the Subdivision Ordinance the findings made by the Council under Section II(I)(4)(c)(ii) above concerning consistency with the Town of Scarborough Comprehensive Plan.

5. The Contract Zoning Agreement

a. Contents of the Agreement.

The contract zoning agreement shall include a provision granting the Town of Scarborough the power to enforce all conditions and restrictions, both through enforcement action pursuant to this Ordinance and through legal action for specific performance. Conditions and restrictions imposed by the Town Council may include, but shall not be limited to, the following:

1. Limitations on the number and types of uses permitted.
2. Restrictions on the scale and density of development.
3. Specifications for the design and layout of buildings and other improvements, including landscaping.
4. Schedules for commencement and completion of construction.
5. Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects.
6. Preservation of open space and buffers, and protection of natural areas and historic sites.
7. Contributions toward the provision of municipal services required by the development, including, for example, infrastructure improvements such as roads and sewer, and special maintenance needs arising from the rezoning.
8. Provisions for enforcement and remedies for breach of any conditions or restrictions.
9. Provisions for reservation or dedication of land for public purposes.

The Town Council may impose conditions under this Section II(I) which are more restrictive than the otherwise applicable requirements of this Ordinance.

b. Effects of the Agreement.

The conditions and restrictions set forth in the agreement shall run with the land and bind all future owners of the land and any other person who claims an interest in the property, and may be removed only by subsequent action of the Town Council expressly removing, relieving or discharging one or more of the specific conditions or restrictions. If the conditions and restrictions are not fulfilled or complied with within the specified time limits, the Town Council may extend the time limits or may initiate a rezoning to the original zoning district classification or to another zoning district classification.

c. Modifications and Amendments. [Amended 07/21/2004][Amended 08/20/08]

The contract zoning agreement may allow for changes or modifications to the development, but shall specify the procedure for approval of any such changes or modifications, setting forth categories of changes or modifications which would require Planning Board approval only, those which would require Town Council approval only, and those which would require both Planning Board and Town Council approval. Unless otherwise specified in the contract zoning agreement, a request to amend a contract zoning agreement shall be processed as

~~follows stated in Section II(I)(4) above.:~~

- ~~(iv) — The applicant requesting the amendment shall submit a letter to the Town Council, in care of the Town Manager, explaining the proposed amendment and the reasons for the request, together with the text of the proposed amendment and the application fee specified in the Schedule of License, Permit and Application Fees established by order of the Town Council. If the request includes any change to the boundary of the existing contract zoning district, the applicant shall also include a map of the area proposed to be rezoned.~~
- ~~(v) — The Town Manager shall transmit the request to the Town Council and shall place the proposed amendment on the Council's agenda for a first reading.~~
- ~~(vi) — If the proposed amendment does not receive an affirmative vote by a majority of the Council upon first reading, the request shall be deemed denied and the application fee shall be refunded. If the proposed amendment receives an affirmative vote by a majority of the Council upon first reading, then the Council shall forward the application to the Town Planner for Planning Board review.~~
- ~~(vii) — The Town Planner shall review the request and, upon being satisfied that the materials submitted are sufficiently complete for review by the Planning Board, shall schedule a public hearing before the Planning Board, causing notice of such hearing to be given in accordance with the requirements of 30 A.M.R.S.A. § 4352(8) at the applicant's expense.~~
- ~~(viii) — Upon conclusion of the public hearing, the Planning Board shall forward any recommendations or comments concerning the proposed amendment to the Town Council. In addition, if the proposed amendment requires a revision to a site plan and/or subdivision plan previously approved by the Planning Board, the Planning Board shall simultaneously consider such requested revisions, applying the applicable standards of the Site Plan Review Ordinance and/or Subdivision Ordinance and the zoning standards of the proposed amendment to the contract zoning agreement. If the Planning Board determines that the proposed development meets such standards, the Board shall grant~~



~~preliminary, provisional approval to the plans, subject to enactment of the requested amendment to the contract zoning agreement by the Town Council.~~

- ~~(ix) — After the Planning Board has forwarded its recommendations or comments to the Town Council and granted preliminary site plan approval and/or preliminary subdivision approval, as required, the Town Council shall proceed to a public hearing and second reading of the proposed amendment to the contract zoning agreement, under the procedures of section 213 of the Council-Manager Charter of the Town of Scarborough and the Rules and Orders of the Scarborough Town Council. Final passage of the amendment to the contract zoning agreement shall require the affirmative vote of at least two thirds of the Council members present and voting, but in no event less than four.~~
- ~~(x) — The amendment to the contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate, and recorded by the applicant in the Cumberland County Registry of Deeds. The amendment shall not take effect until it is recorded. If the amendment to the contract zoning agreement is not recorded within 90 days after the Town Council approves the request, the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the amendment if the Council determines that changed circumstances warrant rescission. All contract zoning amendments approved and recorded prior to August 20, 2008, are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval. [Amended 08/20/08]~~
- ~~(xi) — After the amendment to the contract zoning agreement is recorded in the Registry of Deeds, the Planning Board shall complete its final site plan review and subdivision review, if required.~~

Id. Performance Guarantees.

As part of the contract zoning agreement, the Town Council may, but is not obligated to, require a bond, escrow agreement, irrevocable letter of credit, or other surety in such amount as is approved by the Town Manager as being reasonably necessary to ensure compliance with the conditions or restrictions required by the rezoning and, where necessary to ensure continued compliance, may require such surety to remain in effect after occupancy of the rezoned property. Such surety shall be posted before the agreement is recorded in the Registry of Deeds.

6. General Provisions

a. Use of Consultants.

Both the Planning Board and the Town Council may obtain the services of independent technical consultants if either body considers such services necessary for adequate review of the application for contract zoning, such consultants to be retained at the applicant's expense. By submitting an application for contract zoning under this Section II(I), the applicant agrees to reimburse the Town for the reasonable and necessary costs of such consultations, and the Town will not execute the contract zoning agreement until such amounts have been paid in full.

b. Waiver of Procedures for Phased Developments.

Notwithstanding any other provision of this Section II(I), where the development proposed in a request for contract zoning is designed to be constructed in phases and the Council concludes that it would be impracticable to require preliminary subdivision and/or site plan review and approval of all phases before approval of the contract zoning amendment agreement, the Town Council, in its discretion, may waive the provisions of Section II(I)(4)(c)(i) requiring the Planning Board to approve a preliminary plan before the Council takes final action on the contract zoning amendment agreement, but only with respect to phases subsequent to the first phase of the development to be constructed. If it grants such a waiver, the Council shall include a phasing schedule in the contract zoning agreement, specifying the dates for completion of the subdivision and/or site plan review, and may reserve in the contract zoning agreement the right of the Town Council to review the plans for subsequent phases prior to their construction.

c. No Rights Created Before Final Council Vote.

The submission of a request for contract zoning under this Section II(I), the payment of application fees, or the expenditure of funds by the applicant in presenting such a request shall not create any vested rights in the application. The conduct of meetings and hearings, the review of the application, comments by Town officials or staff, preliminary votes, findings or determinations, preliminary subdivision or site plan approval, and the availability of contract zoning under this Section II(I) shall not be construed as creating any entitlement to approval of a request for contract zoning. The decision whether or not to rezone remains committed to the Town Council exercising its sole and exclusive judgment as the elected legislative body of the Town of Scarborough and will not be made until the Council takes its final vote on the contract zoning amendment agreement.

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 II. Zoning Ordinance, is amended as follows:

SECTION II. ZONING ORDINANCE

I. CONTRACT ZONING [September 19, 2001][Amended 10/03/01][Amended 11/20/02] [Amended 07/21/2004]

1. Contract Zoning Authorized

Contract zoning is authorized for zoning map and/or text changes when the Town Council, exercising its sole and exclusive judgment as the legislative body of the Town of Scarborough, determines that it is appropriate to modify the zoning district regulations applicable to a parcel of land, subject to appropriate conditions and restrictions which relate to the physical development or operation of the property, and which will allow reasonable uses of the land which would not have been permitted by the existing zoning district regulations but which remain consistent with the Town of Scarborough Comprehensive Plan and compatible with the existing and permitted uses within the existing zoning district classification. For purposes of this section the term “contract zoning agreement” shall mean either an original agreement or any subsequent amendments.

2. Relationship to Shoreland Zoning

A parcel rezoned under this Section II(I) may include land areas subject to the Shoreland Zoning Ordinance for the Town of Scarborough, but any provision of a contract zoning amendment agreement adopted by the Town Council which removes or modifies any restrictions or limitations imposed by the Shoreland Zoning Ordinance shall not take effect until approved by the Commissioner of Environmental Protection as required by 38 M.R.S.A. Section 438-A(3).

3. Public Benefit Required

Contract zoning shall promote the general welfare of the residents of the Town of Scarborough. The Town Council shall approve a contract zoning request only if it determines, exercising its sole and exclusive judgment as the legislative body of the Town, that the proposed contract zoning is in the public interest and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification. Guidelines for the Council to apply in making those determinations are set forth in Appendix A to this Ordinance.

4. Procedures

Requests for a contract zoning agreement or an amendment to an existing contract zoning agreement shall not be subject to Section II(G), but shall be processed exclusively as provided in this Section II(I). A summary of the procedural steps is contained in Appendix B to this Ordinance.

a. Preliminary Joint Review of Application for Contract Zoning by Planning Board and Town Council.

- i. The person proposing a contract zoning agreement or an amendment to an existing contract zoning agreement shall submit an application for contract zoning to the Town Planner, which shall include, at a minimum, the following elements:

- A map showing existing and proposed zoning district lines.
 - The address or exact location of the request, including the Scarborough Assessor's map references for the property to be rezoned.
 - The name, address and telephone number of the property owner and of the applicant, if the applicant is not the owner.
 - Evidence of the applicant's right, title or interest in the property.
 - A site analysis that describes the major features of the property, allowing the Planning Board and Town Council to make informed judgments about how it will be used. Guidelines for preparation of the site analysis are contained in Appendix C to this Ordinance. This requirement may be waived by the Town Planner for amendments that do not propose to utilize lands that were not previously considered as part of the contract zone process.
 - A conceptual development plan showing the approximate layout of all buildings, structures, streets, driveways, parking areas and other significant improvements to be constructed on or above the surface of the ground plus any proposed open spaces, conservation areas, buffer areas or other features of the development, but is not required to show subsurface infrastructure installations, building plans, engineering plans or other details which would be required for a subdivision plan or site plan. This requirement may be waived by the Town Planner for amendments that do not propose to utilize lands that were not previously considered as part of the contract zone process.
 - A statement describing the existing use of the property and the proposed new use and development and describing how the proposed contract zone will be consistent with the Town of Scarborough Comprehensive Plan, will be consistent with existing and permitted uses within the existing zoning district classification of the property, will be in the public interest, and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification .
 - A proposed contract zoning agreement which complies with the requirements of Section II(I)(5) below.
 - Any other information requested by the Town Planner and/or the Town Engineer.
 - A non-refundable application fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council
- ii. The Town Planner will review the application and, upon being satisfied that the application is sufficiently complete for review by the Planning Board and the Town Council, will schedule a joint meeting of the Planning Board and Town Council to commence review of the request for contract zoning. The Town Planner shall cause notice of the joint Planning Board/ Town Council meeting to be given in accordance with the requirements of 30-A M.R.S.A. § 4352(8), at the applicant's expense. Such notice shall be sent to the owners of all properties within five hundred (500) abutting of the property to be rezoned. Such notice shall indicate that the joint meeting will include a public hearing conducted by the Planning Board at which the public will be given an opportunity to speak on the proposed contract zoning amendment agreement.
- iii. The joint Planning Board/Town Council meeting shall be conducted as follows:
- Presentation by the applicant.
 - Comments from Town staff.

- Comments from members of the public. (This shall constitute the public hearing by the municipal reviewing authority required by 30-A M.R.S.A. § 4352(8).)
- Response or rebuttal from applicant.
- Discussion among members of the Planning Board and the Town Council, which may include questions posed to the applicant, staff and the public.
- Comments from members of the Planning Board concerning the land use implications of the proposed contract zoning ~~amendment~~ agreement.
- Preliminary Town Council discussion of contract zoning ~~amendment~~ agreement.

The Joint Planning Board/Town Council meeting may be continued from time-to-time by vote of the Town Council until the Council has concluded its discussion and is prepared to give the applicant preliminary direction concerning the further processing of the contract zoning request. At the conclusion of the discussion, the Council shall, by vote, advise the applicant: (1) to withdraw the request for contract zoning; (2) to continue to process the request for contract zoning, with or without modifications suggested by the Council; or (3) to revise and resubmit the application for contract zoning, under Section II(I)(4)(a)(i) above. The vote of the Town Council shall constitute direction from the Council to the applicant as to how to proceed, but shall not be binding on either the applicant or the Council, which reserves its sole and exclusive judgment as the elected legislative body of the Town of Scarborough until its final vote on the proposed contract zoning ~~amendment~~ agreement.

b. Planning Board Plan Review.

- i. Every development proposed in an application for contract zoning shall require review and approval under the Town of Scarborough Site Plan Review Ordinance. In addition, if the development proposed is a subdivision, it shall require review under the ordinance entitled “Subdivision Regulations of the Town of Scarborough, Maine” (the “Subdivision Ordinance”). The application(s) for plan review shall be submitted only after the Town Council has given its preliminary directions to the applicant pursuant to Section II(I)(4)(a)(iii) above.
- ii. The Planning Board shall hold a public hearing to consider the site plan review application and the subdivision application, if required, whether or not a public hearing is required by the Site Plan Review Ordinance or the Subdivision Ordinance. The Planning Board shall review the site plan review application under the Scarborough Site Plan Review Ordinance and the subdivision application, if required, under the Subdivision Ordinance, applying the applicable standards of each ordinance and the zoning standards of the proposed contract zoning ~~amendment~~ agreement. If the Planning Board determines that the proposed development meets such standards, the Board shall grant preliminary, provisional approval to the plan[s], subject to enactment of the contract zoning ~~amendment~~ agreement by the Town Council.
 - a. The Planning Board shall also provide an advisory opinion to the Town Council and advise to the applicant of any changes or revisions to the proposed contract zoning agreement necessary to conform the ~~amendment~~ agreement to the Planning Board’s preliminary approval of the plan.
- iii. In the case of a subdivision, the Planning Board shall not make findings as to whether the proposed subdivision is in conformity with the Town of Scarborough Comprehensive Plan, but shall condition preliminary subdivision approval upon a determination by the Town Council under Section II(I)(4)(c)(ii), below that the proposed contract zoning ~~amendment~~ agreement is consistent with the Comprehensive Plan.

c. Town Council Action on the Contract Zoning Amendment Agreement. [Amended 08/20/08]

- i. Except as provided in Section II(I)(6)(b) below, the Town Council shall not take final action on the contract zoning amendment agreement until after the Planning Board has given preliminary site plan approval and preliminary subdivision approval, if required. The Council shall process the proposed contract zoning amendment agreement under the procedures of section 213 of the ~~Council Manager Charter of the~~ Town of Scarborough Charter and the Rules and ~~Orders~~ Procedures of the Scarborough Town Council. In addition to the public hearing required by section 213 of the Charter, the Council may also conduct as many additional hearings and meetings as the Council deems necessary for consideration of the contract zoning application.
- ii. Before taking its final vote on the contract zoning agreement request, the Town Council shall determine whether the proposed contract zoning amendment agreement:
 - (1) is consistent with the Town of Scarborough Comprehensive Plan,
 - (2) is consistent with the existing and permitted uses within the existing zoning district classification of the property,
 - (3) is in the public interest, and
 - (4) will have beneficial effects on the town as a whole which would not result if the property were developed under the existing zoning district classification.

The Council shall state its reasons for its findings and conclusions on each of those determinations, which shall constitute the legislative findings of the Town Council. The Town Council shall then vote on the contract zoning amendment agreement, which shall include any necessary map change and a contract zoning agreement complying with the requirements of Section II(I)(5) below. Final passage of the contract zoning amendment agreement shall require the affirmative vote of at least two thirds of the Council members present and voting, but in no event less than four. [Amended 05/21/03 – retroactive to 11/20/02]

- iii. The contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate and recorded by the applicant in the Cumberland County Registry of Deeds. The agreement shall not take effect until it is recorded. If the agreement is not recorded within 90 days after the Town Council approves the request for rezoning, the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the agreement if the Council determines that changed circumstances warrant rescission. All contract zoning agreements approved and recorded prior to August 20, 2008 are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval.

d. Final Planning Board Action.

After the contract zoning agreement is recorded in the Registry of Deeds, the Planning Board shall complete its final site plan review of the development proposal and final subdivision review, if required. In the case of a subdivision, the Planning Board shall adopt as its findings under 30-A M.R.S.A. § 4404(9) and Sections 3(I) and 6:1 of the Subdivision Ordinance the findings made by the Council under Section II(I)(4)(c)(ii) above concerning consistency with the Town of Scarborough Comprehensive Plan.

5. The Contract Zoning Agreement

a. Contents of the Agreement.

The contract zoning agreement shall include a provision granting the Town of Scarborough the power to enforce all conditions and restrictions, both through enforcement action pursuant to this Ordinance and through legal action for specific performance. Conditions and restrictions imposed by the Town Council may include, but shall not be limited to, the following:

1. Limitations on the number and types of uses permitted.
2. Restrictions on the scale and density of development.
3. Specifications for the design and layout of buildings and other improvements, including landscaping.
4. Schedules for commencement and completion of construction.
5. Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects.
6. Preservation of open space and buffers, and protection of natural areas and historic sites.
7. Contributions toward the provision of municipal services required by the development, including, for example, infrastructure improvements such as roads and sewer, and special maintenance needs arising from the rezoning.
8. Provisions for enforcement and remedies for breach of any conditions or restrictions.
9. Provisions for reservation or dedication of land for public purposes.

The Town Council may impose conditions under this Section II(I) which are more restrictive than the otherwise applicable requirements of this Ordinance.

b. Effects of the Agreement.

The conditions and restrictions set forth in the agreement shall run with the land and bind all future owners of the land and any other person who claims an interest in the property, and may be removed only by subsequent action of the Town Council expressly removing, relieving or discharging one or more of the specific conditions or restrictions. If the conditions and restrictions are not fulfilled or complied with within the specified time limits, the Town Council may extend the time limits or may initiate a rezoning to the original zoning district classification or to another zoning district classification.

c. Modifications and Amendments. [Amended 07/21/2004][Amended 08/20/08]

The contract zoning agreement may allow for changes or modifications to the development, but shall specify the procedure for approval of any such changes or modifications, setting forth categories of changes or modifications which would require Planning Board approval only, those which would require Town Council approval only, and those which would require both Planning Board and Town Council approval. Unless otherwise specified in the contract zoning agreement, a request to amend a contract zoning agreement shall be processed as follows: stated in Section II(I)(4) above.

- ~~(i) — The applicant requesting the amendment shall submit a letter to the Town Council, in care of the Town Manager, explaining the proposed amendment and the reasons for the request, together with the text of the proposed amendment and the application fee specified in the Schedule of License, Permit and Application Fees established by order of the Town Council. If the request includes any change to the boundary of the existing contract zoning district, the applicant shall also include a map of the area proposed to be rezoned.~~
- ~~(ii) — The Town Manager shall transmit the request to the Town Council and shall place the proposed amendment on the Council's agenda for a first reading.~~

- ~~(iii) — If the proposed amendment does not receive an affirmative vote by a majority of the Council upon first reading, the request shall be deemed denied and the application fee shall be refunded. If the proposed amendment receives an affirmative vote by a majority of the Council upon first reading, then the Council shall forward the application to the Town Planner for Planning Board review.~~
- ~~(iv) — The Town Planner shall review the request and, upon being satisfied that the materials submitted are sufficiently complete for review by the Planning Board, shall schedule a public hearing before the Planning Board, causing notice of such hearing to be given in accordance with the requirements of 30-A M.R.S.A. § 4352(8) at the applicant's expense.~~
- ~~(v) — Upon conclusion of the public hearing, the Planning Board shall forward any recommendations or comments concerning the proposed amendment to the Town Council. In addition, if the proposed amendment requires a revision to a site plan and/or subdivision plan previously approved by the Planning Board, the Planning Board shall simultaneously consider such requested revisions, applying the applicable standards of the Site Plan Review Ordinance and/or Subdivision Ordinance and the zoning standards of the proposed amendment to the contract zoning agreement. If the Planning Board determines that the proposed development meets such standards, the Board shall grant preliminary, provisional approval to the plans, subject to enactment of the requested amendment to the contract zoning agreement by the Town Council.~~
- ~~(vi) — After the Planning Board has forwarded its recommendations or comments to the Town Council and granted preliminary site plan approval and/or preliminary subdivision approval, as required, the Town Council shall proceed to a public hearing and second reading of the proposed amendment to the contract zoning agreement, under the procedures of section 213 of the Council Manager Charter of the Town of Scarborough and the Rules and Orders of the Scarborough Town Council. Final passage of the amendment to the contract zoning agreement shall require the affirmative vote of at least two thirds of the Council members present and voting, but in no event less than four.~~
- ~~(vii) — The amendment to the contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate, and recorded by the applicant in the Cumberland County Registry of Deeds. The amendment shall not take effect until it is recorded. If the amendment to the contract zoning agreement is not recorded within 90 days after the Town Council approves the request, the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the amendment if the Council determines that changed circumstances warrant rescission. All contract zoning amendments approved and recorded prior to August 20, 2008, are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval. [Amended 08/20/08]~~
- ~~(viii) — After the amendment to the contract zoning agreement is recorded in the Registry of Deeds, the Planning Board shall complete its final site plan review and subdivision review, if required.~~

d. Performance Guarantees.

As part of the contract zoning agreement, the Town Council may, but is not obligated to, require a bond, escrow agreement, irrevocable letter of credit, or other surety in such amount

as is approved by the Town Manager as being reasonably necessary to ensure compliance with the conditions or restrictions required by the rezoning and, where necessary to ensure continued compliance, may require such surety to remain in effect after occupancy of the rezoned property. Such surety shall be posted before the agreement is recorded in the Registry of Deeds.

6. General Provisions

a. Use of Consultants.

Both the Planning Board and the Town Council may obtain the services of independent technical consultants if either body considers such services necessary for adequate review of the application for contract zoning, such consultants to be retained at the applicant's expense. By submitting an application for contract zoning under this Section II(I), the applicant agrees to reimburse the Town for the reasonable and necessary costs of such consultations, and the Town will not execute the contract zoning agreement until such amounts have been paid in full.

b. Waiver of Procedures for Phased Developments.

Notwithstanding any other provision of this Section II(I), where the development proposed in a request for contract zoning is designed to be constructed in phases and the Council concludes that it would be impracticable to require preliminary subdivision and/or site plan review and approval of all phases before approval of the contract zoning ~~amendment~~ agreement, the Town Council, in its discretion, may waive the provisions of Section II(I)(4)(c)(i) requiring the Planning Board to approve a preliminary plan before the Council takes final action on the contract zoning ~~amendment~~ agreement, but only with respect to phases subsequent to the first phase of the development to be constructed. If it grants such a waiver, the Council shall include a phasing schedule in the contract zoning agreement, specifying the dates for completion of the subdivision and/or site plan review, and may reserve in the contract zoning agreement the right of the Town Council to review the plans for subsequent phases prior to their construction.

c. No Rights Created Before Final Council Vote.

The submission of a request for contract zoning under this Section II(I), the payment of application fees, or the expenditure of funds by the applicant in presenting such a request shall not create any vested rights in the application. The conduct of meetings and hearings, the review of the application, comments by Town officials or staff, preliminary votes, findings or determinations, preliminary subdivision or site plan approval, and the availability of contract zoning under this Section II(I) shall not be construed as creating any entitlement to approval of a request for contract zoning. The decision whether or not to rezone remains committed to the Town Council exercising its sole and exclusive judgment as the elected legislative body of the Town of Scarborough and will not be made until the Council takes its final vote on the contract zoning ~~amendment~~ agreement.

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-029. The second reading on the proposed FY2020 Municipal School Budgets will be scheduled for Wednesday, May 15, 2019. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

04/10/2019 – Vote: 4 Yeas

2 Nays [Councilors Babine & Donovan]

First Reading/Vote

05/01/19

Public Hearing

05/15/19 - Vote

Second Reading/Final Approval/Vote

Budget Order for Fiscal Year 2020

Be it ordered that the Scarborough Town Council will hold the second reading on the proposed FY2020 Budget on Wednesday, May 15, 2019, reflecting the amendment of a new total Net Appropriation of \$68,857,282 and other additional operating expenditures which may result from the receipt of Federal or State funds or other grants and subsidies not requiring local taxation:

SUMMARY MUNICIPAL OPERATING BUDGET 2020	
TOTAL EXECUTIVE	\$2,524,644
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	344,415
TOTAL FINANCE ALL DIVISIONS	1,143,165
TOTAL MUNICIPAL INFORMATION SYSTEMS	1,455,868
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	1,088,057
TOTAL COMMUNITY SERVICES ALL DIVISIONS	2,607,033
TOTAL LIBRARY NET – TOWN APPROPRIATION	1,164,166
TOTAL SEDCO	246,644
TOTAL FIRE ALL DIVISIONS	5,523,077
TOTAL POLICE ALL DIVISIONS	7,111,593
TOTAL PUBLIC WORKS ALL DIVISIONS	6,891,977
TOTAL DEBT (Town Only)	<u>5,981,585</u>
MUNICIPAL TOTALS	\$36,082,224

Be it further ordered, that the Scarborough Town Council hereby appropriates the sum of \$210,000 for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of \$51,504,241 and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of \$47,261,709; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of \$1,948,866 and the Town of Scarborough raises as the local share for the Education Adult Education and Food Services Budgets, the sum of \$297,527; and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council; and,

Be it further ordered, that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of \$2,956,659 for the period July 1, 2019 through June 30, 2020; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates for capital purposes, the sum of \$2,402,070 for school capital programs and \$4,569,867 for town capital programs and \$171,100 as the initial funding for the town capital equipment reserve program; for a total Capital Budget of \$7,143,037 to be funded from property taxes, lease and bond arrangements and other local, state and federal sources; and,

Be it further ordered, that the Total Gross Budget of \$101,265,936 this total less estimated revenues and other credits of \$31,108,654 result in a Net Appropriation of \$68,857,282, which shall be raised from taxation. The Scarborough Town Council further fixes Tuesday, October 15, 2019, and Monday, March 16, 2020, as the dates upon each of which one-half of such tax is due and payable, and pursuant to Title 36, M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of 9.00% per annum.

Be it further ordered, that in accordance with Title 36, M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with Title 36, M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **5.00%**.

Be it further ordered, that the Town Council hereby authorizes the Finance Director-Tax Collector/Treasurer or Deputy Tax Collector/Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to Title 36, M.R.S.A. Section 905; to sign on behalf of the Town, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Title 30-A, M.R.S.A. Section 5706; in accordance with Title 36, M.R.S.A. Section 906, the Tax Collector/Treasurer is authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector/Treasurer is authorized to discharge any obligation to collect unpaid property taxes in the amount of \$5.00 or less and remove same from the municipal books, pursuant to Title 36, M.R.S.A. Section 970-A.

Be it further ordered, that in the event that that the 2020 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2020, pursuant to Title 30-A, M.R.S.A. Section 5721-A, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-030. Move approval on the new request for a Liquor License and a Food Handlers License for Stern Seafood, Inc., located at 96 King Street. *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

05/01/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

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: April 26, 2019

RE: Food Handlers License

The following applicant is seeking approval on a Liquor License and a Food Handlers License:

- Stern Seafood, Inc., located at 96 King Street

The completed applications is on file with Clerk's Office and there are no outstanding issues and it is recommended that these licenses be approved.

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-031. Move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Zoning Ordinance, Section XII.H. Campus Directional Signs, to come back to the Town Council to come back to the Town Council upon receipt of the Planning Board's recommendations. *[LRPC]*

LRPC

Ought to Pass

Sponsor

Recommendation

05/01/2019 – Vote:

First Reading/Vote

TBA

Public Hearing

Second Reading/Final Approval/Vote

To: Town Council
From: Jay Chace & Karen Martin
Cc: Tom Hall
Date: April 10, 2019

RE: Amendments to Campus Directional Signs, Zoning Ordinance Section XII.H

On April 3rd the Long Range Planning Committee (LRPC) considered modifications to the Campus Directional Signs provision of the Zoning Ordinance and provided a favorable recommendation to the Town Council for consideration to enable such signs to be utilized in the Crossroads Planned Development (CPD) District and to clarify the use of these signs in Planned Development projects.

The stated purpose of the Campus Directional Signs are, "... to assist the public in finding specific business locations or destinations or directing the public within a Unified Development." Examples of these types of signs have been permitted in the Gateway Shoppes development and Oak Hill Plaza.

As Staff has continued to work with the Downs development team for development in the CPD we have identified what we believe is an administrative oversight in the Sign provisions of the Zoning Ordinance. Campus Directional Signs are not permitted in the CPD; however they are permitted in all other business districts that have the capacity for large, multi-tenant/lot developments.

The provisions of the CPD District seeks a common scheme of development which would seemingly lend itself to the provisions of the Campus Directional Sign regulations. Therefore the LRPC recommends amendments to the sign provisions to incorporate the CPD into the permitted districts for Campus Directional Signs, (provisions 2. below with CPD added by staff).

In addition, the LRPC recommends updating the Campus Directional Signs to be allowed within Planned Development projects in addition to Unified Developments. Planned developments are similar to Unified Developments, just more recent addition in our zoning requiring a coordinated pattern of development.

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, is amended as follows:

Proposed Amendments to Chapter 405, Town of Scarborough Zoning Ordinance, Section XII.H

(Additions shown as underlined, deletions shown as ~~strikethrough~~)

Zoning Ord, section XII.H. CAMPUS DIRECTIONAL SIGNS [07/21/04]

1. A primary goal of campus directional signs shall be to assist the public in finding specific business locations or destinations or directing the public within a Unified Development or Planned Development. The number and location of the signs shall be based upon the following criteria: [Amended 02/20/08]

- a. The number and visibility of major destinations within the Unified Development or Planned Development.
- b. The complexity of internal circulation patterns.
- c. The nature of the businesses/institutions as they relate to public accessibility.
- d. The characteristics of the clientele, such as but not limited to familiarity with the area, seasonally attracted, tourist oriented, or emergency users.

2. Campus directional signs shall be permitted only in the TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, BO-R, RH, RH2 HP, CPD and Industrial districts.

3. Dimensional Requirements

Type of Sign	Maximum Gross Display Area	Maximum Height
Primary Directional	45 SF	10 feet
Secondary Directional	32 SF	8 feet
Pedestrian Directional	8 SF	8 feet

4. The display area of campus directional signs shall be used to identify the names of destinations within the Unified Development or Planned Development and to provide directions to, from and within said development based on the criteria listed in Section ~~KH~~(1) (a) through (d). [Amended 02/20/08]

5. Depending upon the sign location, sign may be double-faced with information on the opposite side of the sign.

6. Text messages on the sign faces must be of a size and typeface that is readable from a moving vehicle at the posted speed limit. In no case shall the text be smaller than 3 inches

in capital letter height. See Scarborough Design Standards for further description of signage requirements.

7. The recommended minimum distance between campus directional signs shall be one hundred (100) feet.

8. Campus directional signs shall be set back a minimum of fifteen (15) feet from the boundaries of the Unified Development or Planned Development.

9. The maximum number of signs for the Unified Development or Planned Development shall be shown on a Signage Master Plan submitted to the Planning Board as part of Site Plan Approval. The Master Plan shall indicate typical layout for signs, allowing flexibility to change the wording without having to return to the Planning Board. Variations in the number or locations of signs shown on the Signage Master Plan must be approved by the Planning Board prior to implementation. See Scarborough Design Standards for further description of Signage Master Plan.[09/06/17]

10. Off-site directional signs shall not be considered campus directional signs. However, for purposes of signage review, off campus directional signs that are part of a Unified Development or Planned Development shall be designed as part of the Signage Master Plan.

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-032. Move approval of the first reading and refer to the Planning Board the proposed amendment to Chapter 405B – the Site Plan Review Ordinance, Section III.B. Site Plan Application Procedures & Action, to come back to the Town Council upon receipt of the Planning Board's recommendations..
[Ordinance Committee]

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

05/01/2019 – Vote:

First Reading/Vote

TBA

Public Hearing

Second Reading/Final Approval/Vote

To: Town Council
Cc: Tom Hall, Town Manager
From: Jay Chace
Date: April 23, 2019

RE: Amendments to Site Plan Notification Process

At the request of the Ordinance Committee staff has been asked to look at providing draft language for modifications to the Site Plan Review Ordinance as relates to notification of abutters.

This issue came to the attention of the Ordinance Committee from an abutter to a property that was subject to a recent Planning Board decision. Even though the Planning Board agendas are made publicly available on-line and through an e-mail list serve, the abutter's concern is that there is no requirement in the Ordinance for direct notification to the abutters when a Site Plan application has been made. Without the mailed notification, abutters are not general aware of a proposed commercial activity and therefore are unlikely to lend their voice to the process.

It is noted that other town ordinances require mailed abutter notification for applications to the Zoning Board of Appeals, Subdivision applications and Planned Development applications. Staff has worked with the Ordinance Committee on amendment language to require direct mailed notifications to abutters and the proposed amendments to Chapter 405B, Site Plan Review Ordinance are provided below:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405B - the Site Plan Review Ordinance of the Town of Scarborough, Maine, is amended as follows:

Proposed Amendments to Chapter 405B, Site Plan Review Ordinance

(Additions shown as underline)

Section III. Administrative & Review Procedures

B. Site Plan Application Procedures & Action

1. An application for site plan review shall be submitted to the Planning Board with the requisite fees and submission requirements, as outlined in Section III(C) of this ordinance. Upon receipt of any application that meets the submission requirements the Town Planner shall schedule the site plan for review on the next available Planning Board meeting agenda. An initial



determination as to the completeness of the application shall be made by the Town Planner and Town Engineer, subject to final determination by the Planning Board. The Planning Board reserves the right to request additional plans or information, as stated in Section III(C)(8), depending on the nature of the proposal and its anticipated impacts. The Planning Board may also engage the services of one or more professional consultants to review the materials submitted by the applicant, the cost of which shall be paid by the applicant as provided in Section VI(B) of this ordinance.

2. When an application for site plan review is determined to be complete, the Planning Department shall, at the applicant's expense, give written notification to all abutting property owners within five-hundred (500) feet of the parcel on which the proposed development is located of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least ten (10) days prior to the first meeting at which the complete application is to be reviewed. Failure of any property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For purposes of this section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough. The Planning Board shall provide an opportunity for public comment prior to taking action on any site plan application.
3. No application for site plan review shall be considered complete nor acted upon by the Planning Board until all special exceptions or variances which may be required for a development have been approved. The Planning Board may conduct its shoreland zoning or subdivision review concurrently with a project's site plan review.

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AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-033. Move approval of the first reading on the proposed amendments to Chapter 601 – the Traffic Ordinance, Section II. Higgins Beach and Section IV-2 Pine Point Co-Op (Time Limit) and schedule a public hearing for Wednesday, May 15, 2019. [*Ordinance Committee*]

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

05/01/2019 – Vote:

First Reading/Vote

05/15/2019

Public Hearing

06/05/2019

Second Reading/Final Approval/Vote

MEMO

To: Town Council

From: Larissa Crockett

CC: Thomas Hall, Angelo Mazzone, Tody Justice

Date: April 26, 2019

Re: Proposed changes to the Town of Scarborough Traffic Ordinance

The proposed changes to Chapter 601, Traffic Ordinance include language requested by the Coastal Waters and Harbor Advisory Committee (CW&H). On April 18, 2019 the Town Council Ordinance Committee approved the changes to move forward to the Town Council pending input from the Town's attorney on the CW&H proposed language as it related to a potential conflict with the parking lease agreement signed by the Town and the Pine Point Fisherman's Co-operative on April 4, 2019. This language, shown below in italics, is in conflict with the parking lease agreement. The proposed language reads:

IV-2. PINE POINT - CO-OP (Time Limit)

3) Non-authorized commercial vehicle(s) and trailer(s) parking within the restricted commercial dirt lot.
(Exception recreational drop-off *and commercial wholesale buyers*)

The lease agreement states:

6. Additional Landlord Obligations. The following shall be added to the existing Section 4 of the Lease: So long as the Tenant is in compliance with Sections 3-A and 3-B above, Landlord shall not permit the use of the Landlord-owned parking lots adjacent to the Leased Premises as competing bait coolers (mobile or otherwise) and/or competing buying stations (mobile or otherwise).

From Town Attorney Phil Saucier:

The proposed amendment to the Traffic Ordinance would allow "commercial wholesale buyers" to park in the commercial dirt lot adjacent to the Co-op. The parking lease between the Town and the Pine Point Fisherman's Co-operative prohibits the use of the parking lot to "...competing buying stations (mobile or otherwise)."

From my understanding based on our conversation and your memorandum to the Town Council, the "commercial wholesale buyers" are in fact mobile "buying stations" and thus the proposed amendment to the Ordinance is in conflict with the Lease as currently drafted.

Due to the conflict staff recommends the proposed ordinance language be amended by Council as follows:

IV-2. PINE POINT - CO-OP (Time Limit)

3) Non-authorized commercial vehicle(s) and trailer(s) parking within the restricted commercial dirt lot.
(Exception recreational drop-off ~~and commercial wholesale buyers~~)

As discussed at the Town Council Ordinance Committee, staff will contact CW&H and ask to be on the May 14 agenda to make them aware of the conflict.

CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 601 - the Town of Scarborough Traffic Ordinance, is amended as follows, by adding the underlined text and deleting the text shown in strikeover type, as show below:

I. HIGGINS BEACH[amended 01/19/2011][amended02/16/2011]

- a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).
Parking shall be allowed on the easterly side of Acorn Lane from September 16^h to April 30th.
- b. Exempt from paragraph (a) of this subsection are the following:
 - (i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)
 - (ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated metered parking spaces, on the ocean side only of Bayview Avenue. From the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1 hour parking shall not be in effect.
[amended November 4, 2015]
 - (iii) On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street.
(amended02/16/2011)
 - (iiii) there shall be no parking on any of the other streets year round unless otherwise noted herein.
- c. Upon either side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Dorado Drive.
- d. A five-minute drop-off zone, year round. on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.
- e. Vehicles found in the Higgins Beach Parking lot outside of the posted operational hours will be subject to ticketing as established in Section 22 of this Ordinance.

II. PROUTS NECK (from May 1 to September 15 of each year).

- a. Upon any of the public streets or highways within the area known as Prouts Neck area. For the purpose of this Ordinance, the Prouts Neck area is defined as including the area generally South of the property at 364 Black Point Road, now or formerly owned by Eucharist Archambault on the Prouts Neck Road. (Black Point Road). [Amended 07/16/14]
- b. Black Point Road from Kirkwood Road to Ferry Road. [Amended 11/14/94]

III. PINE POINT (from May 1 to September 15 of each year). Revised February 1980.

- (1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.
- (2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]
- (3) Entire length of Riversands Drive - both sides.
- (4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.
- (5) On both sides of Avenue Five from King Street to the Ocean.
- (6) Driftwood Lane (the entire length - both sides).
- (7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]
 - a. On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]
 - b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]
 - c. From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]
 - d. On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.
 - e. From the Westerly entrance to Conroy's Garage to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".
- (8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.
- (9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]
- (10) On the East Side of Avenue Four from Jones Creek Drive to King Street.
- (11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]
- (12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

IV-1. PINE POINT (from May 1 to September 15 of each year).

- (1) On Pine Point Road (formerly Depot Street) from East Grand Avenue to the Ocean.

- (2) On Pine Point Road, both sides, within twenty (20) feet of either side of the driveway opening of the Audubon Nature Center.
- (3) No parking shall be allowed on Pine Point Road from east Grand Avenue to Snow Canning Road, except for within the delineated on-street parking spaces on the southwesterly side of the road. [adopted 03-01-17]

IV-2. PINE POINT - CO-OP (Time Limit) [adopted 1/06/99]

- (1) ~~The thirteen (13) parking spaces, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.~~ Pine Point Co-Op (Time Limit - Adopted 11/06/99): The thirteen (13) parking spaces, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.
- (2) Authorized trailer parking slot(s):
 - a) Commercial boat trailer parking (RED)
 - b) Commercial and Recreational boat trailer parking (YELLOW)
- (3) Non-Authorized commercial vehicle(s) and trailer(s) parking within the restricted commercial dirt lot. (Exception recreational drop-off and commercial wholesale buyers.)

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-034. Move approval of the first reading on the Bond Order for the Municipal and School Capital Improvement Projects of the Town of Scarborough and schedule a second reading for Wednesday, May 15, 2019. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

05/01/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

06/05/2019

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

259 U S ROUTE ONE, P O BOX 360
SCARBOROUGH, MAINE • 04070-0360

2019 BOND ORDER FOR MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Municipal and School Capital Improvement Projects are hereby approved for funding:

2018-2019 Municipal - Equipment

FD Major Apparatus Refurbishing	\$38,885
FD Rescue Power Stretcher Replacement Program	43,945
FD Replace staff vehicles (replacement schedule)	36,000
FD New Safety & Personal Protective Equipment	46,250
CS 4x4 Dump Truck with plow	50,595
PD Motorcycle Replacement (2)	40,015
PW Plow Truck #4018	173,075
PW Pickup Truck #4055 w/lift gate	36,095
PW Street Sweeper #4200	254,200
Total	\$719,060

2018-2019 Municipal - Projects

PW Rt 1: Mill & Pave (Broadturn Rd to Saco Line)	\$175,000
PW Subsurface Drainage Project	118,750
PW Phase II LED Conversion	215,000
Total	\$508,750

2018-2019 School - Equipment/Projects

K-2 Pavement Maintenance	\$140,000
GMC Pickup Truck #315116	22,890
School Bus Replacement Schedule	333,900
Facilities Support Equipment	44,400
Building Envelope Maintenance	50,000
Total	\$591,190

2017-2018 Municipal - Equipment

ACO Vehicle Replacement	\$29,600
Total	\$29,600

2017-2018 Municipal - Projects

Mid-Level Road Rehabilitation	\$263,000
Gorham Road Reconstruction Phase I	1,850,000
Total	<u>\$2,113,000</u>

2017-2018 School - Equipment/Projects

Kitchen Equip & Furnishings Replace & Renew	\$60,000
Energy Efficiency Upgrades	60,000
Building Envelope Maintenance	30,000
Total	<u>\$150,000</u>

Totals **\$4,111,600**

BE IT FURTHER ORDERED, That a sum, not to exceed **\$4,111,600**, is hereby appropriated to provide for the costs of said projects and expenses associated with said projects; and,

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$4,111,600 plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding, form(s), premium(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council; and,

BE IT FURTHER ORDERED, That in furtherance of the voter-approved referendum question authorizing the issuance of up to \$19,500,000 in general obligation bonds of the Town of Scarborough, of which at least \$3,500,000 remain authorized but unissued, in furtherance of the prior approved Council Order No. 17-113 relating thereto, and in order to continue to fund the prior-approved appropriation for a new public safety building, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed **\$3,500,000** plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding, form(s), premium(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-035. Move approval on the request to sign the Warrant for the Special Municipal Election scheduled for Tuesday, June 11, 2019, at the Scarborough High School – Alumni Gym; appoint the warden and ward clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

05/01/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

**WARRANT FOR
Special Municipal Election
TOWN OF SCARBOROUGH, MAINE**

TUESDAY, JUNE 11, 2019
DAY AND DATE OF ELECTION

Municipality: Scarborough **Voting District:** Town Wide
Voting Place Name: Scarborough High School **Voting Location:** 11 Municipal Drive
Polls Open at 7:00 A.M. **Polls Close at 8:00 P.M.**

Absentee Ballot Processing (check all that apply):

Processed by: Clerk (Centrally) ☒ Clerk (At Polls)

Date/Time of Processing:

- ☒ **Saturday, June 8, 2019***
1-Hour Inspection time Period: 9:00 a.m. if no inspection is requested or 10:00 a.m. if an
Time Processing Begins: inspection has been requested.
Monday, June 10, 2019*
1-Hour Inspection Time Period: _____
Time Processing Begins: _____
- ☒ **During** Election Day (6/11) Processing Time(s): 8:00 a.m., 10:00 a.m. & 7:30 p.m.
Only after 8:00 p.m. on Election Day (6/11)

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**WARRANT FOR
Special Municipal Election
TOWN OF SCARBOROUGH, MAINE**

TUESDAY, JUNE 11, 2019
DAY AND DATE OF ELECTION

County of Cumberland, ss State of Maine

To: Robert A. Moulton, the Police Chief of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Regular Municipal & Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a Regular Municipal Election will be held on Tuesday, June 11, 2019, at the Scarborough High School Alumni Gymnasium, located at 11 Municipal Drive:

=====

FOR TOWN COUNCIL MEMBER

To fill a vacancy created by the resignation
of Shawn Babine, with a term to expire in 2020.
Vote for ONE (1)

***SLATE OF CANDIDATE[S] WILL BE PRESENTED AT THE
TOWN COUNCIL MEETING.***

Referendum Question No. 1:

Do you favor a plan for Scarborough School Department to join the Greater Sebago Education Alliance Regional Service Center through an interlocal agreement that will allow the School Department to receive additional revenue through the state funding formula and to more efficiently procure goods and services?

=====

The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Saturday, June 8, 2019 and on Election Day, Tuesday, June 11, 2019, starting at 800 a.m. 10:00 a.m. and 7:30 p.m.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter in the Town of Scarborough may not vote in any Scarborough election.

Given under our hand this 1ST day of May, 2019, at Scarborough, Maine.

Councilor Shawn A. Babine

Councilor Jean-Marie Caterina

Councilor Paul M. Johnson

Councilor William J. Donovan

Councilor Kathleen M. Foley

Councilor Donald R. Hamill

Chairman Peter F. Hayes

A True Copy Attested:_____

Date:_____

First Name	Last Name	Position
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Joyce	Alden	Ward Clerk
Carol	Bellino	Election Clerk
Rhonda	Bernard	Election Clerk
Ann	Blaisdell	Election Clerk
Bruce	Blaisdell	Election Clerk
Thomas	Bradley	Election Clerk
Edward	Campbell	Election Clerk
Constance	Carlson	Election Clerk
Harold	Clough	Election Clerk
Nancy	Cohen	Election Clerk
Ashley	Collins	Election Clerk
Julie	Collins	Election Clerk
Melissa	Cooledge	Election Clerk
Jacqueline	Curlew	Election Clerk
Beverly	Dahms	Election Clerk
Marjorie	DeSanctis	Election Clerk
Vera	Dobbs	Election Clerk
Gail	Dobriko	Election Clerk
Marie	Downs	Election Clerk
Mary	Duca	Election Clerk
Sandra	Elder	Election Clerk
Emilie	Estes	Election Clerk
Barbara	Fagnant	Election Clerk
Charlene	Fenlason	Election Clerk
Connie	Flaherty	Election Clerk
Charlene	Gillchrest	Election Clerk
Jean	Giroux	Election Clerk
Wilfred	Giroux	Election Clerk
Elizabeth	Grant	Election Clerk
Georgia	Hanson	Election Clerk
Kenneth	Happel	Election Clerk
Donna	Hazard	Election Clerk
Susan	Helms	Election Clerk
Catherine	Hendrix	Election Clerk
Timothy	Hendrix	Election Clerk
Geraldine	Holton	Election Clerk
James	Horrigan	Election Clerk
Donna	Jackman	Election Clerk
Shirley	Jackson	Election Clerk
Ann	Johnson	Election Clerk
Sheila	Johnson	Election Clerk

First Name	Last Name	Position
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Deborah	Jolly-Schofield	Election Clerk
Erica	Jordan	Election Clerk
Lydia	Jopp	Election Clerk
Pamela	Joy	Election Clerk
Theodora	Kalikow	Election Clerk
Elaine	Killelea	Election Clerk
Cynthia	Kueck	Election Clerk
Lorraine	LaChapelle	Election Clerk
Andrew	Lebauer	Election Clerk
Alfred	LeDoux	Election Clerk
Susan	Libby	Election Clerk
John	Lord, Jr.	Election Clerk
Geoff	MacLean	Election Clerk
Nancy	MacLean	Election Clerk
Marie	Malloch	Election Clerk
Kathleen	Markan	Election Clerk
Deborah	McDonough	Election Clerk
Nina	McKee	Election Clerk
Marion	Nielsen	Election Clerk
Gilbert	Olson	Election Clerk
Marion	O'Roak	Election Clerk
Robert	Osborn	Election Clerk
Jane	Palmer	Election Clerk
Allen	Paul	Deputy Warden
Janice	Paul	Election Clerk
William	Penley	Warden
Cheryl	Plowman	Election Clerk
Richard	Reid	Election Clerk
Deborah	Rideout	Election Clerk
Sarah	Rose	Election Clerk
Denise	Smith	Election Clerk
Doris	Smith	Election Clerk
Martha	Smick	Election Clerk
Ann	Stanton	Election Clerk
Sandra	Sullivan	Election Clerk
Melinda	Torrens	Election Clerk
Linda	Vickerson	Election Clerk
David	Walker	Election Clerk
Emily	Ward	Election Clerk
Maureen	Weeks	Election Clerk
Michael	Wygant	Election Clerk

AGENDA

SCARBOROUGH TOWN COUNCIL

WEDNESDAY – MAY 1, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-036. Move approval on the request from the Tax Collector for an abatement of taxes on property located at 29 Matthews Way – Map T00., Lot 029.
[Town Manager]

Town Manager

Ought to Pass

Sponsor

Recommendation

N/A

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

memo

To: Thomas J. Hall, Town Manager
From: Lisa M. Saulle, Deputy Tax Collector
CC: Ruth D. Porter, Finance Director/Tax Collector/Treasurer
Date: April 25, 2019
Re: \$722.72 Property Tax Abatement Request

Tom,

This is a request for the Town Council to abate taxes on a mobile home located at 29 Matthews Way in the Crystal Springs Mobile Home Park. The Map-Lot for this property is T003-029.

These taxes were assessed to the wrong individual due to the mobile home park reporting incorrect ownership information. When the change in ownership was received, the Assessor's Office removed the homestead exemption from the parcel. This caused the value to be taxed. Had the correct information been sent to the Assessor's Office, the homestead exemption would have continued.

The Tax Assessor can abate taxes back two years. After that time frame, the request needs to be approved by the Town Council.

Property Taxes and related fees are as follows:

<u>Year</u>	<u>Tax</u>	<u>Interest</u>	<u>Fees</u>	<u>Total</u>
2012	\$88.32	\$39.08	\$45.11	\$172.51
2013	94.53	35.19	57.48	187.20
2014	96.64	29.23	57.48	183.35
2015	99.14	23.04	57.48	179.66
TOTALS	\$378.63	\$126.54	\$217.55	\$722.72

Thank you for your consideration.