

# Town of Scarborough, Maine Planning and Code Enforcement

## Special Exception Appeal Submission Requirements

The applicant must comply with these submission requirements and include the following material as part of the special exception appeal application to the Zoning Board of Appeals.

This checklist is intended to be a guide for use by the applicant, in preparation of the Special Exception Appeal application, and the Zoning Board of Appeals. The completion of this checklist should not be a substitute for a thorough review of the Town of Scarborough Zoning Ordinance and other applicable ordinances.

1. A fee of \$250.00 payable to the Town of Scarborough.
2. An electronic submission of all application material in pdf format and ten (10) paper copies of all application material. Required electronic copy can be emailed to: [submittals@scarboroughmaine.org](mailto:submittals@scarboroughmaine.org). This should include (but not limited to);
  - Completed application form
  - Evidence showing control, right, title or interest in subject property.
  - Current Property Survey
  - Legible BUILDING PLANS that include:
    1. Existing building floor plans with building dimensions.
    2. Proposed buildings or additions with floor plans, building dimensions, external elevation showing views, front, rear, right and left sides; identify area where special exception activity will be conducted.
    3. Any improvements to the property associated with the special exception use.

The Zoning Board of Appeals meets the second Wednesday of each month at 7:00 P. M. All materials pertaining to the appeal must be submitted to the Code Enforcement Office no later than the 20<sup>th</sup> of the preceding month. If the 20<sup>th</sup> falls on a Friday, Saturday or Sunday all materials are due on Monday by 9:00 am.

**PLEASE NOTE:** Be prepared to answer all questions pertaining to the specific type of appeal requested.

# Town of Scarborough, Maine Planning and Code Enforcement

## STANDARDS FOR SPECIAL EXCEPTIONS

Before it issues a special exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

- a. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.
- b. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.
- c. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree in municipal fire or police protection than existing uses in the neighborhood.
- d. The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies.
- e. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.
- f. If located in a shoreland zone as depicted on the Town of Scarborough Official Shoreland Zoning Map, the proposed use will comply with all of the requirements of the Town of Scarborough Shoreland Zoning Ordinance. (8/5/92)
- g. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.
- h. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to subsection 5 of this Section.
- i. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

**NOTE:** The applicant may also need to address how proposed use will comply with any applicable performance standards from Section IX of the Scarborough Town Ordinances.

## CONDITIONS ON SPECIAL EXCEPTIONS

Upon consideration of the standards listed in subsection 4 of this Section, the Board of Appeals may attach such condition, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operation controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

**Town of Scarborough, Maine  
Planning and Code Enforcement  
Application for a Special Exception**

Appellant Name_____	
Mailing Address:_____	
Phone:_____	E-mail Address:_____
Subject Property: _____	
Nature of Right, title or interest in subject property:_____	
Assessors Map & Lot Number:_____	Zoning District:_____
Is the property located in a Shoreland Zone? Yes___ No___	
Is the property located in a Flood Zone? Yes___ No___	

Name of Representative:_____
(if other than property owner)
Representative Mailing Address:_____
Representative Phone Number:_____
Representative E-Mail Address:_____

**Description of the proposed Special Exception:**

**Standards for Special Exceptions**

Before it issues a special exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria: (Please explain how your situation meets each of the criteria listed below)

**a.** The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation:

**b.** The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity:

## **Town of Scarborough, Maine**

### **Planning and Code Enforcement**

**c.** The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree in municipal fire or police protection than existing uses in the neighborhood:

**d.** The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies:

**e.** The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development:

**f.** If located in a Shoreland zone as depicted on the Town of Scarborough Official Shoreland Zoning Map, the proposed use will comply with all of the requirements of the Town of Scarborough Shoreland Zoning Ordinance:

## **Town of Scarborough, Maine**

### **Planning and Code Enforcement**

**g.** The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use:

**h.** The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to subsection 5 of this Section:

**i.** The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation:

I certify that the information contained in this application and its supplement is true and correct to the best of my knowledge.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_