

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 7, 2024**  
**WORKSHOP RE: SAWYER STREET DISCUSSION WITH**  
**CAPE ELIZABETH TOWN COUNCIL – 5:30 P.M.**  
**HYBRID REGULAR MEETING – 7:00 P.M.**

**TO VIEW TOWN COUNCIL MEETING & OFFER PUBLIC COMMENT:**

<https://scarboroughmaine.zoom.us/j/81340527193>

**TO VIEW TOWN COUNCIL MEETING ONLY:**

<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

***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: January 17, 2024 - Town Council Meeting.

**Item 6.** Adjustment to the Agenda.

**Item 7.** Items to be signed: a. Treasurer's Warrants.

**Item 8.** Town Manager Report.

- Quarterly Financial Report.

**Item 9.** Non-Action Item.

- Update on the CDBG Grant on Homelessness.

**\*Procedure for Addressing Council [Councilor Chair will explain process]**

**Order No. 24-006, 7:00 P.M. Public hearing** and second reading on the proposed amendment to Chapter 311 – the Town of Scarborough Schedule of Fees relating to Lift Assist. [*Fire Chief*]

**Order No. 24-014, 7:00 P.M. Public hearing** and action on a new liquor license from 58 Culinary, LLC, located at 15 Pleasant Hill Road. [*Town Clerk*]

**Order No. 24-015, 7:00 P.M. Public hearing** and action on a new food handler license from Jenna Leong d/b/a Measuring Up Kitchen, LLC, located at 25 Plaza Drive, Unit 8. [*Town Clerk*]

**OLD BUSINESS:**

**Order No. 24-007.** Second reading to repeal and replace the Ordinance Establishing a Moratorium on Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities in the Pine Point Industrial Overlay District that the Town Council approved on August 16, 2023 and enact a new Ordinance Establishing a Moratorium on Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities that would apply Town-wide. [*Ordinance Committee*]

**NEW BUSINESS:**

**Order No. 24-016.** First reading and schedule a public hearing and second reading on the new request for a Cannabis Establishment License from Tucker Noyes, d/b/a KTK Noyes, LLC, located at 148B Pleasant Hill Road for Adult Cannabis Products Manufacturing. *[Assistant Town Manager]*

**Order No. 24-017.** First reading and schedule a public hearing and second reading to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2). *[Request from Applicant]*

**Order No. 23-018.** Act on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2024 to May 15, 2024. *[Director of Public Works]*

**Order No. 24-019.** Act on the request to move approval on names posted to the various committees/boards, by the Appointments and Negotiations Committee at the January 17, 2024, Town Council meeting. *[Appointments and Negotiations Committee]*

**Order No. 23-020.** Act on the request to accept the 2024 Town Council Goals. *[Chairman McGee]*

**Item 10.** Standing and Special Committee Reports and Liaison Reports.

**Item 11.** Council Member Comments.

**Item 12.** Adjournment.



To: Scarborough Town Council  
From: Thomas J. Hall, Town Manager  
RE: Town Manager's Report  
Date: February 7, 2024

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Below is an initial list of items that will be included in the Town Manager's Update at the regular public meeting of February 7, 2024. I will provide a verbal update on each of these items and will likely include other items of interest.

- **Storm Damage** -
  - Three storms- two causing severe coastal flooding
  - Awaiting Federal Disaster Declaration
  - Preliminary Public Assistance Package Submitted to FEMA
  - Met with MEMA/FEMA staff to tour damages infrastructure
- **FEMA Flood Maps** -
  - New maps issued on December 20, 2023
  - Amendments to Floodplain Management Ordinance required by June 2024
  - Staff working on timeline and communications plan
  - Future Council Workshop
- **School Building Project** -
  - New committee- membership filling up
  - Community Survey - final draft under review (statistically valid)
  - Councilor Corner Live - January 25, 2024
- **Eastern Trail - Close The Gap** –
  - Continue to work on CSX access - drafting if Aerial Easement
  - Successful meetings with DEP and ACOE on permitting
  - Bid Solicitation expected May/June 2024

- **Dredge Update** -
  - Final Stage- mouth of the river (mooring field to main channel)
  - Western Beach - Public to avoid
  - Storm Impact - Brief delay and very minor damage to equipment - no substantial setback
  - Approximately 2-3 weeks to completion
  
- **Avenue 2 Update** - Monitoring NRPA application for path relocation
  - Stakeholder meeting to be organized
  
- **Traffic Calming Policy** - Draft policy distributed for review
  - Resident input on draft policy- Jan 30, 2024
  - Final policy to be reviewed by Transportation Committee
  - Purchase of temporary speed bumps - Spring 2024
  - FY25 budget considerations
  
- **Tax Stabilization Reimbursement** -
  - \$412,523 submitted for reimbursement, only 56% covered, \$181,510 remains to be reimbursed
  - Legislative delegation contacted
  
- **Annual Disclosure of Investments and Business Interests** -
  - Disclosure submitted to Town Council and on file with Town Clerk
  
- **Q4 Financial Update** -
  - Finance Director to provide Executive Summary for the period ending December 31, 2023



**TOWN OF SCARBOROUGH**  
**Executive Summary for the period ending December 31, 2023**

Attached is a summary of the first six months of fiscal year 2024 results. With six months of the fiscal year having passed, we would expect 50% of the budget to be spent (assuming proportional spending). Town departments have spent 53.7% and the School departments have spent 49.0% of their appropriations including encumbrances. The combined spending is at 51.2% of appropriations.

Revenue collections are 86.8% of the estimate for the Town and 92.6% of the estimate for the School. The Town is ahead of the prior year's collection rate due to the timing of the debt issue. The School is slightly behind last year's collection rate but still above last year's dollar amount.

**Positive indicators:**

Town revenue collections are near or above estimates in all categories except Licenses and Permits as well as Charges for Services. The Town was able to complete the issuance of General Obligation Bonds Series 2023 in October causing our Other Financing Sources revenue to far exceed the estimate. Property tax collections are on pace to equal the ten-year annual average for property tax collections of 98.82%.

The Finance department spending is below the estimate due to unpaid leave for staff illness.

**Negative indicators:**

The Town revenue is below the estimate for building permits (\$296,324) and electrical permits (52,114). Charges for Services revenues are \$905,438 below the estimate; however, Community Services summer programs revenues are typically received in the second half of the fiscal year.

The Executive department spending is more than the estimate due to accrued sick leave and vacation payouts. The Management Information Systems department is \$205,078 (10.5%) more than the estimate due to \$109,800 remaining annual encumbrances on software and hardware maintenance contracts. The Public Works department is \$969,939 (11.7%) more than the estimate due to \$1,834,989 remaining annual encumbrances for materials and services.

Respectfully submitted,

Norman Kildow  
Finance Director

**Town of Scarborough  
Comparative Year To Date Expenditures**

	Through December 31, 2023					Through December 31, 2022				
	Revised Appropriation	YTD Expended	Encumb	Available Budget	Percent Used	Revised Appropriation	YTD Expended	Encumb	Available Budget	Percent Used
<b>1100 General Fund</b>										
55 Legislative	11,573	6,620	-	4,953.00	57.2%	11,573	5,786	-	5,787.00	50.0%
56 Executive	3,757,591	2,035,279	-	1,722,312.00	54.2%	3,489,687	2,050,263	1,189.00	1,438,235.00	58.8%
57 Finance	1,505,900	663,028	1,892.00	840,980.00	44.2%	1,385,174	569,607	2,643.00	812,924.00	41.3%
58 Management Information Systems	1,956,646	1,073,601	109,800.00	773,245.00	60.5%	1,798,078	908,457	65,833.00	823,788.00	54.2%
59 Planning	993,408	603,997	26,750.00	362,661.00	63.5%	1,343,170	583,025	2,500.00	757,645.00	43.6%
62 Community Services	3,679,996	1,939,829	23,265.00	1,716,902.00	53.3%	3,212,109	1,555,491	20,879.00	1,635,739.00	49.1%
63 Library	1,287,748	643,874	-	643,874.00	50.0%	1,108,633	554,317	-	554,316.00	50.0%
66 Public Health & Welfare	260,637	181,922	-	78,715.00	69.8%	116,010	101,225	-	14,785.00	87.3%
68 SEDCo	284,512	124,264	-	160,248.00	43.7%	268,510	125,078	-	143,432.00	46.6%
97 Other Public Service	-	-	-	-	0.0%	-	-	-	-	0.0%
71 Fire Services	7,239,650	3,517,845	6,750.00	3,715,055.00	48.7%	6,679,161	3,231,546	17,921.00	3,429,694.00	48.7%
72 Police Services	8,289,082	3,858,393	2,907.00	4,427,782.00	46.6%	8,054,576	3,703,380	14,423.00	4,336,773.00	46.2%
81 Public Works	8,277,983	3,273,941	1,834,989.00	3,169,053.00	61.7%	7,813,928	3,453,348	1,877,399.00	2,483,181.00	68.2%
83 Engineering/Technical	593,640	54,443	-	539,197.00	9.2%	-	21,900	-	(21,900.00)	0.0%
85 Debt	5,061,028	3,890,993	-	1,170,035.00	76.9%	6,733,651	5,719,434	-	1,014,217.00	84.9%
86 Intragovernmental	-	-	-	-	0.0%	-	-	-	-	0.0%
91 County Tax	3,481,081	3,481,081	-	-	100.0%	3,119,411	3,119,411	-	-	100.0%
94 Capital Equipment	2,590,611	687,657	60,865.00	1,842,089.00	28.9%	3,285,713	1,303,491	654,164.00	1,328,058.00	59.6%
97 Other	4,382,603	731,262	-	3,651,341.00	16.7%	2,883,375	678,562	-	2,204,813.00	23.5%
<b>Total General Fund Expenditures</b>	<b>53,653,689</b>	<b>26,768,029</b>	<b>2,067,218.00</b>	<b>24,818,442.00</b>	<b>53.7%</b>	<b>51,302,759</b>	<b>27,684,321</b>	<b>2,656,951.00</b>	<b>20,961,487.00</b>	<b>59.1%</b>
Fund 7150 Adult Education	183,149	93,380	436.00	89,333.00	51.2%	184,370	77,160	-	107,210.00	41.9%
Fund 7100 Total School General Fund	62,052,141	30,255,722	128,878.00	31,667,541.00	49.0%	58,801,486	30,566,827	151,871.00	28,082,788.00	52.2%
<b>Total School General Fund Expenditures</b>	<b>62,235,290</b>	<b>30,349,102</b>	<b>129,314.00</b>	<b>31,756,874.00</b>	<b>49.0%</b>	<b>58,985,856</b>	<b>30,643,987</b>	<b>151,871.00</b>	<b>28,189,998.00</b>	<b>52.2%</b>
<b>Grand Total</b>	<b>115,888,979</b>	<b>57,117,131</b>	<b>2,196,532.00</b>	<b>56,575,316.00</b>	<b>51.2%</b>	<b>110,288,615</b>	<b>58,328,308</b>	<b>2,808,822.00</b>	<b>49,151,485.00</b>	<b>55.4%</b>

**6 Months = 50%**

**Town of Scarborough  
Comparative Year To Date Revenues**

	<u>Through December 31, 2023</u>			<u>Through December 31, 2022</u>		
	<u>Revised Estimated Revenue</u>	<u>Actual YTD Revenue</u>	<u>% Collected</u>	<u>Revised Estimated Revenue</u>	<u>Actual YTD Revenue</u>	<u>% Collected</u>
<b><u>1100 General Fund</u></b>						
90 Taxes	33,263,023	28,010,346	84.2%	30,941,690	27,049,204	87.4%
91 Interest On Delinquent Taxes	60,000	19,399	32.3%	68,000	17,791	26.2%
92 Licenses And Permits	1,247,284	447,005	35.8%	1,064,590	755,875	71.0%
93 Intergovernmental Revenues	6,745,567	4,505,280	66.8%	6,221,504	4,217,619	67.8%
94 Charge For Services	7,426,707	2,807,916	37.8%	6,992,661	3,249,307	46.5%
95 Fines Forfeits And Assessments	75,700	43,064	56.9%	94,700	34,680	36.6%
96 Miscellaneous Revenues	1,026,840	636,769	62.0%	806,341	316,527	39.3%
99 Other Financing Sources	3,437,310	9,762,286	284.0%	4,499,319	22,400	0.5%
<b>Total General Fund Revenues</b>	<b><u>53,282,431</u></b>	<b><u>46,232,065</u></b>	<b><u>86.8%</u></b>	<b><u>50,688,805</u></b>	<b><u>35,663,403</u></b>	<b><u>70.4%</u></b>
Fund 7150 Adult Education	183,149	115,921	63.3%	184,370	128,320	79.9%
Fund 7100 Total School General Fund	62,052,141	57,514,237	92.7%	58,801,486	54,618,956	97.7%
<b>Total School General Fund Revenues</b>	<b><u>62,235,290</u></b>	<b><u>57,630,158</u></b>	<b><u>92.6%</u></b>	<b><u>58,985,856</u></b>	<b><u>54,747,276</u></b>	<b><u>97.6%</u></b>
<b>Grand Total</b>	<b><u>115,517,721</u></b>	<b><u>103,862,223</u></b>	<b><u>89.9%</u></b>	<b><u>109,674,661</u></b>	<b><u>90,410,679</u></b>	<b><u>85.0%</u></b>

**Town of Scarborough  
Through December 31, 2023**

	<u>Original Appropriation</u>	<u>Revised Budget</u>	<u>YTD Expended</u>	<u>Encumb</u>	<u>Available Budget</u>
<b><u>Other Town Fund Expenditures</u></b>					
Fund 1200 Total Special Revenue Fund	-	5,091	1,625,740	11,859	(1,632,508)
Fund 1300 Total Capital Projects Fund	796,000	814,110	426,914	78,023	309,173
Fund 1310 Total Capital Projects Fund	5,519,800	4,473,010	3,502,861	40,375	929,774
Fund 1500 Total Cemetery Permanent Fund	-	-	-	-	-
<b>Total Town Other Fund Exp</b>	<b>6,315,800</b>	<b>5,292,211</b>	<b>5,555,515</b>	<b>130,257</b>	<b>(393,561)</b>

**Other School Fund Expenditures**

Fund 72xx Total School Special Revenue Fund	-	-	749,128	5,094	(754,222)
Fund 7300 Total School Capital Projects Fund	137,650,000	137,650,000	103,260	1,966	137,544,774
Fund 7400 Total School Capital Projects Fund	2,806,583	2,806,583	1,766,030	379,355	661,198
Fund 7600 Total School Nutrition Program	2,313,735	2,313,735	1,001,469	288,119	1,024,147
Fund 7800 Total School Scholarship Funds	-	-	10,000	-	(10,000)
<b>Total School Other Fund Exp</b>	<b>142,770,318</b>	<b>142,770,318</b>	<b>3,629,887</b>	<b>674,534</b>	<b>138,465,897</b>

**Through December 31, 2023**

	<u>Original Estimated Revenue</u>	<u>Revised Estimated Revenue</u>	<u>Actual YTD Revenue</u>	<u>Remaining Revenue</u>	<u>% Collected</u>
<b><u>Other Town Fund Revenues</u></b>					
Fund 1200 Total Special Revenue Fund	-	-	2,045,536	(2,045,536)	100.0%
Fund 1300 Total Capital Projects Fund	796,000	796,000	372,381	423,619	46.8%
Fund 1310 Total Capital Projects Fund	4,159,800	4,159,800	356,174	3,803,626	8.6%
Fund 1500 Total Cemetery Permanent Fund	-	-	3,292	(3,292)	100.0%
<b>Total Town Other Fund Rev</b>	<b>4,955,800</b>	<b>4,955,800</b>	<b>2,777,383</b>	<b>2,178,417</b>	<b>56.0%</b>

**Other School Fund Revenues**

Fund 72xx Total School Special Revenue Fund	-	-	203,559	(203,559)	100.0%
Fund 7300 Total School Capital Projects Fund	137,650,000	137,650,000	-	137,650,000	0.0%
Fund 7400 Total School Capital Projects Fund	2,806,583	2,806,583	1,003,209	1,803,374	35.7%
Fund 7600 Total School Nutrition Program	2,313,735	2,313,735	548,412	1,765,323	23.7%
Fund 7800 Total School Scholarship Funds	-	-	2,390	(2,390)	100.0%
<b>Total School Other Fund Rev</b>	<b>142,770,318</b>	<b>142,770,318</b>	<b>1,757,570</b>	<b>141,012,748</b>	<b>1.2%</b>

Year To Date Education Expenditures  
Through December 31, 2023

<b>Education:</b>	<b><u>Original</u></b>	<b><u>Revised</u></b>	<b><u>YTD</u></b>	<b><u>Encumb</u></b>	<b><u>Available</u></b>	<b><u>Percent</u></b>
	<b><u>Appropriation</u></b>	<b><u>Budget</u></b>	<b><u>Expended</u></b>		<b><u>Budget</u></b>	<b><u>Used</u></b>
Regular instruction	38,710,734	38,710,734	17,663,054	28,925	21,018,755	45.7%
Improvement of instruction	958,547	958,547	557,509	240	400,798	58.2%
Special services	5,803,598	5,803,598	2,511,751	42,581	3,249,266	44.0%
General & special administration	322,597	322,597	147,998	-	174,599	45.9%
Board of education	35,008	35,008	30,925	-	4,083	88.3%
Office of the superintendent	963,080	963,080	507,070	4,044	451,966	53.1%
Business administration	2,485,525	2,485,525	1,151,588	23	1,333,914	46.3%
Transportation	2,218,712	2,218,712	919,302	-	1,299,410	41.4%
Operation and maintenance of plant	5,005,760	5,005,760	2,147,332	53,066	2,805,362	44.0%
Adult Education	183,149	183,149	93,380	436	89,333	51.2%
Food Service Allocation	-	-	-	-	-	0.0%
Debt service	5,548,580	5,548,580	4,619,192	-	929,388	83.2%
<b>Total Education</b>	<b>62,235,290</b>	<b>62,235,290</b>	<b>30,349,101</b>	<b>129,315</b>	<b>31,756,874</b>	<b>49.0%</b>

**Town of Scarborough  
Year To Date Revenues  
Through December 31, 2023**

<u>Selected Revenues</u>	<u>Estimated Revenue</u>	<u>Actual YTD Revenue</u>	<u>% Collected</u>
Excise Tax Collections	7,250,000	3,981,209.00	54.9%
State Revenue Sharing	3,628,179	1,939,395.00	53.5%
Rescue Revenues	1,200,000	661,000.00	55.1%
LRAP-Local Road Assist.	317,636	366,304.00	115.3%
Building Permits	850,000	296,325.00	34.9%
Investment Interest	200,000	428,368.00	214.2%
Plumbing Permits	45,000	16,628.00	37.0%
Electrical Permits	125,000	52,115.00	41.7%
Education Subsidy	5,941,838	3,013,305.00	50.7%

**Town General Fund Revenues by Department**

Executive (TM, HR, TC)	889,328	289,796	32.6%
Finance	7,336,569	4,189,889	57.1%
Property Taxes	26,057,154	24,312,211	93.3%
MIS	805,784	-	0.0%
Planning	1,109,200	386,566	34.9%
Community Serv	2,850,779	1,010,154	35.4%
SEDCO	284,512	-	0.0%
Fire Dept	1,403,500	729,192	52.0%
Police Dept	911,687	541,190	59.4%
Public Works	1,760,604	553,941	31.5%
Technical/Engineering	43,553	-	0.0%
Debt	1,299,613	9,701,158	746.5%
Intergovernmental	6,742,767	4,514,510	67.0%
TIFs and Interfund Transfer	1,787,381	3,458	0.2%
	<b><u>53,282,431</u></b>	<b><u>46,232,065.00</u></b>	<b>86.8%</b>



CDBG

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Town of Scarborough



# CBDG Grant July 2023-June 2024

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- SPD Social Services made contact with 60 individuals reporting being unhoused in the 2022 fiscal year.
- \$15,000 was secured through the CBDG
  
- In July 2023- Contract with Milestone's Home Team
- August-October 2023, Social Services Navigator and the hometeam completed 13 assessments

# Scarborough Unhoused Population

August 2023:

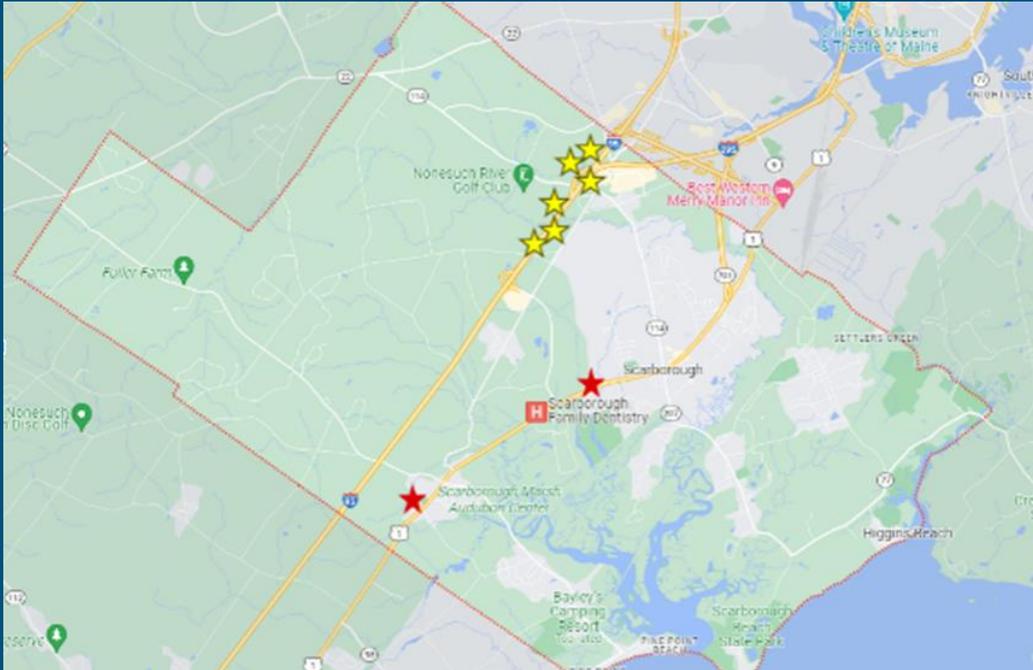
- 3 individuals off Gorham Road
- 8-10 individuals off of Payne Road Corridor
- 1-2 individuals in Pine Point/Dunstan area
- 2-3 individuals that would rotate through General Assistance and being unhoused

Current:

- 6 individuals off Payne Road Corridor
- 2-3 individuals that would rotate through General Assistance and being unhoused

Progress:

- 3-4 individuals were sheltered at the Homeless Services Center in Portland
- 1 individual who was camping in Dunstan area has secured winter rental at a local motel
- 2-3 individuals have relocated to another town to be closer to services and their treatment needs

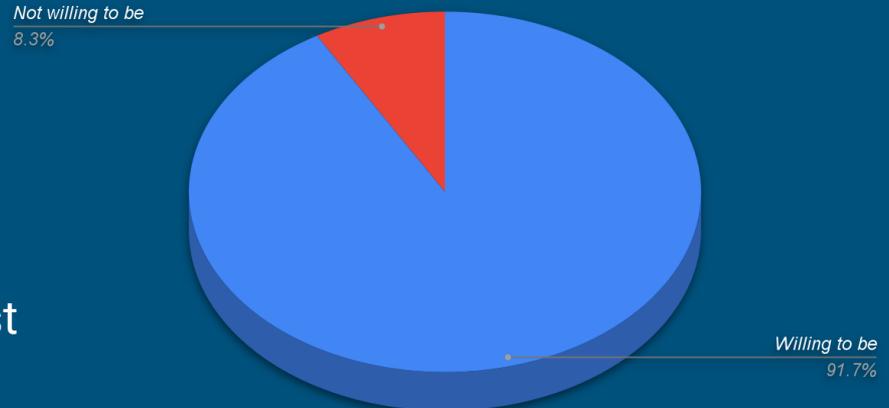


# What else have we learned?

Substantial decrease in individuals utilizing parking lots/employing cars as shelter.

12 of the 13 assessment indicated being willing to be sheltered- perception of housing crises. Several individuals willing to access own motel room or apartment space but hesitant to access shelter in Westbrook

- Trauma histories/close quarters
- Bed Bugs
- Service animal
- Not being able to stay with partner
- Turned away from shelter in the past

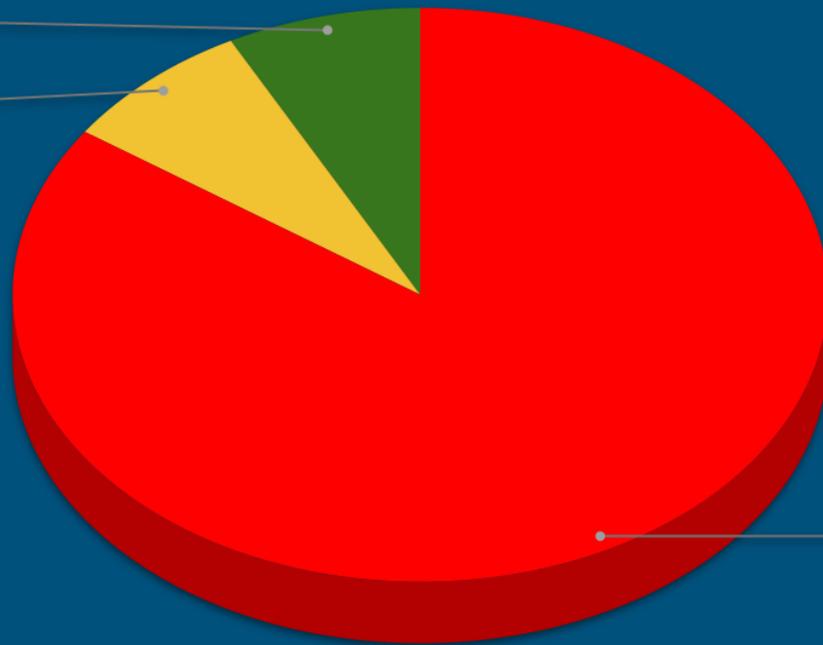


*Motel*

*7.7%*

*Vehicle*

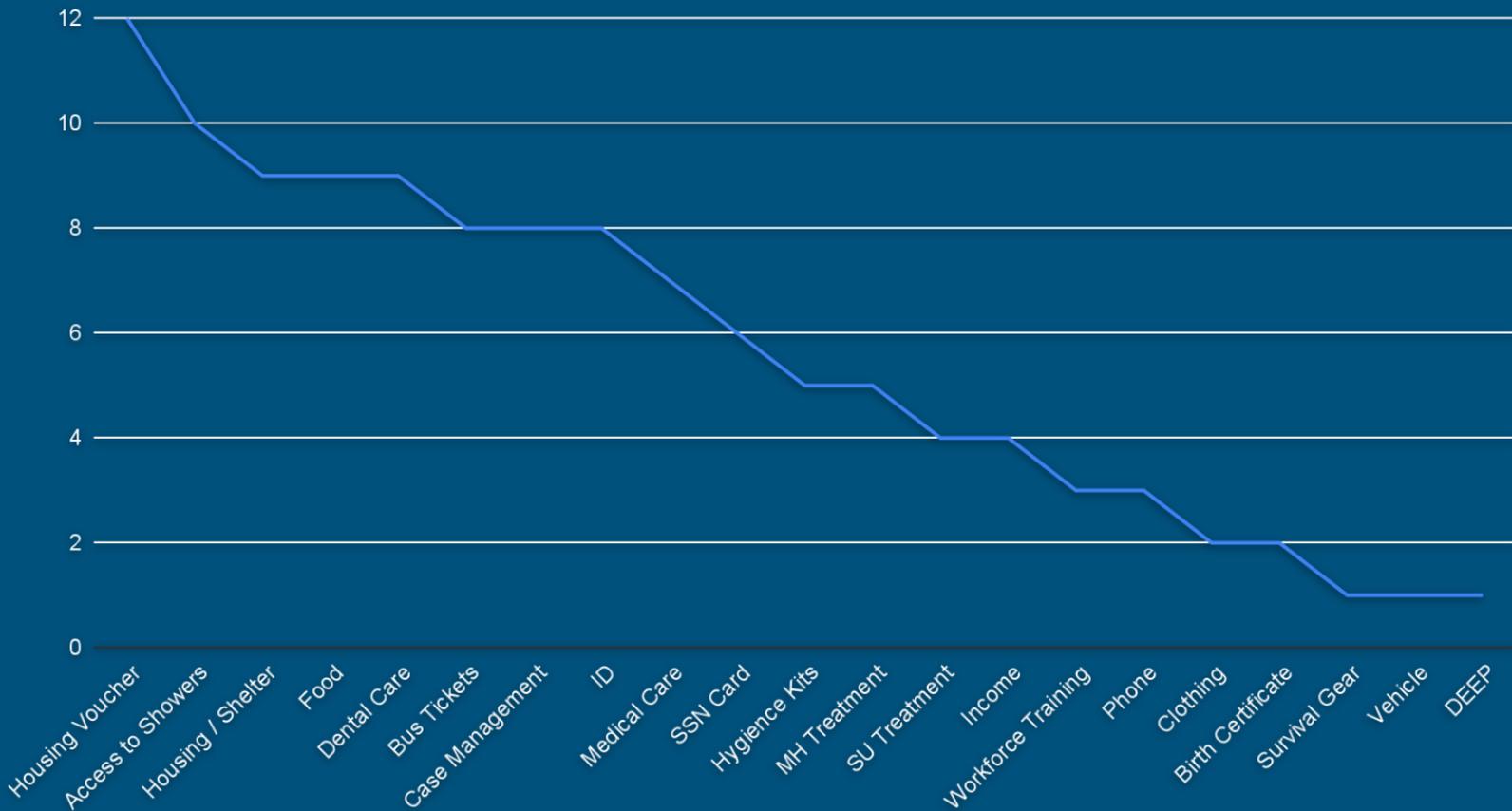
*7.7%*



*Encampment*

*84.6%*

## Scarborough Unhoused Population Critical Needs

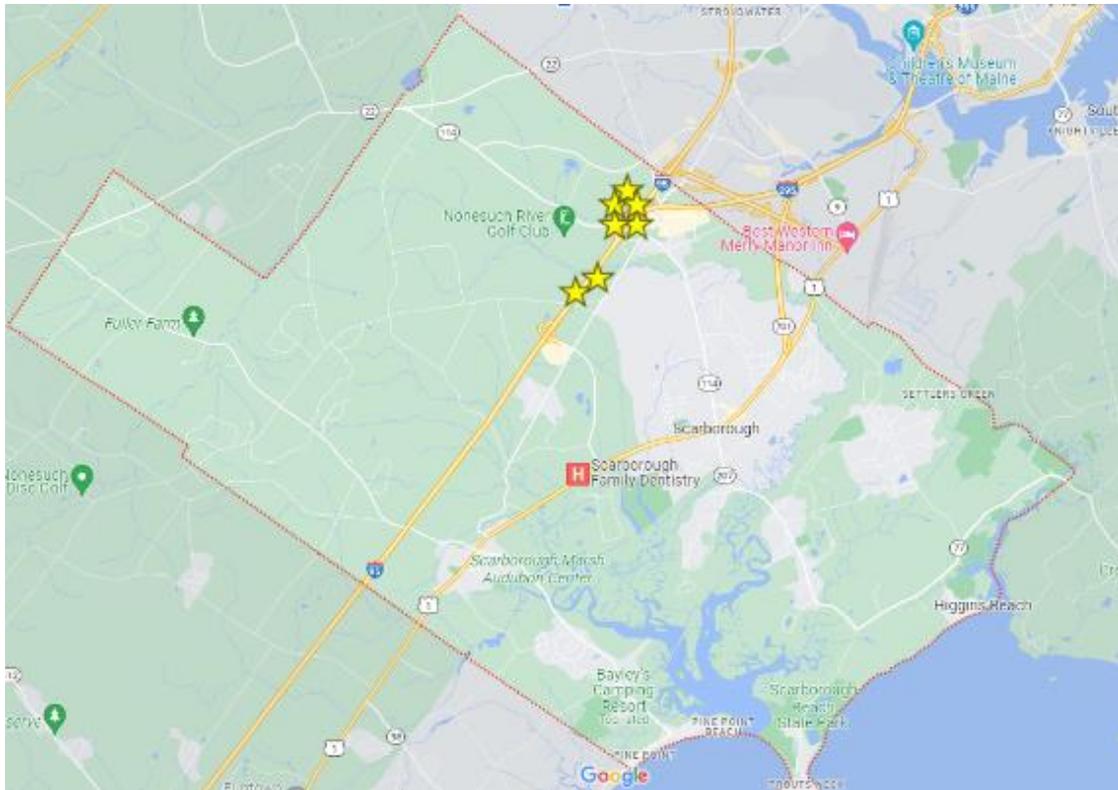


# Other critical information:

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Due to the sweeps of Portland Encampments, at the end of December 2023, The Homeless Services Center in Westbrook was closed to any individuals not identifying as unhoused in a Portland!





(01/2024- unshoused population in Scarborough)

In a proactive approach to assess the unshoused population in Scarborough, Social Service's Manager, Lauren Dembski-Martin, partnered with Scarborough's Economic Development Corporation Director, Karen Martin, to secure a 2023 Cumberland County Community Development Block Grant. The goal of this project was to assess the ever-changing unshoused population (In the 2022 fiscal year, the Social Services Manager highlighted that contact was made with over 60 individuals identifying as being without shelter).

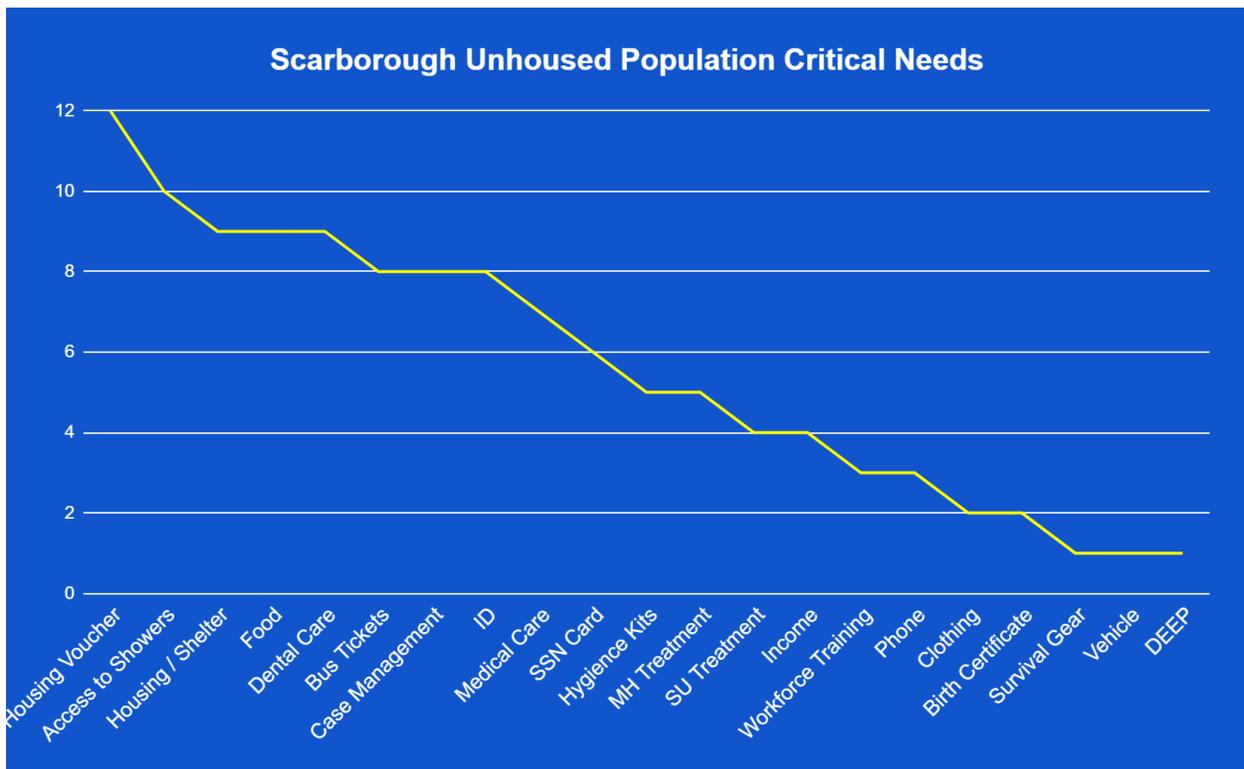
Securing \$15,000 through the CDBG, the bulk of funding was allocated to provide a two-step process:

- 1.) Grassroots field assessment, including in depth conversations with those unshoused;
- 2.) Policy and Strategy development from the data collected.

In July of 2023, the Town of Scarborough contracted with Milestone's Hometeam to help in the field assessment process of unshoused individuals within the community. Milestone's Hometeam is an out-reach program working collaboratively with police, Emergency Medical Services and local businesses. HOME Team helps to navigate the mental, physical, and behavioral health challenges those experiencing homelessness may encounter while providing basic necessities, medical care, referrals and transportation to emergency shelter programs, and/or assistance programs.

Working diligently throughout August, September and October of 2023 to provide outreach and conversations, Scarborough Police Department’s Social Services Manager and Milestone’s Hometeam collected 13 assessments, with one of the first highlighted observations being that the unhoused population in Scarborough has significantly decreased since 2022. Staff of the Social Services Division of Scarborough’s Police Department have witnessed a substantial decrease in individuals utilizing the lots of big box stores to park the vehicles they are employing as shelters, as well as a decrease in the number individuals setting up and utilizing encampments.

It is vital to point out that the shift in the unhoused population will continue to evolve. In August of 2023, 15-17 unhoused individuals were identified in the Scarborough Community. With a continued downward trend, in January 2024 only 6-8 individuals were identified. One of the greatest questions being asked is what causes these variations? Between August 2023 and January 2024, 3-4 individuals access the Homeless Services Center in Portland, 1-2 individuals secured a winter rental with help from their local community mental health teams, 2-3 individuals secured short term shelter through the local General Assistance Program and 2-3 individuals relocated to another town (remaining unsheltered, but closer to their service providers).



The Social Services Manager fields several calls a month from community members wondering why individuals will not access the local shelter with temperatures dropping below freezing. Data collected from the 13 outreach assessments indicated that 12 of those individuals were “willing to be housed/sheltered.” It is critical to mention that the perception of housing and

shelter varies. Several of these individuals stated they were willing access their own motel room or apartment space, but were hesitant to access the shelter in Westbrook due to their own trauma histories and close-knit space, fear of bed bugs, having a service animal that is not allowed or being denied at the shelter in the past. Due to the sweeps of encampments that occurred in Portland in December 2023 and January 2024, there were several weeks that the Homeless Services Center in Westbrook was closed to any individuals not identifying as living in a Portland encampment. These challenges and hurdles continue to be navigated.

Scarborough Police Department's embedded Social Services Division is uniquely comprised of 3 positions:

- 1.) **Social Services Manager**- this clinical position consists of a Licensed Clinical Social worker who provides clinical outreach and support to community members, manages the Law Enforcement Assisted Diversion Program and oversees General Assistance.
- 2.) **Law Enforcement Assisted Diversion Case Manager (LEAD)**- this position provides intensive case manager services to individuals engaged in the department's LEAD program. This Program allows individuals engaged in low level offenses a chance to address adverse challenges (i.e. substance use, homelessness, mental health) they faced while being connected to a continuity of care, rather than being cycled through the criminal justice system.
- 3.) **Social Services Coordinator/General Assistance**- this position helps to support individuals in the community with the navigation of basic referrals, follow up and screening of eligibility for General Assistance.

In a proactive approach to ensure community members, including those unhoused, are assisted in navigating the complex and rocky waters of mental health systems, housing authorities, and other community support resources, the Social Services Division is collaborating on a daily basis. Much like a jigsaw puzzle, individuals present with several pieces and just need that little help in fitting them together!

*Looking ahead... in the next few months the work of the CBDG will continue as members of a local taskforce will begin to assess the data and work with consultant develop future action steps.*

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 7, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-006.** Move approval of the second reading on the proposed amendment to Chapter 311 – the Town of Scarborough Schedule of Fees relating to Lift Assist. [*Fire Chief*]

*Fire Chief*

*Ought to Pass*

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Sponsor

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Recommendation

*01/17/2024 – Vote: 7 Yeas*

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First Reading/Vote

*02/07/2024*

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Public Hearing

*02/07/2024 – Vote:*

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

**ACTION ITEM: Order No. 24-006.**

**SUBJECT:**

Public hearing and second reading on the proposed amendment to Chapter 311 – the Town of Scarborough Schedule of Fees relating to Lift Assist. *[Fire Chief]*

**PURPOSE:**

To establish a new Emergency Medical Service Fee, billed directly to staffed medical facilities, group homes, and nursing/long term care facilities, doing business in the Town of Scarborough.

**BACKGROUND:**

Scarborough is home to large amount of medical facilities that include; Long -term care, assisted living, skilled nursing, group homes etc. Scarborough Fire/EMS, along with EMS agencies across the state have experienced an increase in these businesses relying on Ambulance responses to assist patients within these facilities for non-emergent situation, specifically lifting and moving patients. These services are not reimbursable by most insurance carriers and in most cases cannot be billed to a patient. Our EMS services are sustained by user fees generated through insurance and other reimbursements. Lifting and moving patient requests from medical facility businesses are adding pressures to our already busy service while not providing additional revenue to sustain this increase. (RCK)

**FISCAL IMPACT:**

N/A

**STATUS / PROCESS TO DATE:**

- Presentation before the Finance Committee: October 11, 2023
- First reading before Town Council: January 17, 2024
- Public hearing and second reading before Town Council: February 7, 2024

**PROPOSED ACTION:**

Recommend approval of Order No.24-006

**ATTACHMENTS:**

- Proposed changes to Chapter 311 Fee Structure.

**Chapter 311 – the Town of Scarborough  
Schedule of Fees Ordinance**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 311 – the Town of Scarborough Schedule of Fees Ordinance, be and hereby is amended, by adding the following new section (additions are underlined; deletions are struck through):

<b><u>Fire Department Rescue Charges</u></b>	<b><u>Fee</u></b>
<b>Base Rescue Charges:</b>	
Based on bundled rate plan adopted May 1, 2013, these rates shall automatically adjust when and by the same % as those established and approved by the Centers for Medicare & Medicaid Services (CMS).	
Basic Life Support Non-Emergency (adopted 05/01/2013) (amended 05/07/2014)(05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; updated 01/01/19; 01/01/2020; 01/09/2024)	\$635.00
Basic Life Support Emergency (adopted 05/01/2013)(amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; updated 01/01/19; 01/01/2020; amended 06/02/2021; Updated 01/09/2024 )	\$794.95
Advance Life Support Level 1 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; Updated 01/01/19; 01/01/2020; 01/09/2024)	\$977.18
Advance Life Support Level 2 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; Updated 01/01/19; 01/01/2020; 01/09/2024)	\$1,391.91
<b>Additional Rescue Charges:</b>	
Mileage/Non-Covered Mileage (adopted 05/07/2014) (05/20/1; amended 05/18/165; amended 05/17/17; updated 01/01/19; updated 01/01/2020; amended 06/02/2021; Updated 01/09/2024)	\$16.03
<u>Lift Assist – Emergency medical service response to assist lifting a person in a licensed and staffed medical institution or facility.</u>	<u>\$300.00 per response</u>
Evaluation/No Transport (amended 05/05/04)(amended 05/06/09)(amended 01/18/12)	\$125.00
Paramedic Intercept Fee (05/21/2008; updated 01/01/2020)	\$300.00
Fees are set by State Statutes – pursuant to Title 22, Health and Welfare, subtitle 2,§1711, pertaining to <i>Fees charges</i> , and as amended from time to time. (adopted 05/07/2014)	

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 7, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-014.** Move approval of the new liquor license from 58 Culinary, LLC, located at 15 Pleasant Hill Road. [*Town Clerk*]

*Town Clerk*

*Ought to Pass*

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Sponsor

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Recommendation

*N/A*

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First Reading/Vote

*02/07/2024*

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Public Hearing

*02/07/2024 – Vote:*

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

<b>ACTION ITEM: Order No. 24-014</b>
<b>SUBJECT:</b> <b>7:00 P.M. Public hearing</b> and action on a new liquor license from 58 Culinary, LLC, located at 15 Pleasant Hill Road. <i>[Town Clerk]</i>
<b>PURPOSE:</b> To allow the applicant to serve alcohol.
<b>BACKGROUND:</b> The applicant is expanding their catering business to include alcohol.
<b>FISCAL IMPACT:</b> \$25
<b>STATUS / PROCESS TO DATE:</b> <ul style="list-style-type: none"><li>• Request received in Town Clerk's Office: January 22, 2024</li><li>• Public Hearing and action: February 7, 2024</li></ul>
<b>PROPOSED ACTION:</b> Recommend approval of Order No. 24-014
<b>ATTACHMENTS:</b>

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 7, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-015.** Move approval on the request for a new food handler license from Jenna Leong d/b/a Measuring Up Kitchen, LLC, located at 25 Plaza Drive, Unit 8. *[Town Clerk]*

*Town Clerk*

*Ought to Pass*

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Sponsor

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Recommendation

*N/A*

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First Reading/Vote

*02/07/2024*

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Public Hearing

*02/07/2024 – Vote:*

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

**ACTION ITEM: Order No. 24-015**

**SUBJECT:**

**7:00 P.M. Public hearing** and action on a new food handler license from Jenna Leong d/b/a Measuring Up Kitchen, LLC, located at 25 Plaza Drive, Unit 8. *[Town Clerk]*

**PURPOSE:**

To allow the applicant to conduct business according to the licenses requested and the Ordinances of the Town of Scarborough.

**BACKGROUND:**

There is a new owner of this establishment which requires a new license.

**FISCAL IMPACT:**

\$220.00 license fee

**STATUS / PROCESS TO DATE:**

- Application received in the Town Clerk's Office: January 23, 2024
- Public Hearing notice provided in newspaper: Wednesday, January 31, 2024
- Public Hearing and Action: February 7, 2024

**PROPOSED ACTION:**

Recommend approval of Order No. 24-015.

**ATTACHMENTS:**

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 7, 2024**  
**HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-007.** Move approval of second reading to repeal and replace the Ordinance Establishing a Moratorium on Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities in the Pine Point Industrial Overlay District that the Town Council approved on August 16, 2023 and enact a new Ordinance Establishing a Moratorium on Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities that would apply Town-wide. [*Ordinance Committee*]

*Ordinance Committee*

*Ought to Pass*

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Sponsor

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Recommendation

*01/17/2024 – Vote: 7 Yeas*

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First Reading/Vote

*N/A*

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Public Hearing

*02/07/2024 – Vote:*

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Second Reading/Final Approval/Vote

## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

<b>ACTION ITEM: Order No. 24-007</b>
<p><b>SUBJECT:</b> Second reading to repeal and replace the Ordinance Establishing a Moratorium on Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities in the Pine Point Industrial Overlay District that the Town Council approved on August 16, 2023 and enact a new Ordinance Establishing a Moratorium on Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities that would apply Town-wide. [<i>Ordinance Committee</i>]</p>
<p><b>PURPOSE:</b> Enact a new moratorium on any new, or expansion of existing, cannabis cultivation licenses until June 30, 2024 so that further changes to the Cannabis Licensing Ordinance can be considered.</p>
<p><b>BACKGROUND:</b> Following three (3) successive moratoriums to restrict cannabis licensing, and the enactment of increased odor mitigation standards and a revised enforcement provisions, the Town continues to receive odor reports. As a result, the Ordinance Committee and Town Council have expressed interest in considering additional revisions to the Cannabis Licensing Ordinance which may include odor mitigation requirements, enforcement, and zoning.</p>
<p><b>FISCAL IMPACT:</b> N/A</p>
<p><b>STATUS / PROCESS TO DATE:</b></p> <ul style="list-style-type: none"> <li>● Long-standing concerns with cannabis odor in the Pine Point Overlay District, as well as increased concerns in the Pleasant Hill Road corridor, has resulted in two previous emergency moratoriums and the convening of a marijuana working group to study and recommend changes to the licensing ordinance. Despite revisions to the Licensing Ordinance, concerns persist.</li> <li>● First reading before the Town Council: January 17, 2024</li> <li>● Second reading before the Town Council: February 7, 2024</li> </ul>
<p><b>PROPOSED ACTION:</b> Recommend approval of Order No. 24-007.</p>
<p><b>ATTACHMENTS:</b></p> <ul style="list-style-type: none"> <li>● Proposed New moratorium on Cannabis Cultivation Licenses through June 30, 2024</li> <li>● Memo from Town Attorney</li> </ul>

**TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A  
MORATORIUM ON ADULT USE CANNABIS CULTIVATION FACILITIES  
AND MEDICAL CANNABIS CULTIVATION FACILITIES**

WHEREAS, the Maine Medical Use of Cannabis Act, 22 M.R.S. § 2429-D, and the Cannabis Legalization Act, 28-B M.R.S. §§ 401-402, specifically authorize municipalities to opt-in to allow and regulate Cannabis Establishments; and,

WHEREAS, the Town of Scarborough currently allows certain Cannabis Establishments, including Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities, to operate in the Town, subject to a license under the Cannabis Establishment Licensing Ordinance and applicable approvals under the Zoning Ordinance; and,

WHEREAS, since the adoption of the above ordinances there has been an increasing number of requests regarding the establishment or expansion of Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities through Town; and,

WHEREAS, operations related to Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and,

WHEREAS, on May 3, 2023, the Town Council adopted a 90-day emergency moratorium on the acceptance, processing, or acting upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license or any other approval, relating to the establishment, operation, or expansion of a business or operation for an Adult Use Marijuana Cultivation Facility or Medical Marijuana Cultivation (the name since changed to “cannabis” pursuant to state law and ordinance amendment) in the Pine Point Overlay District, in the Town, and voted to extend the moratorium for an additional 180-days on August 16, 2023 which is set to expire on February 12, 2024; and,

WHEREAS, the Town’s existing ordinances do not provide an adequate mechanism to regulate and control Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities in the Town and are inadequate to prevent the potential for serious public harm from the development of future Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities; and,

WHEREAS, the Town needs a reasonable amount of time to continue to study the land use and licensing implications of Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities and to develop reasonable regulations governing their location and operation; and,

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Scarborough, Maine, as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings:

“Adult Use Cannabis Cultivation Facility” shall mean a “cultivation facility” as that term is defined in 28-B M.R.S. §102(13), as may be amended.

“Adult Use Cannabis Products Manufacturing Facility” shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S. §102(43), as may be amended.

“Adult Use Cannabis Testing Facility” shall mean a “testing facility” as that term is defined in 28B M.R.S. §102(54), as may be amended.

“Cannabis Establishment” shall mean an Adult Use Cannabis Cultivation Facility, an Adult Use Cannabis Products Manufacturing Facility, an Adult Use Cannabis Testing Facility, a Medical Cannabis Dispensary, a Medical Cannabis Testing Facility, a Medical Cannabis Manufacturing Product Facility, and a Medical Cannabis Cultivation Facility. A Cannabis Establishment does not include an Adult Use Cannabis Store or a Medical Cannabis Caregiver Retail Store, which are not permitted in the Town of Scarborough.

“Medical Cannabis Cultivation Facility” shall mean a medical cannabis cultivation area used or occupied by one or more medical cannabis registered caregivers and a facility to cultivate, prepare and package medical cannabis at a location that is not the residence of a registered caregiver or qualifying patient.

“Medical Cannabis Dispensary” shall mean a “registered dispensary” as that term is defined in 22 M.R.S. §2422(6), as may be amended.

“Medical Cannabis Products Manufacturing Facility” shall mean a “manufacturing facility” as that term is defined in 22 M.R.S. §2422(4-R), as may be amended.

“Medical Cannabis Testing Facility” shall mean a “cannabis testing facility” as that term is defined in 22 M.R.S. §2422(5-C), as may be amended.

2. APPLICABILITY AND PURPOSE.

Notwithstanding the provisions of 1 M.R.S. § 302, this Ordinance shall apply to any proposal to establish, operate, or expand a business or operation for an Adult Use Cannabis Cultivation Facility or Medical Cannabis Cultivation Facility in the Town of Scarborough, whether or not an application or a proceeding to establish or operate a business or operation

for a Adult Use Cannabis Cultivation Facility or Medical Cannabis Cultivation Facility would be deemed a pending proceeding under 1 M.R.S.A. § 302.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion of a business or operation for an Adult Use Cannabis Cultivation Facility or Medical Cannabis Cultivation Facility. No person shall establish or operate a business or operation for an Adult Use Cannabis Cultivation Facility or Medical Cannabis Cultivation Facility that was proposed on or after the effective date of this Ordinance or shall expand the operations of any Adult Use Cannabis Cultivation Facility or Medical Cannabis Cultivation Facility that was established or operated prior to the effective date of this Ordinance. This prohibition does not apply to the operation of existing licensed Adult Use Cannabis Cultivation Facilities or Medical Cannabis Cultivation Facilities as of the date of enactment of this Ordinance, although it does apply to any proposed expansion of an existing licensed business or operation.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Scarborough. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended, repealed or modified by the Scarborough Town Council.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

# Memorandum

**To:** Scarborough Town Council Ordinance Committee

**From:** Philip R. Saucier, Esq.

**Date:** January 9, 2024

**Re:** Municipal regulation of cannabis establishments

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You have asked me to briefly summarize the Council’s authority to regulate both medical and adult use cannabis establishments in the Town of Scarborough under Maine law.

## I. State Law

Cannabis is regulated under state law by the Maine Medical Use of Cannabis Act (22 M.R.S. ch. 558-C) and the Cannabis Legalization Act (28-B M.R.S. ch. 1). The Legislature has given municipalities broad discretion on whether to allow cannabis establishments to operate within their boundaries and to regulate such uses.

### A. Cannabis Establishments

Both laws recognize and regulate four types of cannabis establishments:

- Medical cannabis establishments: caregiver retail stores, registered dispensaries, cannabis testing facilities, and manufacturing facilities.
  - Many municipalities also regulate “medical cannabis cultivation facilities” – a use that is not defined under state law but is defined under Scarborough’s ordinance as “a medical cannabis cultivation area used or occupied by one or more medical cannabis registered caregivers and a facility licensed under this ordinance to cultivate, prepare and package medical cannabis at a location that is not the residence of the Registered Caregiver or Qualifying Patient.”
- Adult use cannabis establishments: cannabis stores, cultivation facilities, testing facilities, and products manufacturing facility.

## **B. Opt-In and Regulatory Options**

Under both laws, cannabis establishments are prohibited from operating in a municipality unless the legislative body votes to allow such uses to operate within the municipality.

- Medical cannabis exceptions:
  - Municipalities cannot prohibit caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that were operating with municipal approval prior to December 13, 2018. “Municipal approval” means an examination and approval of the type of medical cannabis establishment, not simply the issuance of a building permit or other approval that does not address the use of the facility or structure. 22 M.R.S. § 2429-D(2).
  - Municipalities can regulate registered caregivers but cannot prohibit or limit the number of registered caregivers. Cannabis cultivation facilities are not one of the “opt-in” establishments, but municipalities do have the authority to regulate such uses.
- Adult use cannabis: This law does not contain any “grandfathering” provisions for establishments operating prior to a certain date. 28-A M.R.S. §§ 401, 402.

Municipalities are given broad discretion and have a wide variety of options to regulate cannabis establishments:

1. Prohibit such establishments by choosing not to opt-in.
2. Allow some, but not all, categories of cannabis establishments to operate in the municipality.
3. Limit the number of cannabis establishments that can operate.
4. Adopt land use regulations (such as zoning, performance standards, and space and bulk requirements).
5. Adopt licensing requirements and associated reasonable fees.

The Town currently allows the following cannabis establishments to operate, subject to licensing and zoning requirements: adult use and medical cultivation facilities, adult use and medical manufacturing facilities, adult use and medical testing facilities, and medical cannabis dispensaries. Adult use and caregiver retail stores are not permitted to operate in the Town.

## **II. Nonconformance**

### **A. Scarborough Zoning Ordinance.**

In the event the Council decides to “opt-out” and not allow certain types of cannabis establishments that are currently permitted to operate in the Town, such establishments would be subject to the nonconforming use provisions in the Zoning Ordinance. Once a nonconforming use is established, the right to continue the use is considered to be a vested property right, and such provisions are thus included in land use ordinances to avoid any constitutional issues. While nonconforming uses are allowed to continue to operate, they can be restricted from being

enlarged, increased, or extended to occupy a greater area of land. Under the Town's Zoning Ordinance, once a nonconforming use is abandoned for more than one year, it loses its legal nonconforming status and the land and structure can only be used for conforming uses, which is consistent with the goal to eventually eliminate nonconforming uses.

The following are the relevant nonconforming use provisions in Section III of the Zoning Ordinance:

A. Continuation of Non-Conformance

Any lawful use of buildings, structures, land, or parts thereof existing at the time of adoption or amendment of this Ordinance, and made non-conforming by the provisions of this Ordinance or any amendments thereto, may be continued, subject to the provisions of this Section.

B. Non-Conforming Use of Land

1. No non-conforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than that occupied at the effective date of adoption or amendment of this Ordinance.
2. No non-conforming use of land shall be moved in whole or in part to any portion of the lot, which was not occupied by such use at the effective date of adoption of this Ordinance.
3. If any non-conforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

C. Non-Conforming Uses of Structure

1. No existing structure devoted to a non-conforming use shall be enlarged, extended, or expanded except in changing the use of the structure to conforming use.
2. Any non-conforming use may be extended throughout any parts of a building, which were manifestly in existence and arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If a non-conforming use of a structure is superseded by a permitted use, the non-conforming use shall not thereafter be resumed.
4. If any non-conforming use of a structure ceases for any reason for a period of more than one year, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the District in which such structure is located.

## **B. Amortization**

You have also asked if the Council could gradually phase out a legally nonconforming use, notwithstanding the nonconformance provisions in the Zoning Ordinance. The phasing out of a legally nonconforming use over time is called “amortization.” The legal justification is that because the phasing out of the nonconforming use has been set over a period of time, it is not an unconstitutional taking of property and no compensation is payable at the expiration of the period, as the operator of the use is given a grace period to recoup any funds spent on a particular use before it is terminated.

There is legal support for a phasing out/amortization program in Maine, articulated in a case from the 1970s that upheld the gradual phasing out of billboards. *See State v. National Advertising Co.*, 409 A.2d 1277 (Me. 1979). In that case, the Maine Supreme Judicial Court concluded that the use of an amortization period to eliminate nonconforming billboard signs was a legislative object of the exercise of the police power and was not an unconstitutional taking of property – and concluded that a five-year amortization period was sufficient for that program.

If the Council chooses to move forward with a phasing out of certain cannabis establishments, it should determine a phasing out period that is sufficient and reasonable to allow for a change of use and for the operator of the business to recoup its investment. Under the *National Advertising* case, we have some guidance that a five-year period may be sufficient, but it will depend on the particular circumstances of these uses. Finally, given the explicit restriction in 22 M.R.S. § 2429-D(2), the Town cannot gradually phase out any medical cannabis establishment operating with municipal approval prior to December 13, 2018.

PRS/jm

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 7, 2024**  
**HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-016.** Move approval of the first reading on the new request for a Cannabis Establishment License from Tucker Noyes, d/b/a KTK Noyes, LLC, located at 148B Pleasant Hill Road for Adult Cannabis Products Manufacturing and schedule a public hearing and second reading for Wednesday, February 21, 2024. [*Assistant Town Manager*]

*Assistant Town Manager*

*Ought to Pass*

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Sponsor

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Recommendation

*02/7/2024 – Vote:*

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First Reading/Vote

*02/21/2024*

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Public Hearing

*02/21/2024 – Vote:*

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

**ACTION ITEM: Order No. 24-016**

**SUBJECT:**

First reading and schedule a public hearing and second reading on the new request for a Cannabis Establishment License from Tucker Noyes, d/b/a KTK Noyes, LLC, located at 148B Pleasant Hill Road for Adult Cannabis Products Manufacturing. *[Assistant Town Manager]*

**PURPOSE:**

Approve an Adult Cannabis Products Manufacturing license for the establishment listed above.

**BACKGROUND:**

Application has been received and reviewed. The applicants plan is to use this space for packaging. Inspection pending.

**FISCAL IMPACT:**

\$2,850.00 (application and license fee)

**STATUS / PROCESS TO DATE:**

- Application is under review
- Inspection pending
- First reading before Town Council: February 7, 2024
- Public Hearing and second reading: February 21, 2024

**PROPOSED ACTION:**

Recommend approval of the first reading on the new request for a Cannabis Establishment License from Tucker Noyes, d/b/a KTK Noyes, LLC, located at 148B Pleasant Hill Road for Adult Cannabis Products Manufacturing and schedule public hearing and second reading on February 21, 2024.

**ATTACHMENTS:**

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 7, 2024**  
**HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-017.** Move approval of the first reading to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2) and schedule a public hearing and second reading for Wednesday, February 21, 2024. [*Request from Applicant*]

*Request from Applicant*

*Ought to Pass*

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Sponsor

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Recommendation

*02/7/2024 – Vote:*

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First Reading/Vote

*02/21/2024*

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Public Hearing

*02/21/2024 – Vote:*

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Second Reading/Final Approval/Vote

## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

**ACTION ITEM: Order No. 24-017**

**SUBJECT:**

First reading and schedule a public hearing and second reading to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2). *[Request from Applicant]*

**PURPOSE:**

To consider a zoning change request for 42 Two Rod Road.

**BACKGROUND:**

Both the RF and R2 district are residential in nature. The primary differences for the R2 zoning district are the smaller lot size requirements and dimensional standards (see below). The applicants are requesting this zoning change to allow for a lot split and the construction of a new single family home in addition to the existing home.

DIMENSIONAL STANDARDS	RF	R2
Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation)	80,000 sq ft	20,000 sq ft
Minimum Street Frontage	200'	100'
Minimum Front Yard (All Structures)	50'	40'
Minimum Side Yard*	15'	15'
Minimum Rear Yard*	15'	15'
Maximum Net Residential Density per Acre	0.5	2

The property has approximately 207' feet of frontage and 450' of depth. The setbacks and street frontage requirements can be met with the proposed zoning change. The site currently has two existing driveways and the applicants are proposing to rehab the existing home, demolish the existing shop/garage and add an additional home where it is currently located. The lots would be just over an acre each, very similar to other homes in the vicinity.

**Planning Board Recommendation:**

At the meeting on January 22, 2024, the Planning Board held a public hearing and recommended to Town Council approval of the zoning change request. The proposal would change the zoning of 42 Two Rod Road from RF to R2. This would allow two single family homes on the property.

**FISCAL IMPACT:**

- Potential increased tax revenue from additional single family home
- Potential student impact from additional single family home

**STATUS / PROCESS TO DATE:**

- Planning Board Public Hearing and Recommendation: January 22, 2024
- First reading before Town Council: February 7, 2024
- Public hearing and second reading before Town Council: February 21, 2024
- 

**PROPOSED ACTION:**

First reading to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2) and schedule a public hearing and second reading for February 21, 2024.

**ATTACHMENTS:**

- Planning Board Staff Report
- Planning Board Recommendation
- R2 and RF Zoning Districts
- Zoning Exhibits
- Draft Official Zoning Map

**Zoning Request Staff Report  
Planning Board Public Hearing January 16, 2024**

Submittal Type: Rezoning request from RF to R2  
 Location: 42 Two Rod Road, Tax Map R050 Lot 2  
 Applicant: Joseph Christopher and Kathryn Treem

**ACTION REQUIRED:**

Hold a public hearing and make a recommendation to Town Council for the zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2).

**ZONING COMPARISON:**

Both the RF and R2 district are residential in nature. The primary difference for the R2 zoning district is the smaller lot size requirements and dimensional standards (see below). The applicants are requesting this zoning change to allow for a lot split and the construction of a new home in addition to the existing home.

DIMENSIONAL STANDARDS	RF	R2
Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation)	80,000 sq ft	20,000 sq ft
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The property has approximately 207' feet of frontage and 450' of depth. The setbacks and street frontage requirements can be met with the proposed zoning change. The site currently has two existing driveways and the applicants are proposing to rehab the existing home, demolish the existing shop/garage and add an additional home where it is currently located. The lots would be just over an acre each, very similar to other homes in the vicinity.





**ADJACENT ZONING AND USES:**

North: R2 – Single Family Home  
South: RF – Single Family Home  
East: R2 – Single Family Home  
West: R2 – Vacant



**COMPREHENSIVE PLAN:**

The Town of Scarborough Comprehensive Plan identifies this location as Rural Residential adjacent to low to moderate density residential.



**UTILITIES:**

Portland Water is available to the property.

**PUBLIC NOTIFICATION:**

No request for amendment or change shall be referred to the Town Council for consideration until the Planning Board has held a public hearing on that request, notice of which shall be given at least ten (10) days prior to such hearing in a newspaper of general circulation in the Town of Scarborough.

Publication of this zoning change was included in the Portland Press Herald on January 3, 2024 and January 9, 2024. Abutter notification was mailed to 27 adjacent property owners on January 3, 2024.

**STAFF RECOMMENDATION:**

The Planning Director or designee shall review all requests for amendments or changes and make a recommendation to the Planning Board and/or Town Council in regards to the Comprehensive Plan.

The proposed rezoning is in compliance with the Comprehensive plan. The zoning change request is reasonable given the surrounding uses and adjacent R2 zoning. The opportunity for infill housing in this location is a reasonable request. Staff recommends approval of the requested zoning change.

**PLANNING BOARD ACTION:**

The Planning Board shall review all requests for amendments or changes and make its recommendations to the Town Council regarding the land use implications of the request. If a substantial change or alteration is contemplated by the Town Council, approval by the Town Council shall not be granted without submitting the proposed changes to the Planning Board for comment.

**ATTACHMENTS:**

- Application
- Chapter 405 Section XIII Residential Districts
- Official Zoning Map Exhibit
- Newspaper Notification Proof
- Abutter List

**NEXT STEPS:**

- Town Council First Reading February 7, 2024



**Planning Board Recommendation**

Nick McGee  
Chair, Scarborough Town Council  
259 U.S. Route 1  
P.O. Box 360  
Scarborough, ME 04070

RE: Proposed Zoning Map Amendment for 42 Two Rod Road.

Chairman McGee and members of the Town Council,

On January 22, 2024, in accordance with the Town of Scarborough Zoning Ordinance, the Planning Board reviewed the proposed zoning map amendment for a property at 42 Two Rod Road. The proposal would rezone the property from Rural Farming (RF) to Residential 2 (R2) to allow a lot split and construction of a new home. The Ordinance requires that the Planning Board give its recommendation to the Town Council regarding the land use implications of the request. After consultation with the Board and Chair of the meeting, the proposed amendment is recommended to be approved by Council as it is in compliance with the Comprehensive Plan, and is reasonable given the surrounding uses and adjacent zoning.

If you would like further clarification or discussion on these items, the Planning Department would be happy to provide any requested information in consultation with the Planning Board.

Sincerely,



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Autumn Speer  
Director of Planning & Code Enforcement

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS [Adopted 07-19-2023]**

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS**

**RURAL FARMING DISTRICT RF**

To conserve the integrity and natural qualities of rural open space for the betterment and future of the community and encourage the continuation of agriculture and related activities in these areas of the community. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

**RURAL, FARMING AND MANUFACTURED HOUSING DISTRICT RFM**

To conserve the integrity and natural qualities of rural open space for the betterment and future use of the community, to encourage the continuation of agriculture and related activities and to provide for areas within the community where manufactured housing units can be harmoniously situated on individual lots. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

**RESIDENTIAL DISTRICT R2**

To provide residential areas within the Town of Scarborough of low density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre.

**RESIDENTIAL DISTRICT R3**

To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 3 dwelling units per net residential acre in sewerred areas.

**RESIDENTIAL DISTRICT R4**

To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 4 dwelling units per net residential acre in sewerred areas.

**RESIDENTIAL DISTRICT R4A.**

To provide residential areas within the Town of Scarborough of higher density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 4 dwelling units per net residential acre. All developments in R-4A districts shall be serviced by public sewer and public water supply.

**A. PERMITTED USES – RESIDENTIAL DISTRICTS**

Permitted use table abbreviations are as follows:

- P – Permitted by Right
- SE – Special Exception Required
- C# – Condition Applies
- CZ – Contract Zone Required
- Blank – Not a Permitted Use

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS [Adopted 07-19-2023]**

<b>AGRICULTURAL USES</b>	<b>PERFORMANCE STANDARDS APPLY</b>	<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Accessory uses including accessory stables on lots of at least two acres	Section IX.P.	P	CZ	P			
Accessory uses including accessory agricultural activities	Section IX.P.	P	CZ	P	P	P	P
Commercial Agriculture	Section IX.Q.	P	CZ	SE			
Commercial Animal Husbandry	Section IX.Q.	P	CZ				
Agricultural Employee Housing in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry		SE	SE				
Commercial Stables		P	CZ				
Farm stand	Section IX.R	P	CZ	SE			
Agricultural Products Store	Section IX.S.	P	CZ	SE			
Agricultural processing facility with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture	Section IX.Q.			SE			
Agricultural processing facility with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.	P	CZ				
Agricultural processing facility with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.	SE	SE				
Forestry		P	CZ				
Wetlands Creation on Previously Excavated Property		CZ	CZ				

<b>RESIDENTIAL USES</b>	<b>PERFORMANCE STANDARDS APPLY</b>	<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Single Family Dwelling Units (exclusive of individual mobile homes) Up to 2 Dwelling Units per Lot	Section IX.Z.	P	P	P	P	P	P

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS [Adopted 07-19-2023]**

Single Family Dwelling Units (exclusive of individual mobile homes) Up to 4 Dwelling Units per Lot	Section IX.Z.			P	P	P	P
Two-family Dwelling Units		P	P		P	P	P
A Single Multi-family Dwelling with Four or Fewer Dwelling Units on a Lot	Section VIIA. Conservation Design	P	CZ				
Manufactured Housing Unit			CZ, C4				
Manufactured Housing Community		SE	SE				
Townhouse - No more than 8 units per building (Minimum 3 units)					C3	C3	C3
Multiplex	Section VII				C3	C3	C3
Nursing Home		C1	CZ, C1		SE	SE	
Boarding Care		C1	CZ, C1				
Orphanage					SE	SE	
<b>INSTITUTIONAL AND CIVIC USES</b>	<b>PERFORMANCE STANDARDS APPLY</b>	<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Cemetery		SE	SE	SE			
Library				P	P	P	
Museum				P	P	P	
School - Public and Private Educational Facility				P	P	P	P
Municipal Building and Use		P	CZ	P	P	P	P
Public Utility Facility, Including Substation, Pumping Station and Sewage Treatment Facility		SE	SE	SE	SE	SE	SE
Hospice Facility		SE	SE	SE	SE	SE	
Place of Worship		P	CZ	P	P	P	P
Adjunct Use, Place of Worship		SE	SE	SE	SE	SE	SE
Charitable Institution					SE	SE	
<b>RECREATIONAL USES</b>	<b>PERFORMANCE STANDARDS APPLY</b>	<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Residential Recreation Facility		P	CZ	P		P	
Golf Course		P	CZ	P	P	P	P

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS [Adopted 07-19-2023]**

Community Building (non-profit)					P	P	P		
Grounds for Games and Sports (non-profit)							P		
Commercial Outdoor Recreation	Section IX.U	SE	SE						
Day Camp		C2	CZ, C2						
Non-commercial Model Aviation Flying Field Located West of the Maine Turnpike	Section IV(I)(8)	SE	SE						
<b>COMMERCIAL AND RETAIL USES</b>		<b>PERFORMANCE STANDARDS APPLY</b>		<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Family Day Care Home (3-6 children or adults)	Section IV(I)(6), except that Board Appeals review is not required.	P	CZ	P	P	P	P		
Group Day Care Home (7-12 children) and Nursery School		SE	SE	SE	SE	SE	SE		
Day Care Center Facility (13 + children)		SE	SE	SE					
Medical or Professional Office (less than 2,500 sq. ft floor area per lot)							P		
Boarding Care Facility						SE			
Kennel		SE	SE						
Veterinary and Pet Care Facility		SE	SE						
Utility Scale Solar Energy System	Section IX.(O.1.)	P	CZ						
<b>LODGING USES</b>		<b>PERFORMANCE STANDARDS APPLY</b>		<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Bed and Breakfast	Section IX.T.	P	CZ						
Camping and Tenting (five acres or more)		SE	SE						
<b>INDUSTRIAL USES</b>		<b>PERFORMANCE STANDARDS APPLY</b>		<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Extractive Industry Including Gravel Pit and Quarry		SE	SE						
<b>ACCESSORY USES</b>		<b>PERFORMANCE STANDARDS APPLY</b>		<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R4A</b>
Accessory Dwelling Unit	Section IX.J.	P	P	P	P	P	P		
Home Occupation		SE	SE	SE	SE	SE	SE		

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS [Adopted 07-19-2023]**

Telecommunication Facility		SE	SE	SE	SE	SE	SE
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C1 - Must be on minimum 5-acre lot

C2 - Must be on minimum 10-acre lot

C3 – Must be served by public sewer; minimum 5 acres parcel

C4 - **a.** The wheels, axles, detachable transporter unit and tongue shall be removed and the unit shall be placed on a permanent foundation.

**b.** The foundation shall comply to the requirements of the Town’s building code for residential structures. At a minimum, the foundation shall consist of a 4' frost wall completely surrounding and supporting the perimeter of the unit with a crawl space.

**c.** The exterior plumbing shall comply with the Maine State Plumbing Code.

**d.** The exterior electrical connections shall comply with the National Electrical Code.

**e.** The acute angle between the front property line of the lot (or in the case of a curved front line, the chord connecting the points where the side lines intersect the front line) and a line parallel to the short axis of the manufactured housing unit is not less than 30 degrees. On corner lots, said acute angle shall be no less than 30 degrees and no greater than 60 degrees.

**f.** Fuel oil storage tanks shall be in the cellar, crawl space, or buried and conform to NFPA 31.

**g.** Above-ground propane tanks shall be permitted only at the rear of the structure.

**h.** All disturbed portions of the site shall be loamed and seeded.

**B. SPACE AND BULK STANDARDS – RESIDENTIAL DISTRICTS**

The following standards shall apply unless the use of Section VIIA, Conservation Subdivision Design is required or selected.

DIMENSIONAL STANDARDS	RF	RFM	R2	R3		R4		R4A
	ALL	ALL	ALL	Sewer	No Sewer	Sewer	No Sewer	Sewer Only
Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation)	80,000 sq ft	80,000 sq ft	20,000 sq ft	15,000 sq ft	20,000 sq ft	10,000 sq ft	20,000 sq ft	10,000 sq ft
Minimum Street Frontage	200'	200'	100'	100'		75'	100'	80'
Conservation Subdivision Design Dimensional Standards	See Section VIIA			NA				
SETBACKS	RF	RFM	R2	R3		R4		R4A
	ALL	ALL	ALL	Sewer	No Sewer	Sewer	No Sewer	Sewer Only
Minimum Front Yard (All Structures)	50'	50'	40'	40'		30'	40'	30'
Minimum Side Yard*	15'	15'	15'	15'		15'		15'

**SECTION XIII. RESIDENTIAL ZONING DISTRICTS [Adopted 07-19-2023]**

Minimum Rear Yard*	15'	15'	15'	15'	15'	15'	15'	
Conservation Subdivision Design Setbacks	See Section VIIA			NA				
<b>DENSITY</b>	<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>		<b>R4</b>		<b>R4A</b>
	<b>ALL</b>	<b>ALL</b>	<b>ALL</b>	<b>Sewer</b>	<b>No Sewer</b>	<b>Sewer</b>	<b>No Sewer</b>	<b>Sewer Only</b>
Maximum Net Residential Density per Acre	0.5	0.5	2	3	2	4	2	4
Residential Density Factors Section VIIC (a) Apply	NA							
Conservation Subdivision Design Density	See Section VIIA			NA				

\*Buildings taller than 30' shall have side and rear yards not less than 50% of building height.

**C. ADDITIONAL STANDARDS – RESIDENTIAL DISTRICTS**

The following standards shall apply unless the use of Section VIIA, Conservation Subdivision Design is required or elected.

<b>ADDITIONAL STANDARDS</b>	<b>RF</b>	<b>RFM</b>	<b>R2</b>	<b>R3</b>		<b>R4</b>		<b>R4A</b>
	<b>ALL</b>	<b>ALL</b>	<b>ALL</b>	<b>Sewer</b>	<b>No Sewer</b>	<b>Sewer</b>	<b>No Sewer</b>	<b>Sewer Only</b>
Maximum Building Height	35'	35'	35'	35'		35'		35'
Minimum distance between principal buildings on the same lot	Height Equivalent of Taller Building							
Maximum Building Coverage	25%	25%	20%	25%		25%	20%	25%
Conservation Subdivision Design Additional Standards	See Section VIIA			NA				
Off-Street Parking	See Section XI							

Current Zoning  
Rural Farming(RF)

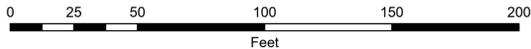
Proposed Zoning  
Residential 2(R2)



Town Of  
**Scarborough**  
Maine  
<http://www.scarboroughmaine.org>



Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.



**Request for Rezoning  
Exhibit**

# Town Of Scarborough Maine Official Zoning Map

www.scarboroughmaine.org



0 0.28 0.55 1.1 1.65 2.2 Miles

0 1,000 2,000 4,000 6,000 8,000 Feet

### Base Map

- ParcelLine
- Roads
- Coast\_Line
- TownLine
- Railroads
- Beaches

Note: The depictions of the boundaries of the Zoning Districts, including the Shoreland Zone, Resource Protection Zone, and Stream Protection District on this GIS Zoning Map, are merely illustrative of their approximate boundaries. The exact boundaries shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

Revised as of: 2/21/2024

As Approved By Council - XX-XXX

Previous Zoning Amendments:  
Resolution 23-001 - Approved 4/19/2023  
Resolution 23-065 - Approved 7/19/2023

### Zoning Classifications

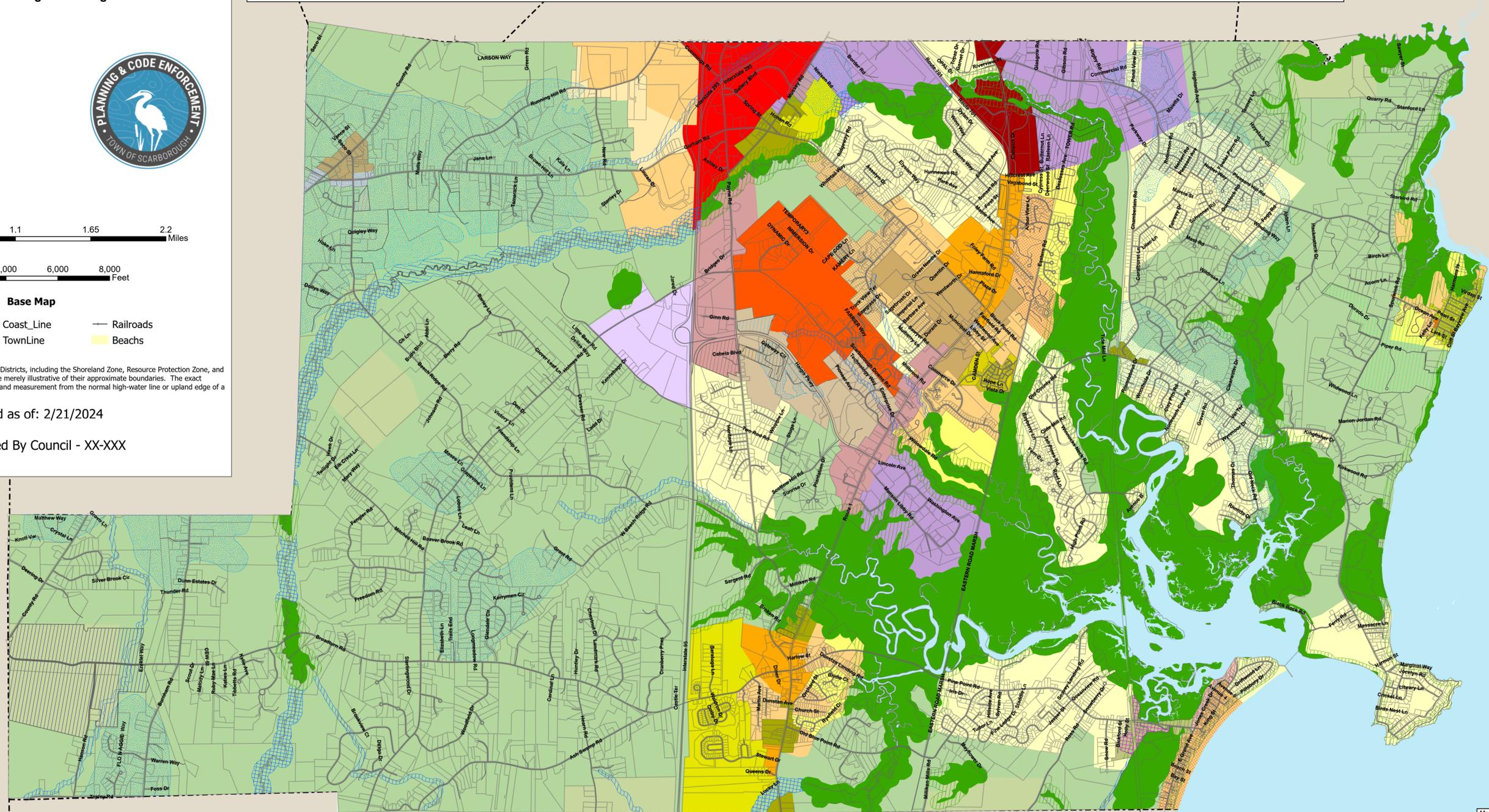
- |                                     |                        |                                       |                                     |                          |
|-------------------------------------|------------------------|---------------------------------------|-------------------------------------|--------------------------|
| Beach/Mixed Use                     | Coastal Residential 1  | Residential 4                         | Resource Protection                 | Town & Village Centers 4 |
| Regional Business                   | Haigis Parkway Busines | Residential 4A                        | Residential & Professional          | Village Residential 2    |
| General Business                    | Industrial             | Rural Residence & Farming             | Traditional Neighborhood            | Town & Village Centers   |
| Business Office - Research District | Light Industrial       | Rural Residence Farming & Manufacture | Town & Village Centers Transition 2 | Village Residential 4    |
| Coastal Mixed Use 1                 | Residential 2          | Running Hill Mixed Use District       | Town and Village Centers Fringe     |                          |
| Crossroads Planned Development      | Residential 3          | Running Hill Transition District      |                                     |                          |

### Contract Zones

- |                  |                  |                 |                 |                 |                    |
|------------------|------------------|-----------------|-----------------|-----------------|--------------------|
| Contract Zone 1  | Contract Zone 11 | Contract Zone 2 | Contract Zone 5 | Contract Zone 8 | Industrial Overlay |
| Contract Zone 10 | Contract Zone 12 | Contract Zone 3 | Contract Zone 7 | Contract Zone 9 | Shoreland Zoning   |

### Zoning Overlays

- |                     |                            |
|---------------------|----------------------------|
| Stream Protection 1 | Aquifer Protection Overlay |
| Stream Protection 2 |                            |



Map Prepared By:  
Micah Warnock, GISP  
GIS Administrator

Attested to by:  
  
TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

See "Town of Scarborough Maine Official Shoreland Zoning Map" for Shoreland zoning districts.

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 7, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 23-018.** Move approval on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2024 to May 15, 2024. [*Director of Public Works*]

*Director of Public Works*

*Ought to Pass*

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Sponsor

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Recommendation

*N/A*

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First Reading/Vote

*N/A*

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Public Hearing

*02/07/2024 – Vote:*

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

<b>ACTION ITEM: Order No. 24-018</b>
<b>SUBJECT:</b> Act on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2024 to May 15, 2024. <i>[Director of Public Works]</i>
<b>PURPOSE:</b> To prevent as much damage as possible to the roadways while they are thawing and in a vulnerable state.
<b>BACKGROUND:</b> It has been a successful strategy for many years to post certain roads each spring. A "posted road" prohibits vehicles weighing over 23,000 lbs. from traveling on the roadway during the period of the road posting. As stated above, this is to prevent damage to the roadways while they are thawing and vulnerable state. As the season shifts toward spring, and the temperatures rise, the melting snow and ice saturates the ground under the roads, and this weakens the base that the asphalt is laid upon. This weakened base cannot support the stress of heavy loads and can result in costly and avoidable road damage. Each year, the list of posted roads is selected by Public Works management who maintain a great deal of knowledge regarding which town roads meet the criteria of risk for damage, etc. and will benefit most from being posted in the spring.
<b>FISCAL IMPACT:</b> While it creates a certain degree of frustration and inconvenience for residents who may have hoped to have heavy vehicles have access to their property for whatever reason (construction, etc.), there is no real fiscal impact to the Town. Most contractors and residents are aware of the annual road postings and plan accordingly.
<b>STATUS / PROCESS TO DATE:</b> <ul style="list-style-type: none"><li>Action before the Town Council: February 7, 2024</li></ul>
<b>PROPOSED ACTION:</b> Recommend to move approval of Order No. 24-018.
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"><li>Memo from Director of Public Works</li><li>List of roads</li></ul>



## MEMO

TO: Tom Hall, Town Manager  
FROM: Doug Howard, Director of Public Works  
DATE: January 31<sup>st</sup>, 2024

**RE: 2024 ROAD POSTINGS**

To prevent heavy vehicle damage to the town's road network it is in Scarborough's best interest to post roads each year during the annual spring thaw. Therefore, I am requesting permission to post the roads on the attached list, as well as any additional roads deemed necessary due to changing weather conditions.

The anticipated posting period will be from **February 15<sup>th</sup>, 2024 through May 15<sup>th</sup>, 2024.**

A handwritten signature in black ink, appearing to read "Doug Howard". The signature is written in a cursive style with a long, sweeping underline.



**SCARBOROUGH, MAINE**

## **NOTICE of 2024 POSTED ROADS**

In an effort to minimize damage to Scarborough roads, it is the town's policy to post roads during the annual spring thaw. During the 2024 season roads will be posted in mid-February and may continue into May, or, until road conditions stabilize. ***Look for signs indicating that a road is posted.***

The following list of posted roads is subject to change at the discretion of the Public Works Director.

Road conditions become variable due to weather. Therefore, we will assess road conditions on a daily basis and may allow access to posted roads with limitations, most often to early morning hours. If you have questions regarding access to a posted road: please contact us at [pwinfo@scarboroughmaine.org](mailto:pwinfo@scarboroughmaine.org) or call **730-4400**.



## Town of Scarborough POSTED ROADS 2024

The following roads will be posted until the posting is lifted by the Scarborough Public Works Department. Access to posted roads may be granted as weather permits. Road conditions are evaluated daily during this time.

To check on a road's status:  
[www.scarboroughmaine.org](http://www.scarboroughmaine.org) or call 207.730.4400 and Press 2.

**Note: Other roads may be posted as deemed necessary by the Public Works Director.**

Questions? Contact us at [pwinfo@scarboroughmaine.org](mailto:pwinfo@scarboroughmaine.org) or call 207.730.4400.

Ash Swamp Road	All
Berry Road	All
Bridges Drive	All
Burnham Road	All
Cumberland Way	All
Dresser Road	All
Fengler Road	All
Greenacres Lane	All
Hanson Road	All
Hearn Road	All
Holmes Road	40 Holmes Road to Saco Line
Jasper Street	All
Longmeadow Road	All
Maple Avenue	All
Mitchell Hill Road	All
New Road	All
Old County Road	Black Point Road to Winnocks Neck Road
Running Hill Road	All
Sawyer Road	All
Scarborough Downs Road	Route One to Gristmill Lane
Scottow Hill Road	All
Tapley Road	All
Two Rod Road	All
Winnocks Neck Road	All
Woodfield Drive	All

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 7, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 24-019.** Move approval on the request to move approval on names posted to the various committees/boards, by the Appointments and Negotiations Committee at the January 17, 2024, Town Council meeting. *[Appointments and Negotiations Committee]*

*Appointments and Negotiations Committee*

*Ought to Pass*

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Sponsor

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Recommendation

N/A

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First Reading/Vote

N/A

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Public Hearing

02/07/2024 – Vote:

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

**ACTION ITEM: Order No. 24-019**

**SUBJECT:**

Act on the request to move approval on names posted to the various committees/boards, by the Appointments and Negotiations Committee at the January 17, 2024, Town Council meeting.  
*[Appointments and Negotiations Committee]*

**PURPOSE:**

To fill vacancies on the various Town committees/boards.

**BACKGROUND:**

These assignments are completed on an annual basis or when an application is received and there is a vacancy on the Committee/Board.

**FISCAL IMPACT:**

N/A

**STATUS / PROCESS TO DATE:**

- Names posted at Town Council meeting: January 17, 2024
- Single action before Town Council: February 7, 2024

**PROPOSED ACTION:**

Recommend to move approval of Order No. 24-019.

**ATTACHMENTS:**

- Recommendation from the Appointments and Negotiations Committee

## **Appointments and Negotiations Committee –January 2024 Appointments**

### **Board of Assessment Review:**

Reappoint Christopher Herrick as a full voting member with a term to expire 2026.

### **Community Services Advisory Board:**

Reappoint Patricia Brigham and Emily Loder as full voting members with a term to expire 2026.

### **Conservation Commission:**

Reappoint Randi Hogan as a full voting member, move Cathleen Miller from first alternate to a full voting member with a term to expire 2025, Abel Plaud from second alternate to a full voting member with a term to expire 2024, appoint Bennett Flanders as first alternate with a term to expire 2026, and appoint Loren Johnston as second alternate with a term to expire 2026.

### **Housing Alliance Committee:**

Reappoint Robert Nadeau as a full voting member with a term to expire 2026 and appoint Bill Shanahan as a full voting member with a term to expire 2026.

### **Parks and Conservation Land Board:**

Reappoint Richard Murphy and Jessica Sargent as full voting members with a term to expire 2026.

### **Personnel Board of Appeals:**

Reappoint Jennifer Beedy and Denise Smith as full voting members with a term to expire 2026 and appoint Penny Whitney-Asdourian as second alternate with a term to expire 2026.

### **Planning Board:**

Reappoint Roger Beeley as a full voting member and Bennett Flanders as a second alternate with a term to expire 2026.

### **Shellfish Conservation Commission:**

Appoint Travis Turner as a full voting member with a term to expire 2026.

### **Sustainability Committee:**

Reappoint J. Anton Bodor as a full voting member and Patrice Kastenholz as second alternate with a term to expire 2026.

### **Transportation Committee:**

Reappoint Thomas Barclay as a full voting member and Craig Robinson as first alternate with a term to expire 2026.

### **Zoning Board of Appeals:**

Reappoint Michelle Stephenson as a full voting member and Joseph Doherty as second alternate with a term to expire 2026.

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 7, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Order No. 23-020.** Move approval on the request to accept the 2024 Town Council Goals.  
*[Chairman McGee]*

*Chairman McGee*

*Ought to Pass*

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Sponsor

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Recommendation

*N/A*

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First Reading/Vote

*N/A*

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Public Hearing

*02/07/2024 – Vote:*

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Second Reading/Final Approval/Vote

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## Scarborough Town Council Meeting

Council Meeting Date: February 7, 2024

<b>ACTION ITEM: Order No. 24-020</b>
<b>SUBJECT:</b> Act on the request to accept the 2024 Town Council Goals. <i>[Chairman McGee]</i>
<b>PURPOSE:</b> To review past goals and accomplishments and to set new goals for the upcoming year.
<b>BACKGROUND:</b> These assignments are completed on an annual basis or when an application is received and there is a vacancy on the Committee/Board.
<b>FISCAL IMPACT:</b> N/A
<b>STATUS / PROCESS TO DATE:</b> <ul style="list-style-type: none"><li>• Town Council Goals Workshop: January</li><li>• Acceptance of goals by Town Council: February 7, 2024</li></ul>
<b>PROPOSED ACTION:</b> Recommend to move approval of Order No. 24-020.
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"><li>• List of goals</li></ul>

## Council Goals – 2024

### Financial Goals

- Net Budget increase less than 5%
- Update financial modeling, Cost-to-Serve analysis and Down's TIF/CEA Modeling
- Review and/or update CEA Policy to align with council goals regarding expenditures, growth and housing options
- Maintain an optimal credit/bond rating
- Explore expanding tax rebate programs

### Housing/Homelessness

- Continue to support workforce and affordable housing options

### Growth/Development

- Update Impact Fees
- Limit the expansion of growth initiatives outside of existing permitted land/zoning uses

### Capital Improvements & Facilities

- Partner with School Department, BOE and community to develop a plan for school facility needs and help facilitate it through a public process
- Establish multi-year Capital Facilities prioritization list representing investment needs of \$5M or more over the next 20 years.
- Continue to support the Ad-Hoc Community Center Committee and their planning efforts

### Conservation & Sustainability

- Advance Land Bond for 2024 ballot to replenish open space/conservation funds
- Continue to support efforts to increase open space/conservation efforts in town such as the 30x30 goal
- Support a Climate Action Plan for Scarborough utilizing data from the Vulnerability Assessment

### Traffic & Transportation

- Identify priorities withing the Town-Wide Transportation Study once completed and develop plan to implement the most significant and impactful changes to address traffic congestion and transportation improvements around town
- Identify land use implications and impacts of the Gorham Connector

- Continue support of the Gorham Connector as a way to reduce traffic congestion in Western & Northern Scarborough
- Raise awareness around a multi-year investment plan to improve town infrastructure, streets, sidewalks and transportation initiatives

#### Communications

- Raise awareness and effectively communicate the town reevaluation process and impacts
- Have all committee work conducted be available using the hybrid methodology (online & in person) as well as recorded and available for easy public consumption.
- Improve Council/Town communications to enhance understanding around council decisions
- Provide easier and clearer information to the public surrounding major topics within the community via the implementation of an “issue tracker sheet”. The tracker sheet should contain information on the topic, hearing dates, and disposition for the public to easily follow issues of interest to them.

#### General

- Phase out Cannabis cultivation with negative impacts to residential areas
- Improve residential water quality standards – pursue a clean drinking water standard vs. potable standard

#### **2024 Council Norms:**

- Begin and end with what is best for the community in mind (listening and acknowledging community input and considerations during the process).
- Be Present - Come to meetings prepared to be an active participant. Refrain from the use of cell phones and other distractions during public meetings.
- Practice civility and decorum in all interactions with each other, town staff, as well as members of the public.
- Refrain from public criticism of individuals.
- Be familiar with, and actively adhere to, Council Rules and Robert's Rules of Order.