

AGENDA
ORDINANCE COMMITTEE MEETING

Wednesday, February 14, 2024 – 6:00 p.m.
Hybrid Meeting

TO VIEW THE ORDINANCE COMMITTEE MEETING & OFFER PUBLIC COMMENT:

<https://scarboroughmaine.zoom.us/j/87102749950>

TO VIEW THE ORDINANCE MEETING ONLY:

<https://www.youtube.com/watch?v=MmsudOtPvgM>

Item 1. Call to Order.

Item 2. Roll Call.

Item 3. Approval of Minutes from January 10, 2024.

Item 4. Public Comment.

Item 5. Chapter 601: Traffic Ordinance Updates.

Item 6. Chapter 610: Piping Plover Ordinance.

Item 7. Chapter 405B: Site Plan Amendments-Landscaping & Screening Standards.

Item 8. TVC Height Request.

Item 9. Chapter 1018: Cannabis Establishments.

Item 10. Future Agenda Items.

Item 11. Adjournment.

MEMO

To: Ordinance Committee

From: Mark Holmquist, Chief of Police
Angela Blanchette, P.E., Town Engineer
Doug Howard, Public Works Director

Date: February 14, 2024

Re: Chapter 601 – Traffic Ordinance Updates

In October of 2023, staff presented changes to Chapter 601 to the Ordinance Committee related to the speed limit section and the allowed parking on the southeast side of East Grand Avenue. At the time the committee was transitioning to new council members and tabled the discussion until 2024.

Background

The Scarborough Traffic Ordinance language has not had a substantial update in decades. As a result, information continues to be added to this Ordinance, however a holistic review of the document has not taken place. Based on recent questions from residents regarding traffic control signage and enforcement, staff is requesting edits, which have no substantive change in the intent, but will provide clarification for patrol officers, staff, and the general public. These edits have been provided as a redline mark-up in the attached document and are summarized below:

Chapter 601, Section 25.A.IV Pine Point (from May 1 to September 15 each year)

Based on safety concerns raised by residents in the area, staff proposes a change in the language to eliminate parking along the easterly side of East Grand Avenue (beach side of the street).

Based on complaints by residents on Avenue Four, and to be consistent with similar roads within this area of Pine Point, staff proposes the inclusion of Avenue Four in Section 25.A.IV(9) and therefore eliminates the need for 25.A.IV(10) to allow parking on both sides of the roadway from May 1 to September 15th.

Chapter 601, Section D.25.D Speed Limits in Certain Areas

Staff continuously receives calls and requests associated with speed limits on our local town ways, collector roads, and State corridors throughout Town. While there is language in Chapter 601 associated with speed limits on some roadways in Town, this list is not complete and may not be accurate based on the Maine Department of Transportation (MaineDOT) database, who has jurisdiction over speed limits in Town. Staff is requesting that Section 25.D, be revised to refer to the governing body that has the authority to set and modify speed limits based on State Statute, MaineDOT. The Town does not have the authority at this time to set or change speed limits, and

by including this section in the Ordinance there leaves room for errors, omissions, and interpretations that are not enforceable by the Police Department.

ATTACHMENTS

- A. Revised Chapter 601, Section 25.A.IV, Pine Point
- B. Revised Chapter 601, Section 25.D, Speed Limits in Certain Areas

ATTACHMENT A

Chapter 601, Section 25.A.IV, Pine Point Parking

Revisions

- (ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated metered parking spaces, on the ocean side only of Bayview Avenue. From the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1 hour parking shall not be in effect. [amended November 4, 2015]
- (iii) On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street. (amended 02/16/2011)
- (iiii) there shall be no parking on any of the other streets year round unless otherwise noted herein.
- c. Upon either side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Dorado Drive.
- d. A five-minute drop-off zone, year round, on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.
- e. Vehicles found in the Higgins Beach Parking lot outside of the posted operational hours will be subject to ticketing as established in Section 22 of this Ordinance.

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

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

IV. PINE POINT (from May 1 to September 15 of each year). Revised February 1980 [09/06/17].

- (1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.
- (2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]
- (3) Entire length of Riversands Drive - both sides.
- (4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.
- (5) On both sides of Avenue Five from King Street to the Ocean.
- (6) Driftwood Lane (the entire length - both sides).
- (7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]
 - a. On the Northerly side of East Grand Avenue in front of number 3 East Grand Avenue at CMP Pole #116 back to Pine Point Road – No Parking. [Amended 09/06/17]

~~b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue Granite Street No Parking. [Amended 07/16/14 xx/xx/xxxx]~~

~~d.b.~~ On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.

c. From CMP Pole #116 at 3 East Grand Avenue to the Old Orchard Line “Unlimited Parking Within Designated Spaces Only”. [Amended 09/06/17]

(8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.

(9) Upon both sides of Avenue One, Avenue Two, Avenue Three, Avenue Four, and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]

~~(10) On the East Side of Avenue Four from Jones Creek Drive to King Street.~~

~~(10)~~ On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]

~~(12)~~ On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

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

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

(2) On Pine Point Road, both sides, within twenty (20) feet of either side of the driveway opening of the Audubon Nature Center.

(3) No parking shall be allowed on Pine Point Road from east Grand Avenue to Snow Canning Road, except for within the delineated on-street parking spaces on the southwesterly side of the road. [adopted 03-01-17]

IV-2. PINE POINT - CO-OP (Time Limit) [adopted 1/06/99][amended 06/05/19][amended 05/19/2021]

(1) Pine Point Co-Op (Time Limit - Adopted 11/06/99): The thirteen (13) parking spaced, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.

(2) Fifteen (15) double parking spaces in the second row to the right of the entry road facing toward the pier, shall be designated as “Commercial Fisherman – including trailers” with red painted lines and additional signage to read “Parking by Commercial Permit Only.” April 15th to September 15th from 8:00 a.m. to 5:00 p.m. Violators subject to ticketing.” Vehicles required to display a Town of Scarborough Commercial Sticker.

(3) The unpaved (aka gravel) parking lot to the left of the entry road facing toward Jones Creek shall be maintained for “Parking – Commercial Fisherman Only. April 15th to September 15th from 8:00 a.m. to 5:00 p.m. Violators subject to ticketing” and designated with signage. Vehicles required to display a Town of Scarborough Commercial Sticker.

V. TWO ROD ROAD (from May 1 to October 30 of each year).

(1) No parking at any time on the Two Rod Road from Holmes Road southerly a direction of 1500 feet.

VI. LOADING AND UNLOADING ZONES.

(1) 63 King Street - 20 minute business zone.

(2) 27 East Grand Avenue - 20 minutes business zone.

ATTACHMENT B

Chapter 601, Section 25.D, Speed Limits in Certain Areas

Revisions

- (5) Houghton Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue. [Amended 12/06/00]
- (6) Bayview Avenue shall be one-way from Ocean Avenue southwesterly to Houghton Street. [Amended 12/06/00]
- (7) Bayview Avenue shall be one-way from Ocean Avenue northeasterly to Morning Street. [Amended 12/06/00]
- (8) Berry Road shall be one-way from 1,525 feet easterly of Beech Ridge Road to the roundabout on Berry Road, 150 feet westerly of Barley lane. [Adopted 03-01-2023]

D. SPEED LIMITS IN CERTAIN AREAS:

I. Maine State law (29-A § 2073 §-1 and 2075, §-3) authorizes the Maine Department of Transportation (MaineDOT), with the approval of the chief of the State Police, as the only legal entity to create or change a speed limit on a public way which includes, state and state aid highways and townways. Speed limits for roadways within the Town of Scarborough can be found at: <https://www.maine.gov/mdot/mapviewer/> and by contacting MaineDOT Region 1 office.

II. Per MRSA 29-A, §2074, except when conditions or other regulations require a lower speed, the following are maximum rates of speed:

- 15 m.p.h. in a school zone at specific times of the day.
- 25 m.p.h. in a business or residential area or built up portion, unless otherwise posted.
- 45 m.p.h. on all other public ways, unless otherwise posted.

I. DUNSTAN AREA:

~~(1) Broadturn Road from U.S. Route One to Urban line. Maximum speed limit 30 M.P.H.~~

~~(2) Old Blue Point Road from U.S. Route One to Urban line. Maximum speed limit 35 M.P.H.~~

II. PINE POINT AREA:

~~(1) Pine Point Area — All streets easterly of Depot Street including Depot Street. Maximum speed limit 25 M.P.H.~~

~~(2) Ross Road from Pine Point Road ½ mile on Ross Road. Maximum speed limit 25 M.P.H.~~

III. HIGGINS BEACH AREA:

~~(1) All streets including Ocean Avenue. Maximum speed limit 25 M.P.H.~~

IV. PLEASANT HILL AREA:

~~(1) Highland Avenue from Pleasant Hill Road to Chamberlain Road. Maximum speed limit 35 M.P.H.~~

~~(2) Gunstock Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94~~

~~(3) Powder Horn Drive, entire length. Maximum speed limit is 25 M.P.H. 06/01/94~~

~~(4) Schooner Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94~~

- ~~(5) — Honeysuckle Lane. Maximum speed limit 25 M.P.H. starting at the junction of Lilac Lane and extending northeasterly to the end of the pavement, a total distance of 0.25 miles. 09/06/2000~~
- ~~(6) — Magnolia Lane. Maximum speed limit is 25 M.P.H. starting at the junction of Highland Avenue and extending southeasterly to the junction of Honeysuckle Lane, a total distance of 0.04 miles. 09/06/2000~~
- ~~(7) — Lilac Lane. Maximum speed limit is 25 M.P.H. starting at the junction of Highland Avenue and extending southeasterly to the end of the pavement, a total distance of 0.20 miles. 09/06/2000~~

~~V. MAPLE AVENUE~~

- ~~(1) — Maple Avenue from U.S. Route #1 to Route #114. Maximum speed limit 25 M.P.H. 06/01/94~~

~~VI. SAWYER ROAD:~~

- ~~(1) — Sawyer Road from U.S. Route #1 to Route #114. Maximum speed limit 35 M.P.H.~~

~~VII. OLD MILLBROOK AREA:~~

- ~~(1) — Old Millbrook Area — All streets. Maximum speed limit 25 M.P.H.~~

~~VIII. FOGG ROAD:~~

- ~~(a) — Fogg Road from Route #207 to and extending easterly to a point opposite CMP/NET Pole #19 a total distance of .80 mile. Maximum speed limit 35 M.P.H. (8/8/75).~~
- ~~(b) — Fogg Road from a point opposite CMP/NET pole #19 easterly to the junction of Pleasant Hill Road a total distance of .70 mile. Maximum speed limit 30 M.P.H. (8/8/75)~~

~~IX. WINNOCK'S NECK ROAD:~~

- ~~(1) — Starting at the junction of the Winnock's Neck Road and the Black Point Road and extending southerly to the end of the road a total distance of 1.40 miles. Maximum speed limit 30 M.P.H. (12/4/75).~~

~~X. ASH SWAMP ROAD:~~

- ~~(1) — The Ash Swamp Road. Starting at the junction of Broadturn Road and extending westerly to the Scarborough/Saco town line, a total distance of 2.00 miles. Maximum speed limit 40 M.P.H. (8/23/77).~~

~~XI. MILLIKIN MILLS ROAD:~~

- ~~(1) — The Millikin Mills Road. Starting at the junction of Old Blue Point Road in Scarborough and extending southwesterly to the junction of Portland Avenue in Old Orchard Beach a total distance of 1.00 mile. Maximum speed 45 M.P.H. (7/15/86).~~

~~XII. HOLMES ROAD:~~

- ~~(1) — The Holmes Road. Starting at the junction of Payne Road and extending westerly to the junction of Two Rod Road, a total distance of 0.80 mile. Maximum speed 40 M.P.H. (7/10/90)~~
- ~~(2) — Holmes Road. Starting at the junction of Two Rod Road and extending westerly to the Saco town line, a total distance of 3.20 miles. Maximum speed 35 M.P.H. (7/10/90)~~

~~XIII. NEW ROAD.~~

- ~~(1) The New Road. Starting at the junction of Route 114 and extending northerly to the junction of Running Hill Road a total distance of .60 mile. Maximum speed 35 M.P.H. (6/21/88).~~

~~XIV. SPRING STREET.~~

- ~~(1) Spring Street. Starting at the junction of Route 114 and extending northerly to the junction of Payne Road a total distance of .50 mile. Maximum speed 35 M.P.H. (9/13/89).~~

~~XVI. MERRILL BROOK AREA.~~

- ~~(1) Beaver Brook Road, entire length. Maximum speed limit is 30 M.P.H. 06/01/94~~
~~(2) Longmeadow Road, entire length. Maximum speed limit is 30 M.P.H. 06/01/94~~
~~(3) Merrill Brook Drive, entire length. Maximum speed limit is 30 M.P.H. 06/01/94~~

~~XVI. ELMWOOD AVENUE.~~

- ~~(1) Elmwood Avenue, entire length. Maximum speed limit is 25 M.P.H. 06/01/94~~

~~XVII. SUNSET AVENUE.~~

- ~~(1) Sunset Avenue, entire length. Maximum speed limit is 25 M.P.H. 06/01/94~~

MAINE DEPARTMENT OF TRANSPORTATION - SCARBOROUGH

ASH SWAMP ROAD (T.W.)

~~40 MPH starting at the junction of Broadturn Road and extending westerly to the Scarborough/Saco town line, a total distance of 2.00 miles.~~

BEECH RIDGE ROAD (S.A. #8)

~~40 MPH starting at the junction of Route 114 and extending southerly to the junction of the Payne Road, a total distance of 5.80 miles.~~

BROADTURN ROAD (S.A. #2, I.R. #70602)

~~30 MPH starting at the junction of Route 1 (Node 7006) and extending westerly to Phillips Brook or a point 0.03 mile east of the junction of Martin Avenue (Node 6805), a total distance of 0.25 mile. (7/24/98).~~

~~35 MPH starting at Phillips Brook or a point 0.03 mile east of the junction of Martin Avenue (Node 6805), and extending westerly to a point 0.22 mile west of the junction of Martin Avenue (Node 6805), a total distance of 0.25 mile. (7/24/98).~~

~~45 MHP starting at a point 0.22 mile west of the junction of Martin Avenue (Node 6805) and extending northerly to the junction with Route 22 (Node 6456), in the town of Buxton a total distance of 5.56 miles. (12/21/01)~~

BURNHAM ROAD (T.W. #493)

~~35 MPH starting at the Scarborough/Gorham town line and extending westerly to the Scarborough/Saco town line, a total distance of 2.10 miles. (5/21/91).~~

CHAMBERLAIN ROAD (I.R. #70201, T.W.)

~~25 MPH starting at the junction of Pleasant Hill road (Node 5413) and extending southwestwardly to a point 0.35 mile northeast of the junction of Highland Avenue (Node 5418), a total distance of 0.41 mile. (6/17/98)~~

~~35 MPH starting at a point 0.35 mile northeast of the junction of Highland Avenue (Node 5418) and extending westerly to the junction of Highland Avenue (Node 5418), a total distance of 0.35 mile. (6/17/98)~~

CUMBERLAND WAY (T.W., I.R. #78115)

~~25 MPH starting at the junction of Route 114 in Scarborough (Node 00882) and extending northeasterly to the end of the public way located 0.06 mile northeast of the junction of Jameco Mill Road in Scarborough (Node 00883), a total distance of 0.29 mile. (09/03/98)~~

CUMMINGS ROAD (this section was f.k.a. section of SPRING STREET)

~~35 MPD starting at the junction with Payne Road (Node 06829) and extending northerly to the Scarborough-South Portland town line (Node 06681), a total distance of 0.37 miles. *Note: This 35 MPH speed zone extends northerly 0.17 miles into the City of South Portland, for a total distance of 0.54 miles.*~~

DEERING DRIVE (T.W.)

~~25 MPH starting at the junction of Route 22 (Node 1008) in Scarborough and extending northerly through the town line with Buxton (Node 1009) and then northeasterly to its termination (Node 2534) in Buxton, a total distance of 0.95 miles. (01/16/02)~~

EASTERN ROAD

~~25 MPH~~ starting at the intersection of Route 207 (Node 5436) and extending north easterly to the intersection of Portland Farms Road (Node 6739), a distance of 0.90 miles. (06/06/97)

FOGG ROAD (T.W.)

~~35 MPH~~ starting at the junction of Fogg Road and Route 207 and extending easterly to a point opposite CMP/NET Pole #19, a total distance of 0.80 mile.

~~30 MPH~~ starting at a point opposite CMP/NET Pole #19 and extending easterly to the junction of Pleasant Hill Road, a total distance of 0.70 mile.

HAIGIS PARKWAY

~~35 MPH~~ starting at the junction of US Route 1 and extending westerly to a point 250' west of the centerline of Scottow Hill Road, a total distance of 0.30 mile.

~~45 MPH~~ starting at a point 250' west of the centerline of Scottow Hill Road and extending westerly to the intersection of Payne Road, a total distance of 1.00 mile.

HIGHLAND AVENUE (I.R. #70203, S.A. #13)

~~35 MPH~~ beginning at the junction with Route 207 (Node 05006) and extending northeasterly to a point 0.21 miles beyond the junction with Chamberlain Road (Node 05418), a total distance of 1.18 miles. (06/17/2004)

~~25 MPH~~ beginning at a point 0.21 miles east of the junction with Chamberlain Road (Node 05418) and extending northeasterly to the junction with Pleasant Hill Road (Node 05409), a total distance of 0.57 miles. (06/17/2004)

~~45 MPH~~ beginning at the junction with Pleasant Hill Road (Node 05409) and extending northeasterly to the Scarborough/South Portland town line (Node 05378), a total distance of 0.80 mile. (06/17/2004)

HOLMES ROAD (S.A. #12)

~~40 MPH~~ starting at the junction of Payne Road and extending westerly to the junction of Two Rod Road, a total distance of 0.80 mile. (7/10/90).

~~35 MPH~~ starting at the junction of Two Rod Road and extending westerly to the Saco town line, a total distance of 3.20 miles. (7/10/90).

JAMECO MILL ROAD (T.W., I.R. #78120)

~~25 MPH~~ starting at the junction of Cumberland Way in Scarborough (Node 00883), and extending southeasterly to the end of the public way (Node 00883), a total distance of 0.43 mile. (09/03/98)

MILLIKEN MILLS ROAD (T.W. I.R. #932)

~~45 MPH~~ starting at the Town of Old Orchard Beach/Town of Scarborough municipal boundary (Node 53476) and extending easterly to the junction with the Old Blue Point Road (Node 10886), a total distance of 0.41 mile. (06/20/2006).

MITCHELL HILL ROAD

~~35 MPH~~ starting at the junction with Holmes Road (Node 01016) extending northerly to Scarborough-Gorham town line, (Node 01021), a total distance of 1.28 miles. (07/10/02)

MUSSEY ROAD (S.A. #14)

~~40 MPH starting at the Scarborough/South Portland town line and extending westerly to a point 0.20 mile east of the junction of Spring Street, a total distance of 0.50 mile.~~

~~25 MPH starting at a point 0.20 mile east of the junction of Spring Street and extending westerly to the junction of the Payne Road, a total distance of 0.70 mile.~~

NEW ROAD (T.W. #507)

~~35 MPH starting at the junction of Route 114 and extending northerly to the junction of Running Hill Road, a total distance of 0.60 mile. (6/21/88).~~

OLD BLUE POINT ROAD (S.A. #7)

~~25 MPH starting at the junction of Route 1 and extending 0.30 mile southeast to CMP Pole #10/NET #520.10, a total distance of 0.30 mile. (9/30/87)~~

~~40 MPH starting at a point opposite CMP Pole #10/NET #520.10 and/or at a point 0.30 mile southeast of the junction of Route 1 and extending south then east to the southern junction of Burnham Woods Drive, a total distance of 1.00 mile. (9/30/87)~~

~~30 MPH starting at the southerly junction of Burnham Woods Drive and extending northeasterly to the junction of Route 9, a total distance of 0.40 mile. (9/30/87)~~

ORCHARD HILL ROAD

~~25 MPH beginning at the junction with Winnocks Neck Road (Node 08507) and extending southwest to the junction with High Point Road (Node 08509), a total distance of 0.28 mile. (06/20/2006)~~

PAYNE ROAD (S.A. #8 & S.A. #9)

~~35 MPH starting at a point opposite the South Portland/Scarborough town line and extending southerly to a point opposite CMP Pole #28 and/or 0.10 mile south of the junction of the Payne Road and the Gorham Road, a total distance of 0.75 mile.~~

~~45 MPH starting at a point opposite CMP Pole #28 and/or 0.10 mile south of the junction of Payne Road and Gorham Road and extending southerly to CMP Pole #19/58, a total distance of 1.10 miles. (11/24/92)~~

~~35 MPH starting at a point opposite CMP Pole #19/58 and extending southerly to the junction of Payne Road and U.S. Route 1, a total distance of 2.80 miles. (11/24/92)~~

PLEASANT HILL ROAD (S.A. #11)

~~35 MPH starting at the junction of Route 1 and extending easterly to the junction of Fogg Road, a total distance of 2.50 miles.~~

~~40 MPH starting at the junction of Fogg Road and extending easterly to the junction of Route 77, a total distance of 0.80 mile.~~

PORTLAND FARMS ROAD (T.W., I.R. #70111)

~~25 MPH starting at the junction of Route 1 (Node 7028) and extending southeasterly to the junction of Eastern Road (Node 6739), a total distance of 0.33 mile (05/28/98)~~

PORTLAND AVENUE (S.A. #2)

~~25 MPH starting at the junction of Route 98 and extending northerly to a point opposite NET Pole #J40, a total distance of 0.50 mile.~~

~~35 MPH starting at a point opposite NET Pole #J40 and extending northerly to a point opposite NET Pole #J89, a total distance of 1.20 miles.~~

~~45 MPH starting at a point opposite NET Pole #J89 and extending northerly to the junction of Old Blue Point Road, a total distance of 1.20 miles.~~

ROSS ROAD

~~35 MPH beginning at the junction with Route 9 (Node 06014) and extending southwesterly to the Town of Scarborough/Town of Old Orchard Beach municipal boundary (Node 01300), a total distance of 0.84 miles (08/24/2005).~~

ROUTE ONE

~~50 MPH beginning at a point 0.13 miles north of the MDOT Garage Entrance (Node 16592) and extending northerly to the junction with Southgate Road (Node 16596), a total distance of 0.97 miles, and~~

~~40 MPH beginning at the junction with Southgate Road (Node 16596) and extending northerly to a point 0.12 miles beyond the junction with Sawyer Road (Node 16602), a total distance of 1.34 miles. (05/22/2006)~~

~~35 MPH starting at a point 0.35 mile south of the junction of US Routes 1 and 114 at Oak Hill in Scarborough and extending northerly to the signalized junction of US Route 1 and Sunset Avenue in Scarborough, a total distance of 1.40 miles (5/29/91).~~

~~45 MPH starting at the signalized junction of Sunset Avenue and US Route 1 and extending northerly to a point 0.20 mile south of the junction of US Route 1 and Pleasant Hill Road in Scarborough, a total distance of 0.70 mile. (5/29/91)~~

~~35 MPH starting at a point 0.20 mile south of the junction of US Route 1 and Pleasant Hill Road in Scarborough and extending northerly to the junction of the I-95 spur in South Portland, a total distance of 0.50 mile. (5/29/91)~~

ROUTE NINE

~~25 MPH beginning at the Saco/Old Orchard Beach town line (Node 05107) and extending easterly to the junction of Pine Point Road and Jones Creek Drive in the Town of Scarborough (Node 06008), a total distance of 3.79 miles, (06/17/2004)~~

~~35 MPH beginning at the junction of Pine Point Road and Jones Creek Drive in the Town of Scarborough (Node 06008) and extending northerly to a point 0.15 miles beyond the junction with Primrose Lane in the Town of Scarborough (Node 00451), a total distance of 1.96 miles, (06/17/2004)~~

~~45 MPH beginning at a point 0.15 miles beyond the junction with Primrose Lane in the Town of Scarborough and extending northerly to a point 0.66 miles beyond same junction (Node 00451), a total distance of 0.51 miles, and, (06/17/2004)~~

~~35 MPH beginning at a point 0.66 miles east of the junction with Primrose Lane in the Town of Scarborough (Node 00451) and extending northerly to the junction with U.S. Route 1 and Broadturn Road in the Town of Scarborough (Node 07006), a total distance of 0.63 miles. (06/17/2004)~~

~~ROUTE TWENTY TWO (MPH ID#05-0508-8908)~~

~~40 MPH~~ starting at a point 0.18 miles west of junction of Route 22 and the entrance to Union Mutual in Portland (Node 0508) and extending westerly to a point 0.55 miles west of the Westbrook/Scarborough town line (Node 5429) a total distance of 2.96 miles. (10/18/96)

~~RUNNING HILL ROAD (S.A. #10)~~

~~35 MPH~~ starting at the Scarborough/South Portland town line and extending westerly to the junction of Route 114, a total distance of 1.90 miles.

~~SCOTTOW HILL ROAD (T.W. — IR #78102)~~

~~35 MPH~~ starting at the junction of Payne Road (Node 1042) and extending easterly to the junction of Haigis Parkway (Node 0752), a total distance of 0.93 miles. (01/05/98)

~~SOUTH PORTLAND/SCARBOROUGH CONNECTOR F.A.P. 1-1 SPUR~~

~~40 MPH~~ starting at the junction of Route 1 in Scarborough and extending northerly to a point 0.15 mile north of said intersection in Scarborough, a total distance of 0.15 mile.

~~55 MPH~~ starting at a point 0.15 mile north of the junction of Route 1 and extending northerly to the junction of I-295 in South Portland, a total distance of 1.80 miles.

~~SPRING STREET (T.W. #473)~~

~~35 MPH~~ starting at the junction of Route 114 and extending northerly to the junction of Payne Road, a total distance of 0.50 mile. (9/13/89).

~~TWO ROD ROAD (T.W.)~~

~~25 MPH~~ starting at the junction of the Scottow Hill Road and extending westerly to a point opposite CMP Pole #34/C, a total distance of 0.90 mile.

~~35 MPH~~ starting at a point opposite CMP Pole #34/C and extending westerly to the junction of the Holmes Road, a total distance of 1.00 mile.

~~WEST BEECH RIDGE ROAD (T.W.)~~

~~30 MPH~~ starting at the junction with Beech Ridge Road (Node 01035) and extending westerly to its end (Node 01034), a total distance of 0.67 miles.

~~WINNOCK'S NECK ROAD (T.W.)~~

~~30 MPH~~ starting at the junction of Winnock's Neck Road and Black Point Road and extending southerly to the end of the road, a total distance of 1.40 miles.

CHAPTER 610

TOWN OF SCARBOROUGH

PIPING PLOVER AND LEAST

TERN ORDINANCE



Adopted June 6, 2001
Amended October 2, 2013
Amended May 7, 2014
Amended

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**CHAPTER 610
TOWN OF SCARBOROUGH
PIPING PLOVER AND LEAST TERN
PROTECTION ORDINANCE**

1. Purpose.

The purpose of this Ordinance is to avoid or minimize adverse effects on Piping Plovers and least terns and their young by protecting their nesting, brooding, fledging, roosting, and foraging activities on beaches within the Town of Scarborough on or before April 1st through Labor Day, except as specified.

Commented [JF1]: Too ambiguous. Change to April 1st.

2. Definitions.

Beach means any beach area within the Town of Scarborough, which is used by the general public.

Significant Habitat Area (Habitat Area) means an area where Piping Plovers and Least Terns nest, brood, fledge, roost, and forage. It is the area where a species naturally occurs or depends directly or indirectly to carry out its life processes, or where a species formerly occurred or has the potential to occur and carry out its life processes in the foreseeable future.

Exclosure means a structure surrounding and protecting a nest from ~~which~~ pedestrians and ~~vehicles animals are excluded~~ by means of ~~symbolic~~ fencing and netting.

Least Tern means the Atlantic Coast Least Tern (*Sternula antillarum*~~antillarum~~), identified as an endangered species, as listed under MESA of 2003.

Owner of a ~~dog-pet~~ (or owner) means any person having custody, possession, or control of a dog, cat, or other animal.

Piping Plover means the Atlantic Coast Piping Plover (*Charadrius melodus*), identified as a threatened species pursuant to the Federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq. and endangered in Maine as listed under Maine's Endangered Species Act (MESA) of 2003.

Recreational activity means:

- a) Any game involving balls, discs, nets in which individuals throw, catch or hit objects (such as volleyball, spike ball, football, frisbee, golf) and all other games that involve throwing, catching, hitting or running.
- b) Any individual(s) moving at a pace faster than a walk, such as jogging and running.

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- c) Any use of kites, drones, ultralights, parasails, kneeboards or other devices flown manually or remotely powered by wind power, battery, gas or electric motors.
- d) Any use of wheeled vehicles, such as bicycles, skateboards, sand surfers, or other wheeled recreational devices, excluding non-motorized carts and wagons.

Structures means items built in or on the sand using marine debris or non-marine materials.

~~Structures means that no person shall construct any unauthorized building, structure, or signs, as per Use of Parks and Recreational Facilities, Chapter 612. Examples may include driftwood pyramids, ferry houses, sand castles, sand pits, and/or marine debris constructs.~~

Symbolic fencing is temporary fencing and signage to manage recreational use of the beach in the vicinity of plover nesting areas to protect nesting and feeding habitat for the plovers.

Wrack line means the line of dried seaweed, marine vegetation and other debris left on the beach by the action of the tides.

3. **Piping Plover and Least Tern nesting habitat to be identified.**

On or before April 1st of each year, the Town of Scarborough, in conjunction with the Maine Department of Inland Fisheries and Wildlife ([MDIFW](#)), the United States Fish and Wildlife Service ([USFWS](#)), and/or the Maine Audubon Society, will identify Piping Plover **and Least Tern** nesting habitat and will mark or arrange for the marking of such habitat with posts and warning signs.

4. **Nests and broods Significant Habitat areas protected.**

When Piping Plover **and Least Tern** nests are present, the Town of Scarborough, in conjunction with ~~MDIFW the Maine Department of Inland Fisheries and Wildlife, the United States Fish and Wildlife Service~~[USFWS](#), and/or the Maine Audubon Society, will create or arrange for the **installation of fencing (symbolic or electric) and/or** creation of ~~an~~ enclosures around such nests in accordance with the guidelines of the ~~United States Fish and Wildlife Service~~[USFWS](#) and authorization issued by ~~MDIFW the Maine Department of Inland Fisheries and Wildlife~~. Once such **fencing and/or** enclosures have been created, the following prohibitions shall apply:

(a) No person shall **physically** enter into ~~an enclosure~~ **Habitat Area protected by an enclosure or fencing**, except for wildlife management purposes authorized by ~~MDIFW the Maine Department of Inland Fisheries and Wildlife~~ or ~~the United States Fish and Wildlife Service~~[USFWS](#).

(b) No person shall remove or disturb the wrack line located in front of an enclosure **or fencing** located within 330 feet of a Piping Plover **or Least Tern**

breeding site Habitat Area, unless such activity is approved by MDIFW or ~~USFWS the Maine Department of Inland Fisheries and Wildlife - the United States Fish and Wildlife Ser~~

(c) No owner of a dog **or other pet** shall cause or permit that ~~dog-pet~~ to enter the enclosure **or symbolic fencing** area or shall fail to prevent that ~~dog-pet~~ from entering

Commented [JF2]: This needs to be reworked or removed. Policy should not be included in the definition. Also, "structures" is not referenced in the ordinance.

the enclosure or fencing area. All dogs shall be managed in accordance with the Animal Control Ordinance, Chapter 604.

- (d) No person shall drive or operate a vehicle, including a non-motorized vehicle, on or above the wrack line. ~~-Non-emergency activities such as removal of dead or injured sea mammals shall require at least two responders, one of which will act -as -the -spotter- to -and -from- the- scene. -All -emergency -response personnel~~

will

account for and avoid nesting sites and chicks to the maximum extent practicable, consistent with the nature and urgency of the emergency. However, it is the policy of the Town of Scarborough that such essential vehicles will avoid driving on the wrack line where possible and will avoid frequent driving on the beach in a way which would create deep ruts that could impede movement of Piping Plover and Least Tern chicks.

- (e) No person shall engage in kite flying, sand surfing, kitesurfing, parasailing, drone flying or kneeboarding within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers or Least Tern Habitat Area.
- (f) ~~on which Piping Plovers are nesting from April 1st until all chicks are fled~~No person shall discharge or cause the discharge of any fireworks in the Higgins Beach Community and vicinity at any time as per Consumer Fireworks Ordinance 608A, Section IV, as follows: on the ocean side of Spurwink Road beginning at the intersection of Black Point Road and Spurwink Road to the Cape Elizabeth line.
- (h) No person shall build or attempt to build fires on any beach at any time in Scarborough, as per Use of Parks and Recreational Facilities Ordinance 612.
- (i) Holes dug within the Habitat Area must not be left unattended and must be filled in before leaving the beach during the period when unfledged Piping Plover and Least Tern chicks are present.
- (j) No person shall engage in any recreational activity, as specified in Section 2, Definitions, within the Piping Plover and Least Tern Habitat Area.
- (k) No person shall build any structure dug into the sand or left standing during Piping Plover and Least Tern are present.

65. Enforcement and penalties.

Any person who violates any provision of this Ordinance commits a civil violation for which-a civil penalty of no less than \$50.00\$100.00 and no greater than \$250.00-\$500.00 shall be imposed.- This Ordinance may be enforced by any officer of the Scarborough Police Department.

Federal ESA violations related to Piping Plovers and Least Terns are specified under Section 9 (Prohibited Acts) and are enforced as per Section 11- (Penalties and Enforcement of the Endangered Species Act). These violations may be enforced by federal officers.

6. Relation to state and federal laws.

This Ordinance is intended to be consistent with state and federal protections of Piping Plovers -and -Piping -Plover -Habitat and Least Terns and Least Tern Habitat, including the - Endangered Species Act (ESA) of 1973 that provides a framework to conserve and protect - endangered and threatened species and their habitats both domestically and abroad. In- the eventthe event - of -any inconsistency -between this Ordinance and state or federal laws or regulations, the more

stringent provisions shall ~~control~~ prevail.

77. Relation to private protection efforts.

This Ordinance is not intended to ~~supersede or displace~~ dissuade any efforts or activities of private individuals or

organizations or any protections afforded to Piping Plovers and Least Terns and their

habitats ~~by deed restrictions, conservation easements and other types of private covenants. To the extent any such private covenants that~~ are more restrictive than the provisions of this Ordinance.

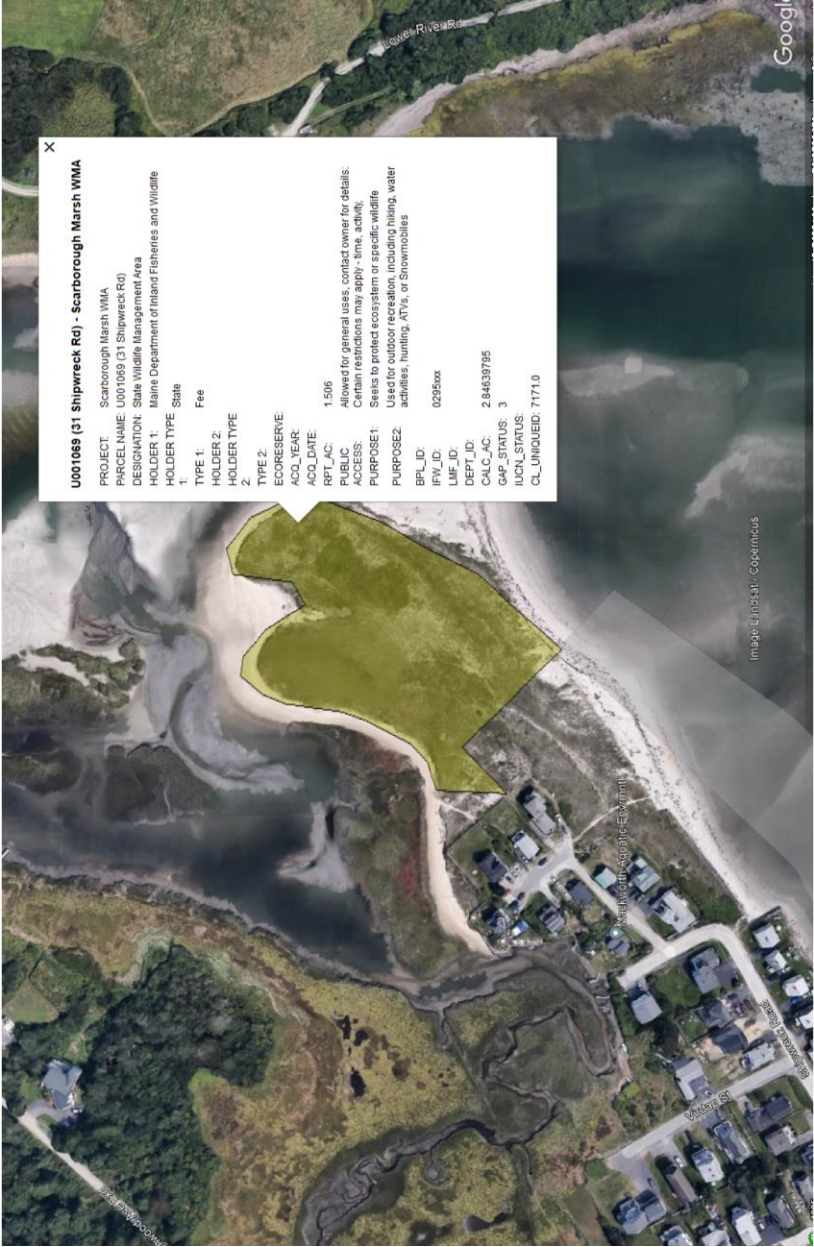
~~Proposed private~~

protection efforts will be reviewed by the Town of Scarborough, in conjunction with MDIFW the Maine Department of Inland Fisheries and Wildlife, and USFWS.

~~5. Enforcement and penalties. Any person who violates any provision of this Ordinance commits a civil violation which a civil penalty of no less than \$50.00 and no greater than \$250.00 shall be imposed. This Ordinance may be enforced by any officer of the Scarborough Police Department. 6. Relation to state and federal laws. this Ordinance does not authorize any departure from the requirements of such covenants.~~ 8. Addendum - Higgins Beach Wildlife Management Area

The Higgins Beach Wildlife Management Area (Map U001069) Figure I., is owned by the State of Maine and is a subunit of the Scarborough Marsh Wildlife Management Area and extends from the Spurwink River approximately 150 yards to the southwest of the point to the low water mark. This area is designated Essential and Significant Wildlife Habitat and protected under the Maine Endangered Species Act (MESA), which is regulated by the State of Maine Department of Inland Fisheries and Wildlife (MDIFW).

The area outlined, is also protected under the Natural Resources Protection Act and regulated by the Maine Department of Environmental Protection Act with input from MDIFW biologists. Significant Wildlife Habitat has been identified in this area for shorebird nesting, feeding and staging. Symbolic fencing on MDIFW owned property will remain in place into October to protect migrating shorebirds.



U001069 (31 Shipwreck Rd) - Scarborough Marsh WMA

PROJECT: Scarborough Marsh WMA
PARCEL NAME: U001069 (31 Shipwreck Rd)
DESIGNATION: State Wildlife Management Area
HOLDER 1: Maine Department of Inland Fisheries and Wildlife
HOLDER TYPE: State
TYPE 1: Fee
HOLDER 2:
HOLDER TYPE: 2
TYPE 2:
ECORESERVE:
ACQ_YEAR:
RPT_AC: 1 506
PUBLIC:
ACCESS:
PURPOSE1: Allowed for general uses, contact owner for details:
Certain restrictions may apply - time, activity,
Seeks to protect ecosystem or specific wildlife
PURPOSE2: Used for outdoor recreation, including hiking, water
activities, hunting, ATVs, or Snowmobiles
BPL_ID:
IFW_ID: 029500
LMF_ID:
DEPT_ID: 2 8463795
CALC_AC:
GAP_STATUS: 3
IUCN_STATUS:
CL_UNIQUID: 7171.0

MEMO

To: Ordinance Committee

From: Autumn Speer, Director of Planning and Codes

Date: February 14, 2024

Re: Site Plan Amendments – Landscape and Screening Standards

BACKGROUND

The Comprehensive Plan identifies five *Visions* for the Town of Scarborough:

Vision 1: The Scarborough Marsh is central to the Town's identity, creating a special awareness by our residents of the importance of all of the Town's natural resources, therefore future land use will follow a pattern of development that is sensitive to protecting our beaches, dunes, rivers, open spaces, farmlands, and other elements that comprise our unique ecosystem.

Visions 2: Future land use patterns will create opportunities for the efficient delivery of municipal services and infrastructure, resulting in fiscal sustainability.

Vision 3: Our ordinances will support the diversity and characteristics of existing and emerging neighborhoods, centers and open spaces. – Simplify Zoning Ordinance

Vision 4: Scarborough's economy will support a broad assortment of businesses that provides stability for the tax base, respects the Town's natural resources, and that supports opportunities for residents.

Vision 5: Scarborough's transportation network will support current and future land uses that create efficiencies which reduce the impact of traffic on residents and businesses.

Under each of these visions are action items that have been assigned to various boards and committees within the Town.

Planning & Code Enforcement

In 2023 the Planning Department in coordination with the LRPC began working on a long-term project that includes simplifying our existing ordinances (Vision 3) and finding opportunities to incorporate changes where recommended with these consolidations.

The project includes reviewing the Zoning Ordinance, Site Plan Ordinance, Commercial Design Guidelines, Subdivision Ordinance and other policies in the Town for opportunities to consolidate/merge ideas and review and enhance existing requirements. The overall goal is to create a more cohesive set of standards, while removing ambiguity and subjectivity in the review process.

These efforts also consider the other visions of the Comprehensive Plan and Town goals and seeks to incorporate those ideas as well.

The **Zoning Ordinance**, Chapter 405 includes the following related elements:

- Uses and Bulk Standards
- Buffers
- Performance Standards
- Signage
- Parking

The **Site Plan Ordinance** Chapter 405 B Includes the following related elements:

- Site Design and Access
- Parking Areas and Circulation
- Pedestrian Spaces and Transportation
- *Landscape and Buffers*
- Stormwater Management
- *Lighting*
- *Architectural Standards*
- Signage
- Utilities
- *Outdoor Storage*
- Preservation and of Resources
- Environmental Considerations

The **Design Standards for Commercial Districts** published in 2001, amended in 2009 includes the following elements:

- Circulation Planning
- Parking Areas
- Pedestrian Spaces
- Sidewalks
- *Service Areas*
- *Buffering and Screening*

- Stormwater Management
- *Architectural Standards*
- *Materials*
- *Landscape Standards*
- *Plant List*
- Sign Standards
- *Lighting*

The various pieces of these ordinances and standards have been divided up and assigned to the board or committee that is best suited for review and additions. The items in italics are included in current work plans.

Project Timeline:

- Lighting Standards
 - Sustainability Committee – APPROVED OCTOBER 2023
- Landscaping and Screening Standards, Including Plant List
 - LRPC & Conservation Commission
 - Ordinance Committee - FEBRUARY 2024
- Environmental Standards
 - Conservation Commission
 - Ordinance Committee - MARCH 2024
- Architectural Standards and Site Layout
 - Long Range Planning Committee –
 - Current Work – ANTICIPATED SUMMER 2024
 - *Potential for consultant led project – reviewing Village Standards
- Parking Standards
 - LRPC & Transportation Committee
 - SUMMER/FALL 2024

ORDINANCE COMMITTEE REVIEW

The second section for review is the proposed **Landscape and Screening Standards** that will be incorporated in Chapter 405B Site Plan Review ordinance. The landscape and screening standards found in Design Standards for Commercial Districts will be repealed. Over time, the Design Standards for Commercial Districts will be repealed in its entirety and its contents will be merged into Chapter 405B Site Plan ordinance or other applicable sections.

When presenting these items before the committees for review, staff starts with a color-coded markup to better understand the merging of the two/three documents and suggestions.

The Long Range Planning Committee (LRPC) reviewed the drafts on June 6, July 12, August 9. On September 15, 2023, the LRPC recommended the draft be moved forward to Ordinance Committee. Also included in this draft is an expanded version of the

Conservation Commissions recommendation to the plant list, that they recommended for approval on April 10, 2023. Staff has also sought landscape profession input.

The changes proposed include:

- Clarified applicability, adding language to ensure redevelopment must comply with standards
- Added definitions
- Added specific requirements for minimum landscaping required based on the type of use proposed
- Combined all streetscape buffer yard requirements into one table (this requires amendments to several zoning districts as well)
- Established specific distances and planting required for residential adjacency
- Combined all residential adjacency standards and buffer yard requirements into one table (this requires amendments to several zoning districts as well)
- Provided specific parking lot landscape requirements, including screening and parking lot islands
- Defined foundation planting requirements
- Defined screening requirements for service, mechanical areas and outdoor storage
- Provided requirements for tree preservation, if proposed
- Included site amenity requirements and bicycle facility specifications
- Included snow storage requirements and expanded location requirements
- Updated the approved plant species list, including native and North American species
- Defined what percentages are required and provided opportunity for some flexibility in planting
- Updated the minimum size requirements for plantings
- Consolidated the installation, guarantee and maintenance requirements as well as included time limits for installation
- Added specific requirements for the landscaping plan and provided a table to be included on all plans, enabling a much more efficient staff and Planning Board review
- Added specific waivers that are available with Planning Board approval

ATTACHMENTS

1. Draft Landscape and Screening Standards Ordinance – Color Source Markup
2. Existing and Proposed Comparison Tables

ORDINANCE COMMITTEE DRAFT 2.14.24

SOURCES:

PURPLE – CHAPTER 405B SITE PLAN REVIEW OR ZONING ORDINANCE

BLUE – COMMERCIAL DESIGN STANDARDS

GREEN – PROPOSED – LRPC REVIEW

YELLOW HIGHLIGHTS – ADDITIONAL REVIEW CHANGES AFTER OCTOBER DRAFT FROM PROFESSIONAL REVIEW – STAFF IS AMENABLE

BLUE HIGHLIGHTS – ADDITIONAL REVIEW CHANGES AFTER OCTOBER DRAFT FROM PROFESSIONAL REVIEW – STAFF REQUESTS DIRECTION

SECTION F. LANDSCAPE AND SCREENING STANDARDS

1. PURPOSE

~~Scarborough's commercial districts shall be unified by a rich variety of street trees, flowering shrubs, and masses of color.~~

Landscaping shall be used to complement the architecture, enhance the human scale, reinforce circulation paths, highlight entrances, provide shade, and add color and seasonal interest. Greenspace shall be designated to preserve the natural features or resources of a site, to provide areas for active or passive recreation, or for visual and aesthetic benefits.

2. APPLICABILITY

All landscaping ~~approved installed~~ after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new landscape, replacement planting, or any other landscaping proposed through the Site Plan or Subdivision process.

The provisions of this section shall not apply to individual single and two-family dwellings and their accessory buildings, structures and areas for parking.

Replacement planting for projects approved prior to this ordinance shall adhere to the plant species list in Section 16. for vegetation selection.

3. GENERAL STANDARDS

Trees and plantings shall be coordinated with the on-site architecture by complementing the building elevations without blocking storefronts, signs, or lighting and reinforce wayfinding by emphasizing entrances and circulation patterns.

~~A varying, but simple, collection of plant materials and species is encouraged to create a distinctive, yet low maintenance environment. A list of suggested plantings in Scarborough is included in an appendix to this ordinance.~~

A varying, but simple, collection of plant materials and species is encouraged to create a distinctive, yet low maintenance environment. Plantings plans shall strike a balance between monoculture (the use of a single species) and too much variety.

Shrubs, perennials, annuals, ornamental grasses, etc. used along the roadways should be planted in masses or 'drifts' that emphasize colors and textures, rather than used as single specimens.

Native species should be selected for their benefits of conserving water, protecting soil from erosion, and creating habitat and providing food for many different animals including birds, pollinators, and small mammals. Invasive species are prohibited.

4. DEFINITIONS

Bare-Root Plants: Bare-root plants are grown in the field, then harvested. The soil is washed or shaken from their roots after digging. Nearly all are dormant.

Balled-and-Burlapped Plants: Balled-and-burlapped (or B&B) trees and shrubs are grown in nursery rows.

Container Grown Plants: Container-grown refers to a plant that has been grown in a container or one that has been transplanted into a container from the field.

Diameter at Breast Height (DBH): DBH is the diameter of a tree measured 4.5 feet above the ground.

Greenspace: Greenspaces are pervious areas of grass, trees or other vegetation, for recreation or aesthetic purposes.

Invasive Plants: An invasive plant is defined as a plant that is not native to a particular ecosystem, whose introduction does or is likely to cause economic or environmental harm or harm to human health.

Native Plants: A native or indigenous plant species is one that occurs in a particular place without the aid of humans. They are well adapted to the climate, light, and soil conditions that characterize their ecosystem. Species native to North America are generally recognized as those occurring on the continent prior to European settlement.

5. MINIMUM LANDSCAPING REQUIRED

A minimum percentage of the total area being developed shall be landscaped in accordance with the following percentages:

- Multifamily dwellings: ~~20%~~ 15%
- Mixed-use buildings, commercial, retail and lodging use: 15%
- Office and professional uses: 15%
- Institutional and civic uses: 15%
- Industrial and manufacturing uses: 10%

Tree and shrub requirements for multi-family, commercial, institutional and civic uses:

- For every 500 square feet of landscaping required, or portion thereof, at least one (1) large tree and two (2) shrubs are required.
- Two (2) small ornamental trees may be substituted for one (1) required large tree, not to exceed 50% of the required large trees.

Tree and shrub requirements for industrial and manufacturing uses:

- For every 1,000 square feet of landscaping required, or portion thereof, at least one (1) large tree and two (2) shrubs are required.
- Two (2) small ornamental trees may be substituted for one (1) required large tree, not to exceed 50% of the required large trees.

Each development shall provide at least two (2) different species. No more than 50% of all trees, per development, shall be of the same species. This standard applies only to trees being planted to meet requirements, not to existing trees.

Ground cover is required. Landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses and lawn areas. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

Stormwater treatment areas including retention and detention areas shall not be counted toward the required minimum landscaped area.

6. BUFFER YARD - STREETScape

A vegetated buffer yard shall be established and/or maintained along the front property line of a lot where it abuts a public street as follows:

Landscape Buffer Yard Required	Minimum Depth
TVC	
Route One	15-35' (see Section XVIII.A.)
Gorham Road (114), other major collectors	10-25' (see Section XVIII.A.)
All Others	10-25' (see Section XVIII.A.)
TVC 2	
Route One	15-35' (see Section XVIII.C.)
Gorham Road (114), Route 22, Route 207	10-25' (see Section XVIII.C.)
All Others	10-25' (see Section XVIII.A.)
TVC 3	
Route One, Route 114, Route 207 and Mussey Road	15-25' (see Section XVIII.D.)
All Others	10-25' (see Section XVIII.D.)
TVC 4	
See Section XVIII.E.	
Crossroads Planned Development District (CPD)	
Haigis Parkway	25'
Route One	15'
Payne Road	15'
All Others	See Section XX.C.
Haigis Parkway District (HP)	
Haigis Parkway	25'
All Others	15'
Regional Business District (B2)	
Payne Road	15'
Gorham Road	15'
All Others	10'
General Business District (B3)	
Route One	15'
Payne Road	15'
All Others	10'
Business Office – Research District (BOR)	
Route One	25'

All Others	15'
Running Hill Districts (RH & RH2)	
Running Hill Road	30 – 45' (see Section XX.A.)
Gorham Road	30 – 45' (see Section XX.A.)
All other streets	10'
Light Industrial District (LI)	
Two Rod Road	25' - 100' See Section XXI.B.F.
Maine Turnpike	100'
Holmes Road	30'
All Others	10'
Industrial District (I)	
All streets	15'

~~The buffer yard shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to waterbodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review.~~

The buffer yard may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, **stormwater treatment areas** and storage or service facilities may not be located within the buffer strip.

Planting plans shall emphasize large shade trees within or near the right-of-way in order to create a more unified streetscape. Large spreading deciduous trees shall be planted in appropriate locations along town roads and private access drives to define the edge of the travel way, provide shade for pedestrians, clean the air, and add scale to transportation corridors and commercial developments.

Within the required buffer yard large trees shall be required at a rate of one (1) per thirty (30) **forty (40)** feet. Trees may be planted in irregular groupings to accommodate utility conflicts and/or allow for design flexibility.

~~Trees shall be planted a minimum of five (5) feet from the edge of the roadway.~~ Trees and other landscaping planted at intersections shall preserve an adequate sight triangle as determined by the traffic engineer.

~~Planting plans for commercial properties along Route One shall be coordinated with the recommendations in Guiding Growth and Public improvements on Route One.~~

Landscape buffer strip requirements may be used to meet the overall landscape requirements established in Section E.

7. BUFFER YARD - RESIDENTIAL ADJACENCY

Buffering shall be used to minimize any adverse impacts or nuisances on the site or from adjacent areas. Buffers shall be provided to shield structures and uses from the view of abutting properties, where the abutting properties would otherwise be adversely impacted.

A residential adjacency buffer yard is required when a side or rear yard abuts a residential district in which case the following shall apply:

Zoning District	Minimum Buffer Yard Abutting Residential District(s)
Town and Village Centers (TVC)	25'
Town and Village Centers Transition (TVC2)	RF – 50'; 25' all others
Town and Village Centers Fringe (TVC3)	25'
Town and Village Centers 4 (TVC4)	25'
Crossroads Planned Development District (CPD)	100'; Natural Resource Districts – 100'
Haigis Parkway District (HP)	50'
Regional Business District (B2)	100'
General Business District (B3)	50'
Business Office – Research District (BOR)	50'
Running Hill Gorham RD Mixed Use District (RH)	100'
Running Hill Gorham Road Transition District (RH2)	
Single and two family dwellings	NA
Buildings and structures for all residential uses other than single and two-family dwellings.	50'
Buildings and structures for non-residential uses or mixed-uses with one story.	50'
Buildings and structures for non-residential uses or mixed-uses with more than one story.	100'
Light Industrial (LI)	100' or height of principal building, whichever is greater
Industrial (I)	50' or height of principal building, whichever is greater

- Non-residential uses adjacent to single-family residential uses or zoning districts – Twenty-five (25)
- Non-residential uses adjacent to multi-family uses – Fifteen (15) feet.
- Multi-family uses adjacent to single-family residential uses – Ten (10) feet.

Buffer yards shall be installed by the more intense use. All ~~side and rear yards~~ required buffer yards abutting residential uses or districts shall maintain the district boundary in its natural state. Where no natural buffering can be maintained all side and rear yards abutting residential uses or districts shall be landscaped to provide a visual screen between districts.

Buffers may include fences, plantings, berms, grade changes and walls used to minimize any adverse impacts and nuisances on a given site or abutter.

Where residential adjacency buffers are required, the Planning Board may require evergreen or deciduous trees within these buffer areas as follows:

- Evergreen buffers require three (3) rows of staggered plantings. The rows shall be eight (8) feet apart and the evergreens planted six (6) feet on center.
- Deciduous buffers require trees with a minimum of 3-inch caliper and rows and spacing to be determined by the Board based on the characteristics of the site and uses.

8. PARKING LOT LANDSCAPING REQUIRED

Landscaping is necessary in parking lots to enhance their appearance, lessen the scale of paved areas, define edges, and provide shade and cover. ~~Existing natural groupings or clusters of trees shall be preserved in parking areas~~

~~Landscaping is necessary in parking lots to improve the visual appearance, reduce the scale of paved areas, define edges, provide shade, and add seasonal interest. Trees, shrubs, and ornamentals shall be planted in large groups, or drifts, appropriate to the scale of the space.~~

~~Parking lots shall be separated from the street by plantings, earth berms, walls, and/or other landscape elements to minimize the view of vehicles, while still allowing the public to see the building.~~

Parking Lot Screening. Plantings, trees, and other landscape elements shall separate parking lots from neighboring streets to minimize views of vehicles and paved areas, while still enabling views of the building. Where parking is provided between the building and the street, it shall be screened in accordance with the following:

- Landscape screening shall contain **one (1) large tree per thirty (30) linear feet and** a continuous screen not less than three (3) feet in height in a minimum planting bed depth of five (5) feet. The five (5) foot planting bed is in addition to the depth required for the streetscape buffer yard.

The continuous screen may be comprised of:

- **Evergreen** Shrubs provided every four (4) to six (6) linear feet within the required planting strip
- Three (3) feet tall fence **or boulders** in combination with shrubs; or

- Combination of the above

Planted screening must be capable of providing a solid-screen of at least thirty-six (36) inches in height in two years.

~~**Total Landscape Area.** 10-15% of the total area of a parking lot shall be landscaped. In general, larger and more visible parking lots shall have more intensive landscape treatments. Driveways leading into and around parking lots are not calculated in determining the area of a lot. The Planning Board will have discretion in the amount of landscaping required.~~

~~The following standards shall apply within parking areas: At a minimum, between 10% and 15% of the parking lot shall be landscaped. The higher percentage (15%) shall be used for larger parking lots consisting of 40 or more spaces. The lower percentage of 10% shall be used for smaller parking lots containing fewer than 40 parking spaces.~~

Parking Lot Landscaping Required. Parking lot landscaping shall be in accordance with the following:

- Planting islands shall be included at a rate of one (1) island per fifteen (15) spaces.
- ~~Not more than ten (10) consecutive parking spaces shall be provided without a landscaped island.~~
- Landscape islands shall be required on both ends of all parking aisles, both single and double loaded, if such spaces are not adjacent to another landscaped area or entryway.
- ~~Landscaped areas used for separation between banks of parking stalls shall be a minimum of nine feet in width.~~
- ~~Planting islands shall be a minimum of 9 feet in width.~~
- Landscape islands shall be a minimum of 160 square feet, typically nine (9) feet wide and eighteen (18) feet deep, and shall contain at least one (1) large tree and four (4) shrubs.
- Parking lot entryways shall contain at least one (1) large tree and four (4) shrubs on each side.
- Vehicular use areas including drive aisles and/or parking space shall be screened from all abutting property by a continuous landscaped area not less than five (5) ten (10) feet deep. Stormwater treatment may be located in these areas upon approval by the Town Engineer.
- ~~Areas adjacent to walkways shall be landscaped with trees, shrubs, ground cover, benches or other materials. Walkways in parking areas shall include landscaped islands for visual relief, shade, and scale.~~

Parking Lot Landscaping General Standards.

- ~~**Location of Trees.** Trees in parking lots shall be planted in informal groups, straight rows, or irregular groupings as space permits, or concentrated in certain areas. Trees shall be planted a minimum of five feet from the end of parking lot islands~~
- Trees in parking lots shall be planted in informal groups, straight rows, or concentrated in certain areas. Large trees shall be planted at least five feet from the end of parking lot islands for both motorist visibility and tree health.

Parking Lot Landscaping requirements may be used to meet the overall landscape requirements established in Section E.

9. FOUNDATION LANDSCAPING REQUIRED

Trees and plantings shall be coordinated with the on-site architecture by complementing the building elevations without blocking storefronts, signs, or lighting and reinforce wayfinding by emphasizing entrances and circulation patterns.

Planting beds are required along exposed building edges, foundations and uninterrupted walls. Plantings shall provide either a formal pattern or a naturalistic blend of heights, colors, and textures for visual relief.

In addition, all paved surfaces, excluding those adjacent to service areas and/or the rear of buildings, of parking areas shall be separated from buildings by a minimum five (5) feet landscape strip and a five (5) foot walkway.

- Should this be exempt in certain urban districts?
- A minimum of one (1) shrub shall be provided every four (4) to six (6) linear feet within the required planting strip.
- Small ornamental trees may be provided in the planting strip and substitute for four (4) shrubs.

Plantings shall be massed to soften edges, corners, and pavement areas, and to integrate the building into the landscape.

Large rocks may be used as landscape elements sparingly and as accents in mass plantings. Where used, they shall be buried for at least half of their depth one third of their depth.

Where mulch is used, it shall consist of dark, decomposed shredded bark, with pieces less than one (1) inch in any one dimension.

Foundation landscaping requirements may be used to meet the overall landscape requirements established in Section E.

10. SCREENING - SERVICE AND MECHANICAL AREAS

~~In particular, buffers shall be used to screen garbage collection areas, loading areas, waste storage, commercial vehicle parking and the like. Buffers may include fences, plantings, berms, and walls used to minimize any adverse impacts and nuisances on a given site or abutter.~~

Refuse containers or disposal areas shall be screened from view by placement of a solid wood or vinyl fence or masonry wall as tall as the refuse containers, but no less than five (5) feet in height. All refuse materials shall be contained within the refuse area. Refuse containers and

disposal areas shall be located to the side or rear of buildings, sites and in no instance shall be located in the front setback of a site.

- Structural screens and fencing shall complement the design of the main structure by repetition of materials, detailing, scale, and color.
- Where chain link fencing is required for safety, it shall be landscaped and painted black or a similar dark color, or coated with dark vinyl. Plastic slats in chain link fencing are not permitted.
- Gates shall be designed to prevent sagging.
- Screening may be further enhanced with evergreen trees, shrubs, and earth berms.

All mechanical equipment, transformers, propane tanks and similar shall be screened from any public right-of way or adjacent residential use or zoning districts. Fencing, landscape or a combination shall be required

Screening requirements may be used to meet the overall landscape requirements established in Section E.

11. SCREENING - OUTDOOR STORAGE

Outdoor storage shall be permitted only as allowed by the Scarborough Zoning Ordinance.

The outside storage of goods, materials, merchandise, automobiles, automobile parts, waste collection facilities, dumpsters, containers, and the like shall be located to the side or rear of sites and screened from view, subject to the review and approval by the Planning Board. The Planning Board may require additional screening elements.

Areas for outdoor storage or containers shall be designed as an integral part of the site, landscaping, and architectural plan and shall be setback and screened from public and private ways, main entrances, public spaces, and abutting residential neighborhoods.

Screening requirements may be used to meet the overall landscape requirements established in Section E.

12. LANDSCAPE PRESERVATION AND PROTECTION

Wherever practical, existing specimen trees, native species over 20" at DBH, tree clusters or other significant vegetation shall be preserved. Further, transplanting and reusing on-site trees and other vegetation is strongly encouraged.

When preservation is proposed, a tree inventory and survey showing the location, size, species and condition of existing protected trees on a lot, must be submitted and approved with the site plan application. The landscape plan shall illustrate which vegetation will be preserved and what protection measures will be implemented including the following minimums:

- Site features must be designed to minimize disturbance to protected trees.

- Tree wells or cut areas may be used to preserve the original grade around the tree. Raising the grade around protected tree trunks is prohibited.
- In the drip line of protected trees, no cut or fill may be at least four (4) inches deep unless a qualified arborist or forester evaluates and approves the disturbance.
- Finished grades must slope away from trunks to avoid water concentrated at tree bases.
- During construction, perimeter fencing must be erected around protected trees, at least six (6) feet from the trunk or one-half of the drip line, whichever is more.
- Storage or movement of equipment, material, debris, or fill in the tree protection zone is prohibited.
- Damaging attachments, wires, signs or permits cannot be fastened to protected trees.
- The developer is responsible for coordination with utility companies when trenching near protected trees. Trenches or footings must be at least eight (8) feet from trunk bases. Tunneling under large diameter roots may be required to prevent root damage.

Preserved landscaping may be used to meet the overall landscape requirements established in Section E.

13. SITE AMENITIES

~~Major~~ Public entrances to new or renovated buildings shall be complemented with outdoor seating or use areas. Canopies, recessed entrances, seating areas, decorative plantings, lawn areas and other elements ~~may~~ shall be incorporated around the building entry to serve as pedestrian space or gathering areas.

14. ALTERNATIVE TRANSPORTATION AND BICYCLE FACILITIES

Provisions shall be made for alternative transportation if the site is located on a bus or bicycle route. Such provisions may consist of bus shelters, bicycle racks, or individual travel lanes for either mode of transportation.

Bicycle parking facilities are required for non-residential and multi-family uses. One (1) bicycle parking facility must be provided for every ten (10) vehicle parking spaces required. Bicycle parking design must follow standards recommended by the Association of Professional and Bicycle Professionals. The location of bicycle facilities is subject to the approval by the Planning Board during the site plan process.

15. SNOW STORAGE

Provisions shall be made for snow storage in the design of all parking areas. The areas shall be shown on the site plan to avoid conflicts with landscaping, visibility, drainage, or icing during the winter season.

Landscape materials surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during winter months. Delicate plant material shall not be used in areas where they are likely to be buried under snow.

All walkways and sidewalks shall be designed for efficient snow removal to enable year-round use.

Designated snow storage locations shall be required as follows:

- Located near the sides or rear of parking areas and driveways, away from primary street frontage.
- Located to maximize solar exposure to the greatest extent possible.
- Located so that snow moving equipment is not required to enter the public streets to move snow to the storage areas.
- Located in a manner to preserve sight lines of vehicles entering and exiting the site.
- Shall not block any required access, sidewalk, bicycle facility, trail or public path.
- Shall not block drainage areas.
- Shall not be located in or near any stormwater treatment areas including retention and detention areas.
- May be located within parking areas, but such areas may not be counted towards required off-street parking.
- May be located within required landscaping areas, but the areas shall be planted with landscaping tolerant of snow storage.
- Snow storage areas shall be located to avoid piling of snow against existing trees.

16. APPROVED PLANT SPECIES LIST

Plant material shall be selected with consideration to public health and safety. Plants to be avoided include those with poisonous fruits, large thorns, ~~or invasive growth patterns~~, or shrubs that could provide hiding places along pathways or block the view of moving vehicles. The applicant shall use plant material and species that require a low degree of maintenance and that are resistant to insect infestation, drought, disease, road salt, and auto emissions, and are tolerant of local winter conditions.

~~All parking lot landscaping shall be hearty and appropriate for parking lot conditions and snow storage.~~

All parking lot landscaping shall be appropriate for parking lot conditions. Trees that may damage automobiles (dripping sap, messy fruit, or hard seeds such as acorns) are discouraged in or around parking lots.

Invasive species shall not be used. **The Do Not Sell** Invasive plant list can be found here: [Maine Natural Areas Program Invasive Plant Fact Sheets](#)

The plants on the ~~approved~~ plant species list below have been derived from a number of sources to increase the use of native plants in Scarborough. This list is subject to periodic review based on factors that may change the viability or appropriateness of plantings.

All required trees shall be selected from the preferred or alternative list below, based on the size required for the landscape element. A minimum of sixty (60) **forty (40)** percent of all required

trees shall be selected from the preferred species list.

When the ordinance requires a shrub, only plants classified as flowering and ornamental shrubs, perennials ferns and grasses may be used. A minimum of sixty (60) **forty (40)** percent of all required shrubs shall be selected from the preferred species lists. Up to twenty-five (25%) percent of shrubs may be selected from an unlisted species subject to Site Plan approval. The [Maine Audubon Society](#) and the [University of Maine Cooperative Extension](#) provide extensive plant lists appropriate for Maine.

DRAFT

PURPLE – CHAPTER 405B

GREEN – STAFF ADDITIONS

ORANGE – PROPOSED BY CONSERVATION

RED – PROPOSED BY PROFESSIONAL REVIEW

LARGE DECIDUOUS TREES		
Preferred Native Species		
Scientific Name	Common Name	Mature Height
Acer rubrum	Red Maple	50-60'
Acer saccharinum	Silver Maple	60-80'
Acer saccharum	Sugar Maple	60-70'
Betula alleghaniensis	Yellow Birch	70-85'
Betula borealis	Northern Birch	30-60'
Betula nigra	River Birch	40-70'
Betula papyrifera	Paper Birch	60-70'
Betula populifolia	Gray Birch	20-40'
Carya ovata	Shagbark Hickory	70-90'
Cladrastis kentukea	Yellowwood	30-50'
Fagus grandifolia	American Beech	50-100'
Fraxinus Americana	White Ash	60-80'
Larix laricina	Larch, Hackmatack, Tamarack	50-60'
Nyssa sylvatica	Tupelo Black Gum	40-70'
Platanus occidentalis	Sycamore American Buttonwood	60-80'
Populus tremuloides	Quaking Aspen	60-80'
Prunus serotina	Black Cherry	50-80'
Quercus alba	White Oak	60-70'
Quercus bicolor	Swamp Oak	50-60'
Quercus coccinea	Scarlet Oak	30-50'
Quercus macrocarpa	Bur Oak	60-100'
Quercus rubra	Northern Red Oak	60-80'
Tilia americana	American Basswood, American Linden	60-80'
Ulmus americana	Princeton American Elm	60-70'

LARGE DECIDUOUS TREES		
Acceptable Alternative Species		
Scientific Name	Common Name	Mature Height
Acer x freemanii	Armstrong Maple	40-55'
Aesculus x carnea	Red Horse Chestnut	30-40'
Aesculus hippocastanum	Horse Chestnut	50-75'
Betula jacquemonti	Himalayan Birch	30-40'
Catalpa speciosa	Catalpa	40-60'
Carpinus betulus	European Hornbeam	40-60'
Cercidiphyllum japonicum	Katsura Tree	40-60'
Fagus sylvatica	European Beech	50-60'
Ginkgo biloba	Maidenhair Tree	60-100'
Gleditsia triacanthos	Thornless Honey Locust	65-100'
Gymnocladus dioicus	Kentucky Coffee Tree	60-80'
Juglans nigra	Black Walnut	50-90'
Liriodendron tulipifera	Tulip Poplar Tree	60-90'
Liquidambar styraciflua	American Sweetgum	50-60'
Magnolia acuminata	Cucumber Tree	40-70'
Metasequoia glyptostroboides	Dawn Redwood	75-100'
Platanus x acerfolia	London Planetree	70-100'
Quercus palustris	Pin Oak	50-70'
Quercus robur	English Oak	40-70'
Salix alba 'Tristis'	Weeping Willow	50-75'
Taxodium distichum	Bald Cypress	35-100'
Tilia cordata	Littleleaf Linden	50-70'
Tilia tomentosa	Silver Linden	50-70'
Zelkova serrata	Zelkova	80-100'

LARGE EVERGREEN TREES		
Preferred Native Species		
Scientific Name	Common Name	Mature Height
<i>Abies balsamea</i>	Balsam Fir	60-70'
<i>Abies concolor</i>	White Fir	30-50'
<i>Abies fraseri</i>	Fraser Fir	30-50'
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar	30-50'
<i>Juniperus virginiana</i>	Eastern Red Cedar	20-60'
<i>Picea glauca</i>	White Spruce	60-90'
<i>Picea rubens</i>	Red Spruce	60-80'
<i>Picea mariana</i>	Black Spruce	50-70'
<i>Pinus banksiana</i>	Jack Pine	50-60'
<i>Pinus rigida</i>	Pitch Pine	30-40'
<i>Pinus resinosa</i>	Red/Norway Pine	60-80'
<i>Pinus strobus</i>	Eastern White Pine	70-80'
<i>Thuja occidentalis</i>	Cedar Northern White	20-40'

LARGE EVERGREEN TREES		
Acceptable Alternative Species		
Scientific Name	Common Name	Mature Height
<i>Chamaecyparis</i> spp.	Cypress	10-60'
<i>Picea abies</i>	Norway Spruce	70-120'
<i>Picea engelmannii</i>	Engelmann Spruce	80-130'
<i>Picea omorika</i>	Serbian Spruce	50-60'
<i>Picea pungens</i>	Colorado Spruce	30-60'
<i>Pinus flexilis</i>	Limber Pine	60-80'
<i>Pinus mugo</i>	Mugo Pine	20-25'
<i>Pinus nigra</i>	Austrian Pine	60-180'
<i>Pinus sylvestris</i>	Scots Pine	30-80'
<i>Thuja plicata</i>	Western Red Cedar/Arborvitae	50-70'

SMALL ORNAMENTAL TREES		
Preferred Native Species		
Scientific Name	Common Name	Mature Height
<i>Acer pensylvanicum</i>	Striped Maple	15-25'
<i>Amelanchier canadensis</i>	Eastern Serviceberry	30-40'
<i>Amelanchier arborea</i>	Downy Serviceberry	20-40'
<i>Amelanchier x grandiflora</i>	Apple Serviceberry	15-25'
<i>Amelanchier laevis</i>	Alleghany Serviceberry	15-40'
<i>Carpinus caroliniana</i>	American Hornbeam	10-25'
<i>Cercis canadensis</i>	Eastern Redbud	20-30'
<i>Cornus alternifolia</i>	Alternate Leaf Dogwood	15-25'
<i>Cornus florida</i>	Flowering Dogwood	12-20'
<i>Corylus Americana</i>	American Hazelnut	8-12' (also shrub)
<i>Crataegus crus-galli</i>	Cockspur Hawthorn	15-30'
<i>Hamamelis virginiana</i>	Common Witch-Hazel	15-20'
<i>Ostrya virginiana</i>	Eastern Hop Hornbeam	20-30'
<i>Oxydendrum arboretum</i>	Sourwood	20-25'
<i>Prunus virginiana</i>	Common Chokeberry	20-30'
<i>Sorbus americana</i>	American Mountain Ash	10-30'
<i>Swida alternifolia</i>	Pagoda Dogwood	10-20'
<i>Viburnum lentago</i>	Nannyberry	10-30' (also shrub)

SMALL ORNAMENTAL TREES		
Acceptable Alternative Species		
Scientific Name	Common Name	Mature Height
Acer campestre	Hedge Maple	20-25'
Acer griseum	Paperbark Maple	20-30'
Acer palmatum	Japanese Maple	10-25'
Acer triflorum	Three Flower Maple	25-30'
Amelanchier alnifolia	Western Serviceberry	10-15'
Chionanthus Virginicus	American Fringetree	12-20'
Cornus kousa	Kousa Dogwood	20-30'
Cornus mas	Cornealian Cherry Dogwood	15-25'
Cotinus obovatus	American Smoketree	20-30'
Crataegus viridis	Winter King Hawthorne	20-35'
Halesia Carolina	Carolina Silverbell	30-40'
Hamamelis vernalis	Witchhazel	6-10' (also shrub)
Hamamelis x intermedia	Witchhazel	12-15'
Maackia amurensis	Amur Maackia	20-30'
Magnolia x liliiflora	Lily Magnolia	8-12' (also shrub)
Magnolia loebneri	Loebner Magnolia	20-30'
Magnolia soulangiana	Saucer Magnolia	20-25'
Magnolia stellata	Star Magnolia	15-20'
Malus species	Flowering Crabapple	15-25'
Prunus x accolade	Accolade Flowering Cherry	20-25'
Prunus sargentii	Sargent Cherry	20-40'
Stewartia pseudocamellia	Stewartia	20-40'
Syringa reticulata	Japanese Tree Lilac	20-30'

SHRUBS			
Preferred Native Species			
Scientific Name	Common Name	Scientific Name	Common Name
Aesculus parviflora	Bottlebrush Buckeye	Leucothoe fontanesiana	Drooping Laurel
Amelanchier arborea	Downy Serviceberry	Lindera benzoin	Spicebush
Amelanchier canadensis	Canadian Serviceberry	Myrica gale	Sweet Gale
Amelanchier stolonifera	Running Serviceberry	Myrica pennsylvanica	Bayberry
Aronia arbutifolia	Red Chokeberry	Physocarpus opulifolius	Ninebark
Aronia melanocarpa	Black Chokeberry	Prunus maritima	Beach Plum
Ceanothus americanus	New Jersey Tea, Redroot	Rhus aromatica	Fragrant Sumac
Cephalanthus occidentalis	Buttonbush	Rhus hirta	Smooth Sumac
Clethra alnifolia	Sweet Pepperbush	Rhus typhina	Staghorn Sumac
Comptonia peregrina	Sweetfern	Rosa carolina	Pasture Rose, Carolina Rose
Corylus Americana	American Hazelnut	Rosa palustris	Swamp rose
Cornus racemosa	Gray Dogwood	Rosa virginiana	Virginia Rose
Cornus sericea	Redosier Dogwood	Rubus odoratus	Flowering Raspberry
Diervilla lonicera	Bush Honeysuckle	Sambucus	Elderberry
Illex glabra	Inkberry	Vaccinium corymbosum	Highbush Blueberry
Ilex verticillata	Winterberry	Viburnum spp.	Viburnum
Juniperus communis	Common Juniper	Xanthorhiza simplicissima	Yellowroot
Kalmia angustifolia	Sheep Laurel		

SHRUBS			
Acceptable Alternative Species			
Scientific Name	Common Name	Scientific Name	Common Name
Azalea spp.	Azalea	Hydrangea spp.	Hydrangea
Buxus spp.	Boxwood	Pieris spp.	Andromeda
Cotoneaster spp.	Cotoneaster	Rhododendron spp.	Rhododendron
Deutzia gracilis	Slender Deutzia	Rose spp.	Rose
Enkianthus campanulatus	Redveined Enkianthus	Salix spp.	Willow
Fothergilla gardenia	Dwarf Fothergilla	Spiraea spp.	Spiraea
Fothergilla major	Bottlebrush Bush	Syringa spp.	Lilac
Forsythia spp.	Forsythia	Weigela spp.	Weigela

PERENNIALS			
Preferred Native Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Achillea millefolium</i>	Yarrow	<i>Iris versicolor</i>	Blue Flag Iris
<i>Actaea rubra</i> , <i>Actaea pachypoda</i>	Red Baneberry, White baneberry	<i>Liatris spicata</i>	Gayfeather
<i>Anemone canadensis</i>	Canadian Anemone	<i>Lobelia cardinalis</i>	Cardinal Flower
<i>Aquilegia canadensis</i>	Eastern Red Columbine	<i>Lupinus perennis</i>	Wild Lupine
<i>Asclepias tuberosa</i>	Butterfly weed	<i>Monarda didyma</i>	Scarlet Bee Balm, Oswego Tea
<i>Columbine aquilegia</i>	Columbine	<i>Monarda fistulosa</i>	Wild Bergamot
<i>Coreopsis lanceolata</i>	Lanceleaf Coreopsis	<i>Polygonatum pubescens</i>	Solomon's Seal
<i>Coreopsis verticillata</i>	Moonbeam Coreopsis	<i>Rudbeckia hirta</i>	Black-Eyed Susan
<i>Echinacea purpurea</i>	Purple coneflower	<i>Symphyotrichum novae-angliae</i>	New England Aster
<i>Eutrochium purpureum</i>	Joe Pye Weed	<i>Symphyotrichum novi-belgii</i>	New York Aster

PERENNIALS			
Acceptable Alternative Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Astilbe varieteis</i>	Astilbe	<i>Nepeta x faassenii</i>	Walker's Low Catmint
<i>Hemerocallis</i> species	Daylilies	<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Geranium</i> spp.	Geraniums	<i>Sedum telephium</i>	Autumn Joy Sedum
<i>Malva alcea</i> 'fastigiata'	Hollyhock Mallow		

FERNS			
Acceptable Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Adiantum pedatum</i>	Maidenhair Fern	<i>Osmundastrum cinnamomeum</i>	Cinnamon Fern
<i>Athyrium angustum</i>	Lady Fern	<i>Osmunda claytoniana</i>	Interrupted Fern
<i>Dennstaedtia punctilobula</i>	Hayscented Fern	<i>Osmunda regalis</i> var. <i>spectabilis</i>	Royal Fern
<i>Matteuccia struthiopteris</i> var. <i>pensylvanica</i>	Ostrich Fern	<i>Polystichum acrostichoides</i>	Christmas Fern
<i>Onoclea sensibilis</i>	Sensitive Fern		

GRASSES			
Acceptable Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Ammophila breviligulata</i>	Beachgrass	<i>Deschampsia cespitosa</i>	Tufted Hairgrass
<i>Andropogon gerardii</i>	Big Bluestem	<i>Deschampsia flexuosa</i>	Crinkled Hairgrass
<i>Carex appalachica</i>	Appalachian Sedge	<i>Panicum virgatum</i>	Switchgrass
<i>Carex pensylvanica</i>	Pennsylvania Sedge	<i>Juncus</i> spp.	Rush
<i>Chasmanthium latifolium</i>	Northern Sea Oats	<i>Schizachyrium scoparium</i>	Little Bluestem
<i>Eragrostis spectabilis</i>	Purple Lovegrass	<i>Sporobolus heterolepis</i>	Prairie Dropseed

Grasses			
Acceptable Alternative Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Calamagrostis x acutiflora</i>	Feather-Reed Grass	<i>Miscanthus sinensis</i>	Maiden Grass
<i>Calamagrostis brachytricha</i>	Feather-Reed Grass	<i>Molinia caerulea</i> subsp. <i>Arundin</i>	Moor Grass
<i>Festuca glauca</i>	Blue Fescue	<i>Pennisetum alopecuroides</i>	Fountain Grass
<i>Hakonechloa macra</i>	Hakone Grass		

GROUNDCOVERS			
Acceptable Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Arctostaphylos uva-ursi</i>	Bearberry	<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Cornus canadensis</i>	Bunchberry	<i>Mitchella repens</i>	Partridgeberry
<i>Gaultheria procumbens</i>	Checkerberry, Wintergreen	<i>Vaccinium angustifolium</i>	Lowbush blueberry

Plant materials shall meet the following minimum sizes, unless alternative sizes are required given a particular site or location:

Landscape Element	Minimum Size
Large Deciduous Trees	2 ½" caliper
Large Evergreen Trees	5-7' in height
Small Ornamental Trees	2" caliper
Flowering and Ornamental Shrubs	5 3 gallons
Ferns	3 1 gallons
Grasses	3 1 gallons
Groundcovers (plugs acceptable)	1 gallon

VEGETATION	MINIMUM SIZE
Canopy Trees	2 ½" caliper
Flowering Trees	2" caliper
Evergreen Trees	5 to 7' in height
Deciduous Shrubs	24" in height
Evergreen Shrubs	18" height / spread
Perennials	2-year clumps
Ornamental Grasses	2-year clumps
Ground Covers	3" pots

~~The use of bare root plant material is prohibited.~~

The Planning Board may require larger plants for special locations, such as within the Route One right-of-way and along Haigis Parkway.

17. INSTALLATION, GUARANTEE AND MAINTENANCE

Installation. The ultimate form and height of plantings shall be considered so they will not create unsafe conditions or block sight lines for pedestrians, bicyclists, or motorists as they mature.

Trees shall be planted in locations where their root development and branching patterns will not interfere with window displays, signage, underground or overhead utilities, streets, and sidewalks.

The installation of underground irrigation is encouraged in front setbacks, public spaces, and other highly visible areas. It shall be coordinated so it does not cause overflow or flooding in pedestrian use areas, such as walkways, sidewalks, or parking lots.

The Town recognizes the seasonal nature of landscape installation; however, all landscaping shall be installed according to the approved site plan prior to Certificate of Occupancy or within six (6) months after the Certificate of Occupancy has been issued and a performance guarantee has been provided and accepted by the Town.

Maintenance. Landscape plans shall anticipate a three (3) to eight (8) year growing cycle to achieve maturity for shrubs and fifteen (15) to twenty (20) plus years for trees. The plan shall be designed and plantings selected with due consideration for maintenance requirements.

A written maintenance plan shall be provided for the landscape elements to be installed on the site. The plan shall include initial installation, guarantee period, replacement policy, annual maintenance, and irrigation provisions. Maintenance plans shall include alternatives to regular mowing and pesticide use if possible. This may be established on the landscape plan with standard notes.

Trees and shrubs in and near parking areas and walkways shall be trimmed and maintained so that they do not block views needed for safe movement of motorists and pedestrians. Vertical clearances of at least eight (8) feet shall be maintained. Shrubs in parking lot islands shall not exceed three (3) feet in height to avoid blocking visibility.

All plant material shall be allowed to achieve their natural forms without excessive pruning. Shaping evergreen shrubs into tight geometrical forms shall be avoided.

Guarantee. All lawns and plant materials shall be guaranteed for a period of not less than two (2) years. The developer shall submit a copy of a guarantee and a contract with the landscape contractor, indicating the terms of the guarantee period, or may obtain a letter of credit. The guarantee period does not begin until all landscaping has been installed.

Where plant materials specified on the planting plan do not survive or are damaged, they shall be replaced and/or reinforced in accordance with the two-year performance guarantee to maintain conformance with the approved planting plan and to provide the necessary landscape effect.

Plants that die must be replaced in kind, unless another species is more appropriate given the site's growing conditions. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.

18. LANDSCAPE PLAN REQUIRED

If site improvements will create ten (10) or more new parking spaces or create 2,000 sq. ft. or more of new building footprint, a landscape plan shall be prepared by a landscape architect registered in Maine.

The Planning Board, at their discretion, may require a peer review of landscape plans.

Landscaping for multiple building developments shall be coordinated with all other elements of the site. As part of the application for Site Plan approval, applicants shall submit a master landscape plan that shows how landscaping will be used to complement proposed buildings, reinforce circulation paths, help define pedestrian use areas, highlight entrances, provide shade, and add seasonal interest to the landscape.

Plantings used in stormwater treatment facilities should be designed by a qualified professional familiar with the growing requirements of wetland species.

The planting plan shall illustrate how plantings shall be coordinated with the location of underground and overhead utilities and lighting.

Each landscape plan shall include the following table filled out for the specific site:

Minimum Landscape Required	Required	Provided
Minimum Landscape Area (square feet)		
Minimum Trees Required		
Minimum Shrubs Required		
Buffer Yard - Streetscape	Required	Provided
Street Name		
Street Frontage Depth		
Street Frontage Length (excluding entryways) (linear feet)		
Street Frontage Area (square feet)		
Street Trees		
Buffer Yard - Residential Adjacency (if required)	Required	Provided
RA Type Required		
RA Buffer Depth (feet)		
RA Buffer Length (linear feet)		
RA Buffer Area (square feet)		
RA Buffer Trees		
Parking Lot Screening (if required)	Required	Provided
Parking Lot Screen Depth (feet)		
Parking Lot Screen Length (excluding entryways) (linear feet)		
Parking Lot Screen Area (square feet)		
Parking Lot Screening Shrubs		
Parking Lot Landscape	Required	Provided
Parking Calculation Type		
Parking Spaces		
Parking Islands (number)		
Parking Islands Total Area (square feet)		
Parking Island Trees		
Parking Island Shrubs		
Entryway Trees		

Entryway Shrubs		
Continuous 5' Landscape Area - All Applicable Sides (square feet)		
Foundation Landscape	Required	Provided
Landscape Bed Depth (feet)		
Landscape Bed Length - All Applicable Sides (linear feet)		
Landscape Bed Area - All Applicable Sides (square feet)		
Landscape Bed Shrubs		
Landscape Bed Ornamental Trees (if provided)		
Additional Screening (if required)	Required	Provided
Dumpster Area Fence		
Dumpster Areas Shrubs		
Mechanical Screening Fence		
Mechanical Screening Shrubs		

19. SITE PLAN WAIVERS - LANDSCAPE

The Planning Board may review and approve requests for waivers to landscaping standards for the following:

1. The Planning Board may reduce the amount of landscaping required for parking lots if additional landscaping of equal or greater value is provided on other areas on site.
2. The Planning Board may approve an alternative interior parking island design to address stormwater runoff if recommended for approval by the Town Engineer.
3. The Planning Board may approve stormwater treatment areas located in the streetscape buffer yard if recommended for approval by the Town Engineer.
4. The Planning Board may approve an alternative planting plan if the site is not able to accommodate the required plantings, only as follows:
 - One large tree may be substituted by two (2) ornamental trees
5. The Planning Board may waive residential adjacency buffer requirements if the site is in conjunction with a master planned development or within a mixed-use district.
6. The Planning Board may waive the required snow storage areas if a snow storage management plan is submitted and approved by the Town that includes the following:

- Designated temporary or interim snow storage areas that do not interfere with more than one-third (1/3) of the project required minimum parking.
- Interim snow storage shall be removed within five (5) calendar days following a storm cycle.
- Interim snow storage shall not be in a location that will damage trees, landscape or other facilities.
- Interim snow storage shall not block any required access, sidewalk, trail or public way.
- Snow shall be hauled to approved and permitted locations. The location shall be provided.
- Snow hauling shall generally be completed during non-business hours.
- The snow management plan shall designate the removal methods.

Zoning	Landscaping Required		Buffer Yard Streetscape		Buffer Yard RA		Parking Lots		Foundation Landscaping	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
TVC	85% Maximum Impervious	15% total site - Trees and shrubs defined	15' with Parking in Front	Existing + defined # of trees	25' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
TVC2	85% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	25-50' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
TVC3	85% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	25' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
TVC4	85% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	25' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
HP	75% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	50' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
CPD	75% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	100' depth adjacent to residential district or natural resource & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip

Zoning	Landscaping Required		Buffer Yard Streetscape		Buffer Yard RA		Parking Lots		Foundation Landscaping	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
B2	85% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	100' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
B3	Not defined only 50% building coverage	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	50' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
BOR	Not defined only 50% building coverage	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	50' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
RH	85% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	100' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
RH2	85% Maximum Impervious	15% total site - Trees and shrubs defined	Depth Defined Per Street	Existing + defined # of trees	50-60' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip

Zoning	Landscaping Required		Buffer Yard Streetscape		Buffer Yard RA		Parking Lots		Foundation Landscaping	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
LI	85% Maximum Impervious	10% total site – Trees and shrubs defined	50' front yard setback but no landscape area defined	15' plus trees	100' depth adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip
I	Not defined only 50% building coverage	10% total site – Trees and shrubs defined	50' front yard setback but no landscape area defined	Existing + defined # of trees	50-100' depth (based on height) adjacent to residential district & Section VIII	No Change	10-15% of parking lot should be landscaped	Defined # islands and locations; Vehicular use areas require 5' on ALL sides	Parking areas separated by 5' walkway and 5' landscape strip	Existing + defined # of shrubs in landscape strip

MEMO

To: Ordinance Committee

From: Autumn Speer, Director of Planning and Codes

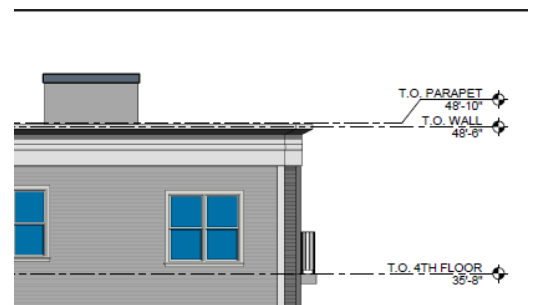
Date: February 14, 2024

Re: TVC Height Request

BACKGROUND

On December 8, 2023, the LRPC reviewed a request to consider increasing the height permitted in the TVC District from 45' to 55' or four stories.

The requestor forwarded a rendering of the 4 story multi-use building they would like to propose for Oak Hill as well as the current view from Route 1. The proposal includes: 18 one bedroom apartments, 4 two bedroom apartments and 1st floor offices. The current TVC zone has a 45' height limit. The request is to increase the height allowed to 55' or 4 stories with no height limits. This increase would accommodate utility screening as part of the required elevator installation.



Existing



Proposed

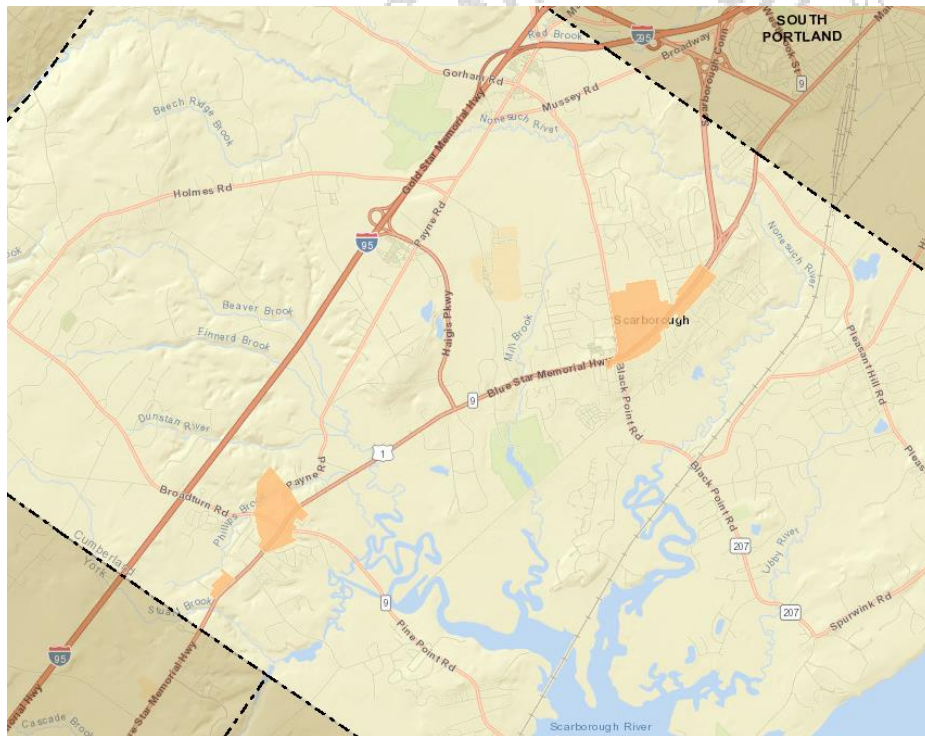


Planning & Code Enforcement

TVC District Purpose Statement

The purpose of the TVC district is to provide for and encourage the evolution and maintenance of village and town centers within Scarborough that exhibit village style development and offer a mix of retail, office, service, civic, and residential uses in an environment conducive to both pedestrians and motorists. The buildings, parking areas, sidewalks, landscaping and other infrastructure within this district are to be of a village scale and character. These town and village centers are intended to and are likely to serve as places for local shopping, business, dining, entertainment and civic activities primarily for residents of Scarborough and the immediate region. A diversity of residential uses are also intended to be integral elements of this district enabling walk-ability, convenience, and human activity and vibrancy. The Town and Village Centers District (TVC) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

TVC Zone Locations



Local Samples

Gateway Apartments (CZ) - 3 Stories



Carrier Woods Apartments (TVC3) - 3 Stories - 40'



Piper Shores (CZ) – 4 Stories – 60'



The Uplands (CPD) - 4 Stories – 52'



Avesta Housing (TVC) – 3 Stories - 30-36'



DECEMBER 2023 LRPC Meeting

In December, the LRPC discussion centered around the potential to add even more flexibility and increase the height to 75' to match other districts in Town and to be more in line with the goals of the Comprehensive Plan.

December 2023 Minutes:

Autumn gave an overview of the varying maximum building heights in the town's zoning district, ranging from 35 feet to 75 feet in higher density districts. The town has received a request from Mr. Berg for a 55 foot structure in Oak Hill. One option Autumn suggested was to allow a certain percentage height increase at the Planning Board's discretion.

Robert indicated support as allowing further height could better accommodate accessible infrastructure such as elevators. Autumn added flexibility could be added to exclude such infrastructure where appropriately screened. Robert noted the town should consider the impact of this additional development to traffic in town.

Allen clarified the town's last two Comprehensive Plans have been very strategic of where growth is desired and where it is not. To meet that demand, this will require some flexibility in building height in certain zoning districts. The more we can focus that growth to where our long range planning efforts have identified, the more we can look at efforts (public transit, multi modal facilities) to alleviate traffic. He added that if left up to the Planning Board, approval of the higher height may end up being dependent on the building use, so if we were to allow higher buildings, it should be a flat out allowed height.

Robyn agreed, especially in Oak Hill. Marvin indicated the Committee's Planning Board liaison should weigh in on this, and asked whether a Contract Zone would be more appropriate to be pursued. With a contract zone requiring "public benefit" Robert noted, additional housing is not necessarily a public benefit in a basic sense.

Allen suggested 65 feet as a height limit to allow close to 6 story buildings, which would not require going back to increase the height several years down the road. Autumn added additional height closer to 75 feet would allow for gable roofs, whereas 65 feet would only provide for flat roofs. Robert and Allen suggested closer to 60 feet.

The Committee discussed limiting the taller buildings to be located further from main roads to aid in the transition between uses. Robyn concluded the discussion noting that this will need to go to Council, who could reduce the LRPC suggested number. She added 65 feet would allow for architectural diversity to Autumn's point. Staff will develop draft ordinance language and create a map to see where this would impact development in town for future meetings to assist the Committee in their decision. Marvin requested information for considering 75 feet.

JANUARY 2024 LRPC Meeting

The January LRPC discussion took a bit of a different turn, with concerns mentioned about growth and the perception of increased density with taller structures. Much discussion ensued with a final recommendation to allow one additional story (5 stories total) and a maximum building height of 60 feet. (3/2 vote)

January 2024 Draft Minutes:

Autumn presented several options to increase maximum building height in the TVC zoning districts in the Oak Hill and Dunstan areas. The original staff recommendation was to add Planning Board discretion for up to a 20% increase in height for design features and rooftop screening requirements. This would allow for an additional 9-10 feet to accommodate utility screening for elevators etc., as well as a more varied architectural aesthetic in these areas to avoid flat roofs at the maximum height. It would not affect residential density or allow for more than the currently permitted 4 stories. At the LRPC meeting in December, it was discussed that adding additional height over the staff recommendation would be in line with the comprehensive plan and help to encourage growth in desired locations. Staff also presented two options based on that conversation; one increasing height for the TVC district to 65' and another for 75'.

Marvin Gates indicated his concerns with this proposal and how it could affect growth and traffic concerns as indicated in the 2023 survey presented to Council in January. Moving this proposal forward would pose perception issues by the public. The Committee went on to discuss that the Comprehensive Plan designates these areas as growth areas, and the town should be directing any growth there as appropriate. Robyn and Peter noted this could drastically impact affordability and the housing crisis by directing any growth where public services and utilities are already available. Allowing a higher building height beyond what the Committee is reviewing today would be a great opportunity to leave more room for open space, reduce impervious area, and increase stormwater management capability. While the current proposal does not deal with that kind of height increase, they emphasized this and how it could create a congruent town center between Oak Hill and The Downs.

Don Hamill raised his concerns, noting the Appointments & Negotiations Committee appointed Marvin Gates and Peter Freilinger to represent the public on the Long Range Planning Committee. He requested the notes from that Appointments Committee meeting be included with future materials and the minutes from this meeting. His primary concerns include safety and additional traffic in the area, especially with respect to Maple Avenue. The residents of Maple Avenue are involved in discussions with the Town Manager and Public Safety staff to implement safety measures in this area. Autumn responded that a meeting with residents of this area is scheduled for January 16th at 6:30PM and those concerns would be able to be discussed then. She did clarify that if a particular project has 51% or more designated affordable units, parking requirements can be reduced in the effort to encourage use of public transit and pedestrian facilities to mitigate traffic in town.

Rachel stated the Planning Board would like to have discretion to potentially increase the maximum allowed height from 45 to 54-55 feet for certain architectural features or utilities, as long as specific parameters are outlined for the Board in the Ordinances. She has concerns on how this proposal could impact Dunstan, as much of the existing building heights are minimal in this area. She was

supportive of increasing height away from Route 1 but cautioned and requested specifics for buildings located close to Route 1 or other public streets.

Planning Board discretion with these potential new height allowances was discussed, with Autumn recommending to move forward with a compromise where the Board could increase the height for utility screening but not to explicitly increase the allowable building height. Allen was hesitant on this, and indicated his concerns that applicants often make the case for things that are or aren't required, so he would rather explicitly increase the height altogether. He echoed earlier points that increasing height closer to the 75 feet allowed at The Downs would further creation of a cohesive downtown area via building up instead of building out creating sprawl.

Jon Anderson encouraged the Committee to think about what this change would mean for the town in the long term, however, directing growth to growth areas may get the town to a tipping point where transit becomes more feasible. The traffic piece is key, especially with MaineDOT designated High Crash Locations in this area, and he questioned the impact this proposal could have on that. He also emphasized how the town can make green space happen if building height increases leaving more room for other site features.

At this point in the meeting, Marvin Gates made a motion to move forward recommending the original proposal to Council, which was seconded by Rick. Robyn discussed limiting height increases to only allow utility screening and varying roof lines is a missed opportunity, especially with respect to our Comp Plan goals and affordable housing. Portia suggested to remove the Planning Board discretion and flat out allow 55 feet as a maximum height in the TVC zone. Jon agreed with this point, and Don expressed his concern indicating the Council heavily relies on the Committee's recommendation. He volunteered to write a Councilor Corner article for the public regarding today's deliberation and the proposal. Additionally, further hearings could be beneficial prior to any Council action or recommendation from the Ordinance Committee to the full body. Staff offered to provide information to the Communications Committee on the proposal and potential impact to assist with the outreach process.

With the Committee generally feeling taking away the Planning Board discretion was appropriate, Marvin withdrew his motion and Rick withdrew his second. At this point Peter Freilinger made a motion to recommend to the Ordinance Committee to allow one additional story (5 stories total) and a maximum building height of 60 feet. This was seconded by Robyn Saunders. The motion passed 3-2-0 (Allen Paul, Marvin Gates) Portia Hirschman was also in favor of the proposal, but was not a voting member as an alternate.

Allen and Marvin requested their opinions on their "no" vote be included in these minutes. In short, Allen thought this was too big a move, and that a height closer to 55 feet would allow for an incremental approach to get to taller heights (i.e. 60-75 feet maximums), while Marvin noted the recommendation to 60 feet and an additional story was concerning for growth, traffic, and safety items identified by residents in the 2023 survey.

PROPOSALS

Zoning	Existing Height	Original Proposal	Proposal 1	Proposal 2	Recommendation
TVC	Min 2 stories or 20' for 50% of the building footprint up to 45'	Min 2 stories or 20' for 50% of the building footprint up to 45' Planning Board discretion for up to 20% increase in height for design features and rooftop screening requirements; or 55'	Min 2 stories or 20' for 50% of the building footprint up to 45 65'	Min 2 stories or 20' for 50% of the building footprint up to 45 75'	Min 2 stories or 20' for 50% of the building footprint up to 45 five stories or 60'
TVC2	45'	45'	45'	45'	45'
TVC3	45' (35' in BP Neighborhood)	45' (35' in BP Neighborhood)	45' (35' in BP Neighborhood)	45' (35' in BP Neighborhood)	45' (35' in BP Neighborhood)
TVC4	40'	40'	40'	40'	40'
CPD	75' (35')	75' (35')	75' (35')	75' (35')	75' (35')
HP	45-75'	45-75'	45-75'	45-75'	45-75'
RPO	45'	45'	45'	45'	45'
BOR	75'	75'	75'	75'	75'
B2	60'	60'	60'	60'	60'
B3	45'	45'	45'	45'	45'
RH	Min 2 stories or 20' (50%) up to 45'	Min 2 stories or 20' (50%) up to 45'	Min 2 stories or 20' (50%) up to 45'	Min 2 stories or 20' (50%) up to 45'	Min 2 stories or 20' (50%) up to 45'
RH2	45'	45'	45'	45'	45'
LI	45'	45'	45'	45'	45'
I	60'	60'	60'	60'	60'