

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
WORKSHOP RE: GORHAM CONNECTOR – 5:30 P.M.
HYBRID REGULAR MEETING – 7:00 P.M.

TO VIEW TOWN COUNCIL MEETING & OFFER PUBLIC COMMENT:

<https://scarboroughmaine.zoom.us/j/89920127229>

TO VIEW TOWN COUNCIL MEETING ONLY:

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

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

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.
- Item 5.** Minutes: February 7, 2024 - Town Council Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.
- Item 8.** Town Manager Report.

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

Order No. 24-016, 7:00 p.m. public hearing and second reading on the new request for a Cannabis Establishment License from Tucker Noyes, d/b/a KTK Noyes, LLC, located at 148B Pleasant Hill Road for Adult Cannabis Products Manufacturing. *[Assistant Town Manager]*

Order No. 24-017, 7:00 p.m. public hearing and second reading to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2). *[Request from Applicant]*

Order No. 24-021, 7:00 p.m. Public hearing and action on the new request for a Combined-Massage Establishment/Massage Therapist License from Solanlly Edwards d/b/a Massage & Wellness by Solangy. *[Town Clerk]*

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 24-022. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance; Section 25.A.IV Pine Point and Section D.25.D. Speed Limits in Certain Areas. *[Town Staff]*

Order No. 24-023. First reading and schedule a public hearing on the proposed amendments to Chapter 610, the Piping Plover Ordinance. *[Town Manager]*

Order No. 24-024. Act on the request from the Chief of Police, to accept a donation in the amount of \$1,000 from the Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli of Scarborough. *[Chief of Police]*

Item 9. Non-Action Item.

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

Item 11. Council Member Comments.

Item 12. Adjournment.



To: Scarborough Town Council
From: Thomas J. Hall, Town Manager
RE: Town Manager's Report
Date: February 21, 2024

Below is an initial list of items that will be included in the Town Manager's Update at the regular public meeting of February 21, 2024. I will provide a verbal update on each of these items and will likely include other items of interest.

- **Storm Damage** -
 - Awaiting Federal Disaster Declaration
 - Preliminary Public Assistance Package Submitted to FEMA
 - Refined Cost Estimates
- **FEMA Flood Maps** -
 - New maps issued on December 20, 2023
 - Amendments to Floodplain Management Ordinance required by June 2024
 - Council Workshop on March 20, 2024
- **School Building Project** -
 - Committee seated- Leadership established
 - Community Survey - final draft under review (statistically valid)
 - Next meeting February 26, 2024
- **Eastern Trail - Close The Gap** -
 - Continue to work on CSX access - drafting of Aerial Easement
 - Successful meetings with DEP and ACOE on permitting
 - Bid Solicitation expected May/June 2024
- **Avenue 2 Update** - NRPA application not timely- return for path relocation
 - Pre-application meeting today - February 21, 2024
 - Process restarted- issuance of Notice of Intent to File
 - Review with Legal Counsel
- **Traffic Calming Policy** - Draft policy finalized
 - Transportation Committee- February 27, 2024
 - Expected Council consideration in March
 - Purchase of temporary speed bumps - Spring 2024
 - FY25 budget considerations

- **Tax Stabilization Reimbursement** -
 - \$412,523 submitted for reimbursement, only 56% covered, \$181,510 remains to be reimbursed
 - LD 646 unanimously passed in work session - full funding

- **Gorham Connector** - Leadership on public phase
 - February 21, 2024 Workshop with MTA
 - Stakeholder meeting
 - 2-3 Public meetings

- **Community Survey** -
 - Open Survey Results are available
 - Dashboard available by the end of this week

- **Alger Hall** -
 - Historical Society expressed interest- potential purchase
 - Seeking win-win-win

- **GPCOG Regional Housing Summit** - March 26, 2024
 - Panelist on “What is Working” Panel

- **Air Traffic Noise** -
 - Runway Closures - April 22- July 31 and September 11- 25
 - Resulting in increased aircraft and associated noise in parts of Scarborough
 - Similar impact as 2022 runway closures



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.

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

Assistant Town Manager

Ought to Pass

Sponsor

Recommendation

02/7/2024 – Vote: 6 Yeas and 1 Nay (Councilor Hamill)

First Reading/Vote

02/21/2024

Public Hearing

02/21/2024 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: February 21, 2024

| |
|--|
| ACTION ITEM: Order No. 24-016 |
| SUBJECT: 7:00 p.m. Public hearing and second reading on the new request for a Cannabis Establishment License from Tucker Noyes, d/b/a KTK Noyes, LLC, located at 148B Pleasant Hill Road for Adult Cannabis Products Manufacturing. <i>[Assistant Town Manager]</i> |
| PURPOSE: Approve an Adult Cannabis Products Manufacturing license for the establishment listed above. |
| BACKGROUND: Application has been received and reviewed. The applicants plan is to use this space for packaging. Inspection pending. |
| FISCAL IMPACT: \$2,850.00 (application and license fee) |
| STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Application is under review• Inspection pending• First reading before Town Council: February 7, 2024• Public Hearing and second reading before the Town Council: February 21, 2024 |
| PROPOSED ACTION: Recommend approval of the second reading Order No. 24-016 |
| ATTACHMENTS: |

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

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

Request from Applicant

Ought to Pass

Sponsor

Recommendation

02/7/2024 – *Vote:* 6 Yeas and 1 Nay (Chairman McGee)

First Reading/Vote

02/21/2024

Public Hearing

02/21/2024 – *Vote:*

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: February 21, 2024

ACTION ITEM: Order No. 24-017.

SUBJECT:

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

PURPOSE:

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

BACKGROUND:

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

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

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

Planning Board Recommendation:

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

FISCAL IMPACT:

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

STATUS / PROCESS TO DATE:

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

PROPOSED ACTION:

Move approval of the second reading on Order No. 24-017.

ATTACHMENTS:

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

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

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

ACTION REQUIRED:

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

ZONING COMPARISON:

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

| DIMENSIONAL STANDARDS | RF | R2 |
|--|--------------|--------------|
| Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation) | 80,000 sq ft | 20,000 sq ft |
| Minimum Street Frontage | 200' | 100' |
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The property has approximately 207' feet of frontage and 450' of depth. The setbacks and street frontage requirements can be met with the proposed zoning change. The site currently has two existing driveways and the applicants are proposing to rehab the existing home, demolish the existing shop/garage and add an additional home where it is currently located. The lots would be just over an acre each, very similar to other homes in the vicinity.





ADJACENT ZONING AND USES:

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



COMPREHENSIVE PLAN:

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



UTILITIES:

Portland Water is available to the property.

PUBLIC NOTIFICATION:

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

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

STAFF RECOMMENDATION:

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

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

PLANNING BOARD ACTION:

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

ATTACHMENTS:

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

NEXT STEPS:

- Town Council First Reading February 7, 2024



Planning Board Recommendation

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

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

Chairman McGee and members of the Town Council,

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

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

Sincerely,



Autumn Speer
Director of Planning & Code Enforcement

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

SECTION XIII. RESIDENTIAL ZONING DISTRICTS

RURAL FARMING DISTRICT RF

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

RURAL, FARMING AND MANUFACTURED HOUSING DISTRICT RFM

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

RESIDENTIAL DISTRICT R2

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

RESIDENTIAL DISTRICT R3

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

RESIDENTIAL DISTRICT R4

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

RESIDENTIAL DISTRICT R4A.

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

A. PERMITTED USES – RESIDENTIAL DISTRICTS

Permitted use table abbreviations are as follows:

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

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

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

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

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

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

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

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

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

| | | | | | | | |
|----------------------------|--|----|----|----|----|----|----|
| Telecommunication Facility | | SE | SE | SE | SE | SE | SE |
|----------------------------|--|----|----|----|----|----|----|

C1 - Must be on minimum 5-acre lot

C2 - Must be on minimum 10-acre lot

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

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

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

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

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

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

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

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

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

B. SPACE AND BULK STANDARDS – RESIDENTIAL DISTRICTS

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

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

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

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

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

C. ADDITIONAL STANDARDS – RESIDENTIAL DISTRICTS

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

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

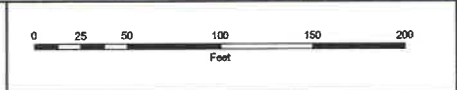
Current Zoning
Rural Farming(RF)

Proposed Zoning
Residential 2(R2)



SCARBOROUGH
TOWN OF
Scarborough
Maine
<http://www.scarboroughmaine.org>

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



Request for Rezoning
Exhibit

Town Of Scarborough Maine Official Zoning Map

www.scarboroughmaine.org



0 0.25 0.55 1.1 1.65 2.2 Miles

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

Base Map

- ParcelLine
- Roads
- Coast_Line
- - - TownLine
- Railroads
- Beachs

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

Revised as of: 2/21/2024

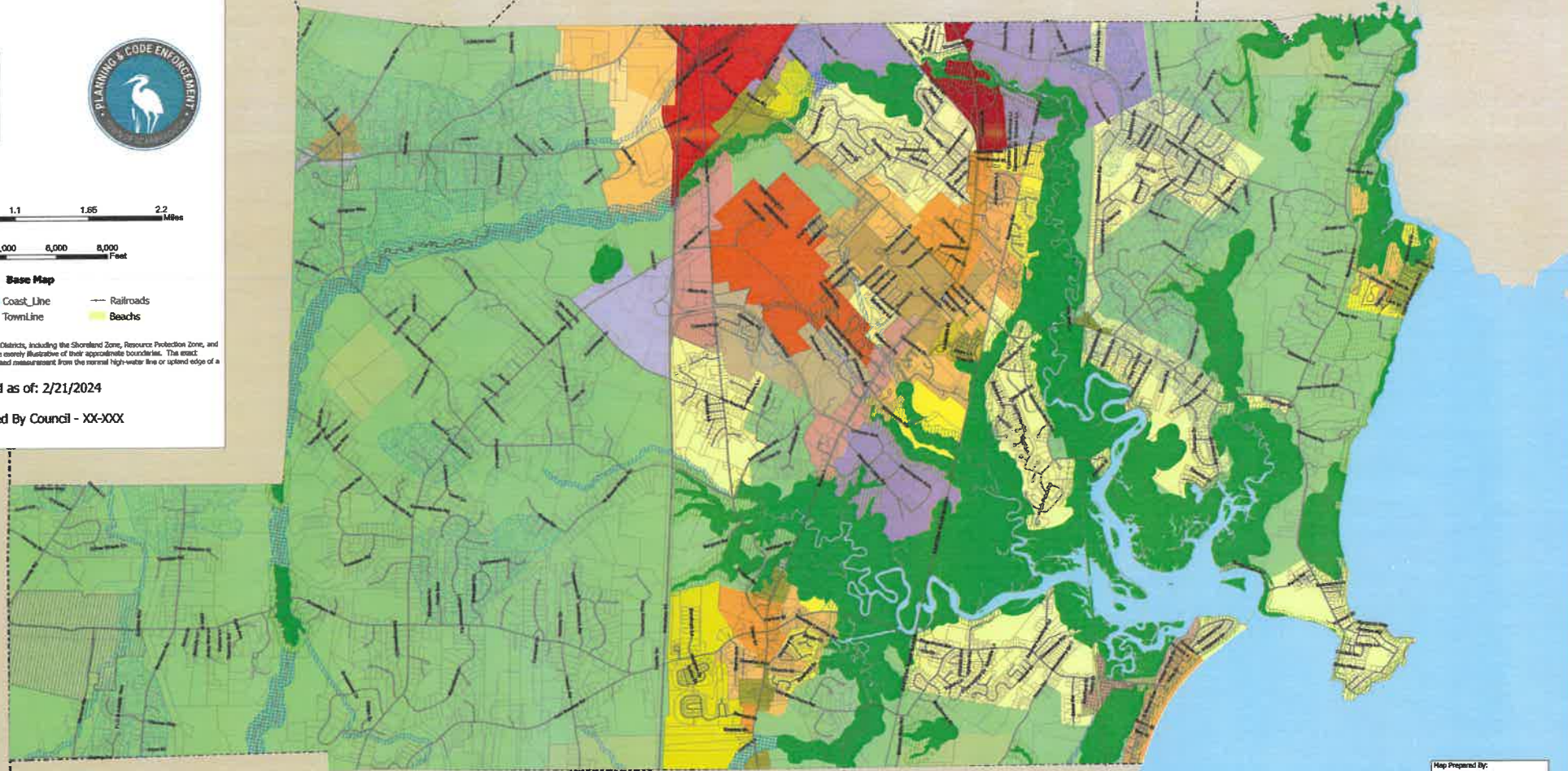
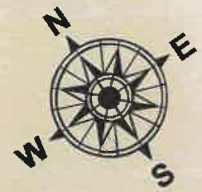
As Approved By Council - XX-XXX

Previous Zoning Amendments:

Resolution 23-001 - Approved 4/19/2023
Resolution 23-005 - Approved 7/19/2023

Zoning Classifications

- | | | | | |
|-------------------------------------|-------------------------|---------------------------------------|-------------------------------------|--------------------------|
| Beach/Mixed Use | Coastal Residential 1 | Residential 4 | Resource Protection | Town & Village Centers 4 |
| Regional Business | Haigis Parkway Business | Residential 4A | Residential & Professional | Village Residential 2 |
| General Business | Industrial | Rural Residence & Farming | Traditional Neighborhood | Village Residential 4 |
| Business Office - Research District | Light Industrial | Rural Residence Farming & Manufacture | Town & Village Centers | |
| Coastal Mixed Use 1 | Residential 2 | Running Hill Mixed Use District | Town & Village Centers Transition 2 | |
| Crossroads Planned Development | Residential 3 | Running Hill Transition District | Town and Village Centers Fringe | |
-
- | | |
|-----------------------|----------------------------|
| Contract Zones | Zoning Overlays |
| Contract Zone 1 | Industrial Overlay |
| Contract Zone 10 | Shoreland Zoning |
| Contract Zone 11 | Stream Protection 1 |
| Contract Zone 12 | Stream Protection 2 |
| Contract Zone 2 | Aquifer Protection Overlay |
| Contract Zone 3 | |
| Contract Zone 5 | |
| Contract Zone 7 | |
| Contract Zone 8 | |
| Contract Zone 9 | |



Map Prepared By:
Hilob, Wilcock, GISP
GIS Administrator

Attested to by: _____
TOWN CLERK _____ DATE _____

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

Re: [Zoning Board of Appeals] 42 Two Rod Road, lot spilt

1 message

Brian Longstaff <blongstaff@scarboroughmaine.org>

Wed, Feb 7, 2024 at 1:28 PM

To: Jennifer Fortier <jfortie1@hotmail.com>

Cc: "zba@scarboroughmaine.org" <zba@scarboroughmaine.org>, Autumn Speer <ASPEER@scarboroughmaine.org>

Jennifer,

I will forward your comment to the appropriate staff as there is no zoning board meeting tonight. This matter is on the Town Council meeting agenda for this evening.

On Wed, Feb 7, 2024 at 1:23 PM Jennifer Fortier <jfortie1@hotmail.com> wrote:

Hi,

I live at 40 Two Rod Road, and I am reaching out regarding the zoning meeting tonight for the proposed lot split on 42 Two Rod Rd. I feel the lot should not be split it is as there clearly is not enough variance for it. And hopefully remain RF zoned.

Thank you,

Jennifer Laughton Fortier

Sent from my iPhone

--

Brian Longstaff

Zoning Administrator/CFM/CEO/LPI

Town of Scarborough

[259 US Highway 1](#)

PO Box 360

Scarborough, ME 04070-0360

Tel. (207)730-4050

Please note that effective May 1, 2023 **NEW TOWN OFFICE HOURS** will be

Monday – Thursday, 7:00am-5:00pm, Closed Fridays & Weekends

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 24-021. Move approval on the new request for a Combined-Massage Establishment/Massage Therapist License from Solanlly Edwards d/b/a Massage & Wellness by Solangy. *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

02/21/2024 -

First Reading/Vote

02/21/2024

Public Hearing

N/A

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: February 21, 2024

| |
|--|
| ACTION ITEM: Order No. 24-021. |
| SUBJECT: 7:00 p.m. Public hearing and action on the new request for a Combined-Massage Establishment/Massage Therapist License from Solanly Edwards d/b/a Massage & Wellness by Solangy. <i>[Town Clerk]</i> |
| PURPOSE: To allow the applicant to conduct business according to the license requested. |
| BACKGROUND: The applicant is new to the Town of Scarborough and is in compliance with the requirements of our Town Ordinance. |
| FISCAL IMPACT: Cost of License |
| STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Application has been reviewed, found to be complete and is on file in the Town Clerk's Office.• Public hearing and final action before the Town Council: February 21, 2024 |
| PROPOSED ACTION: Recommend move approval of Order No. 24-021. |
| ATTACHMENTS: |

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 24-022. Move approval of the first reading and schedule a public hearing and second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance; Section 25.A.IV Pine Point and Section D.25.D. Speed Limits in Certain Areas.
[Town Staff]

Town Staff

Ought to Pass

Sponsor

Recommendation

02/21/2024 – Vote:

First Reading/Vote

03/06/2024

Public Hearing

03/06/2024 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: February 21, 2024

| |
|--|
| ACTION ITEM: Order No. 24-022. |
| <p>SUBJECT:</p> <p>First reading and schedule a public hearing on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance; Section 25.A.IV Pine Point and Section D.25.D. Speed Limits in Certain Areas. <i>[Town Staff]</i></p> |
| <p>PURPOSE:</p> <p>The revisions proposed for the Traffic Ordinance are intended to provide consistent, safe, and clear language regarding two areas within the Pine Point neighborhood where residents have pointed out parking concerns, and provide information related to speed limits that are under the jurisdiction of the Maine Department of Transportation (MaineDOT).</p> |
| <p>BACKGROUND:</p> <p>Last fall the MaineDOT made Town staff aware of discrepancies within our Speed Limit section of the Traffic Ordinance. Since the State is the governing authority to set speed limits, by having them listed within our Ordinance it leaves room for errors, omissions, and the false sense that the Town is able to set speed limits on public roadways. In addition, residents have brought up concerns related to safety issues with on-street parking within the Pine Point area of Town.</p> |
| <p>FISCAL IMPACT:</p> <p>No fiscal impact</p> |
| <p>STATUS / PROCESS TO DATE:</p> <ul style="list-style-type: none"> • Reviewed by the Ordinance Committee: October 12, 2023 and February 14, 2024 • First reading before the Town Council: February 21, 2024 |
| <p>PROPOSED ACTION:</p> <p>Approve of the first reading and schedule a public hearing for March 6, 2024 on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance; Section 25.A.IV Pine Point and Section D.25.D. Speed Limits in Certain Areas.</p> |
| <p>ATTACHMENTS:</p> <p>Ordinance Committee Memo</p> <p>Redline version of Chapter 601 Ordinance</p> |

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

Engineering & Technical Services

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

**PROPOSED AMENDMENTS TO CHAPTER 601
THE TOWN OF SCARBOROUGH TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 601 - the Town of Scarborough Traffic Ordinance, is hereby amended, as follows (additions are underlined; deletions are struck through):

1. Attachment A – Section 25.A.IV. Pine Point Parking
2. Attachment B – 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]~~

~~e.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 southwestly 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.~~

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 24-023. Move approval of the first reading on the proposed amendments to Chapter 610, the Piping Plover Ordinance and schedule a public hearing for Wednesday, March 6, 2024. [*Town Manager*]

Town Manager

Ought to Pass

Sponsor

Recommendation

02/21/2024 – Vote:

First Reading/Vote

03/06/2024

Public Hearing

03/20/2024 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: February 21, 2024

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| ACTION ITEM: Order No. 24-023. |
| SUBJECT: First reading and schedule a public hearing on the proposed amendments to Chapter 610, the Piping Plover Ordinance. <i>[Town Manager]</i> |
| PURPOSE: Update Chapter 610, Piping Plover Ordinance, to also include endangered least terns, provide clarity around allowed and prohibited activities, increase penalties for violations of the ordinance, and provide information specific to the Higgins Beach Wildlife Management Area, which is owned and managed by the Maine Department of Inland Fisheries and Wildlife and has more stringent regulations than other areas of Higgins Beach. |
| BACKGROUND: Residents of Higgins Beach and a representative of the Maine Department of Inland Fisheries and Wildlife requested the proposed changes to Chapter 610. |
| FISCAL IMPACT: Propose increasing fines for violating the ordinance from \$50-\$250 to \$100-\$500 to be consistent with Ch. 604, Animal Control Ordinance. |
| STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Reviewed by the Ordinance Committee: February 14, 2024• First reading before the Town Council: February 21, 2024 |
| PROPOSED ACTION: Recommend approval of the first reading on Order No. 24-023 and schedule a public hearing for Wednesday, March 6, 2024. |
| ATTACHMENTS: <ul style="list-style-type: none">• Proposed amendments to Chapter 610 – the Piping Plover Ordinance. |

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 610 - the Piping Plover Ordinance, is hereby amended, as follows (additions are underlined; deletions are struck through):

CHAPTER 610
TOWN OF SCARBOROUGH PIPING
PLOVER AND LEAST TERN
ORDINANCE

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

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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 Tern and their young by protecting their nesting, brooding, fledging, roosting and foraging activities on beaches within the Town of Scarborough from April 1st through Labor Day, except as specified.

2. Definitions.

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

Exclosure means a structure surrounding and protecting a nest an area 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*), identified as an endangered species, as listed under Maine's Endangered Species Act (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 MESA of 2003.

Sand surfer means a recreational device consisting of a board on wheels attached to a large kite or sail and propelled by wind power.

Significant Habitat Area (Habitat Area) means an area where Piping Plovers and Least Terns nest, brood, fledge, roost, and forage. These areas are marked by symbolic fencing and/or exclosures and extend the full width of the beach, from the dune to the low water mark.

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.
- 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.

Symbolic fencing means one or two strands of lightweight string, tied between posts to delineate areas where pedestrians, pets, and vehicles should not enter.

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 or Least Tern nests are present, 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 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 the ~~Maine Department of Inland Fisheries and Wildlife~~MDIFW. Once such fencing and/or enclosures have been created, the following prohibitions shall apply:

(~~1~~a) No person shall physically enter into ~~an exelosure~~a Habitat Area protected by fencing or an enclosure, except for wildlife management purposes authorized by the ~~Maine Department of Inland Fisheries and Wildlife~~MDIFW or the ~~United States Fish and Wildlife Service~~USFWS.

(~~2~~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 ~~brooding site~~Habitat Area, unless such activity is approved by the ~~Maine Department of Inland Fisheries~~MDIFW and ~~Wildlife or the United States Fish and Wildlife Service~~USFWS.

(~~3~~c) No owner of a ~~dog-pet~~ shall cause or permit that ~~dog-pet~~ to enter the enclosure or shall fail to prevent that ~~dog-pet~~ from entering the enclosure or fencing area. All dogs shall be leashed-managed in accordance with the Animal Control Ordinance, Chapter 604.

(~~4~~d) No person shall drive or operate a vehicle, including a non-motorized vehicle, on or above the wrack line. (~~a~~i) 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. (~~b~~ii) 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.

(~~5~~e) No person shall engage in kite flying, kitesurfing, sand surfing, ~~or~~ parasailing, knee boarding, or drone flying within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers or Least Tern Habitat Area between April 1st and August 31st.

(~~6~~f) No person shall discharge or cause the discharge of any fireworks on any beach on which Piping Plovers or Least Terns are nesting from April 1st until all chicks are fledged.

g) No person shall discharge or cause the discharge of any fireworks in the Higgins Beach Community and vicinity on the ocean side of Spurwink Road beginning at the intersection of Black Point Road and Spurwink Road to the Cape Elizabeth line, per Ch. 608A, Consumer Fireworks Ordinance.

(7h) No person shall build or attempt to build fires on any beach at any time in Scarborough, as per Ch. 612, Ordinance Creating Rules and Regulations for Use of Parks and Recreational Facilities. No person shall utilize a sand surfer within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers between April 1st and August 31st.

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 within the Piping Plover and Least Tern Habitat Area.

5. 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.

(Note: Federal Endangered Species Act [ESA] violations related to Piping Plovers and Least Terns are specified under ESA Section 9 [Prohibited Acts] and are enforced as per ESA 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, Least Terns, and ~~Piping Plover habitat~~their 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 event of any inconsistency between this Ordinance and state or federal laws or regulations, the more stringent provisions shall ~~control~~prevail.

7. Relation to private protection efforts.

This Ordinance is not intended to supersede or displace any efforts or activities of private individuals or organizations or any protections afforded to Piping Plovers and Least Terns and their habitat by deed restrictions, conservation easements, and other types of private covenants. To the extent any such private covenants are more restrictive than the provisions of this Ordinance, 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 1., 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 MESA, which is regulated by 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.

Figure 1. Higgins Beach Wildlife Management Area Map



**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 24-024. Move approval on the request from the Chief of Police, to accept a donation in the amount of \$1,000 from the Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli of Scarborough. [*Chief of Police*]

Chief of Police

Ought to Pass

Sponsor

Recommendation

02/21/2024 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: February 21, 2024

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| ACTION ITEM: Order No. 24-024. |
| SUBJECT: Act on the request from the Chief of Police, to accept a donation in the amount of \$1,000 from the Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli of Scarborough. [<i>Chief of Police</i>] |
| PURPOSE: To receive a donation in the amount of \$1,000 from Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli. |
| BACKGROUND: The Department received notification of a donation on behalf of a Scarborough resident from the Bank of America Charitable Gift Fund. |
| FISCAL IMPACT: \$1,000 |
| STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Police Chief received notification of donation: February 6, 2024.• Final Action before the Town Council: February 21, 2024 |
| PROPOSED ACTION: Recommend move approval of Order No. 24-024. |
| ATTACHMENTS: <ul style="list-style-type: none">• Memo from the Chief of Police. |



TO: Thomas Hall

FROM: Mark Holmquist

DATE: February 6, 2024

RE: Bank of America Charitable Gift Fund (Check# 0000177565)

I am writing this memorandum to respectfully request Town Council approval to accept a \$1,000.00 donation from the Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli of 22 Forest Street in Scarborough. On February 6, 2024, the Scarborough Police Department received a check from Bank of America listing Robert and Joan Carpenter Troccoli as the contributors. Also noted on the documentation from Bank of America was the intent of the donation, which requested the donation be used as needed by the police department.

With council approval, I would like to accept this generous donation on behalf of the Scarborough Police Department.

Respectfully submitted,

A handwritten signature in black ink that reads 'Mark A. Holmquist'.

Mark A. Holmquist
Chief of Police

<http://www.scarboroughmaine.org/departments/police>