

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 3, 2016**  
**WORKSHOP TO REVIEW THE PROPOSED PACTS PROJECTS – 6:00 P.M.**  
**WORKSHOP ON THE REQUEST FOR DISCONTINUANCE OF AVENUE TWO – 6:30 P.M.**  
**REGULAR MEETING – 7:00 P.M.**

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

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.\*
- Item 5.** Minutes: January 20, 2016 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer’s Warrants.

**\*Procedure for Addressing Council** [Posted in Chambers.]

**Resolution 16-001.** Requesting the Town Council’s support on the Transportation Improvement Program Projects to PACTS.

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:**

**Order No. 16-011.** First Reading and schedule a Planning Board public hearing on the proposed amendment to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Maine – Section III. Nonconformance Subsection C. to allow non-conforming structures to be elevated to meet Floodplain requirements.

**Order No. 16-012.** Act on the request to amend Chapter 302A – the Town Committees/Boards Manual relating to the Scarborough Housing Alliance.

- Item 8.** Non Action Items.
- Item 9.** Standing and Special Committee Reports and Liaison Reports.
- Item 10.** Town Manager Report.
- Item 11.** Council Member Comments.
- Item 12.** Adjournment.

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 3, 2016  
REGULAR MEETING – 7:00 P.M.**

**Resolution 16-001.** Move approval on the request for the Town Council’s support on the Transportation Improvement Program Projects to PACTS.



*Town of Scarborough, Maine*

US ROUTE ONE, PO BOX 360  
SCARBOROUGH, MAINE • 04070-0360

**RESOLUTION 16-001**

**TRANSPORTATION IMPROVEMENT  
PROGRAM PROJECT LIST**

**BE IT RESOLVED** by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

**WHEREAS**, the Town of Scarborough does hereby support the 2017 Municipal Partnership Initiative and 2019 Road Rebuild and Intersection Transportation Improvement Program Projects; and,

**WHEREAS**, the submission of the road and intersection improvement projects referred to in Exhibit A, Town of Scarborough, Transportation Improvement Program Projects, have been made to PACTS for review and consideration for inclusion in the 2017 Municipal Partnership Initiative and the 2019 Transportation Improvement Plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the Scarborough Town Council, in Town Council assembled, that we do hereby support the submission of these road and intersection improvement projects as referred to in Exhibit A.

Signed and sealed this the 3rd day of February 2016, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by:

William Donovan  
Council Chair

Attested by:

Yolande P. Justice  
Town Clerk

## EXHIBIT A

### ROAD AND INTERSECTION IMPROVEMENT PROJECT LIST

January 28, 2016

#### Municipal Partnership Initiative (2017)

- Gorham Road Complete Streets Project – This is a multi-phase road reconstruction and complete streets project for Gorham Road (Route 114) to improve the roadway, drainage, and bicycle and pedestrian accommodations from Wentworth Drive to Ridgeway (and ultimately Payne Road). This MPI request is for \$200,000 from PACTS for the first phase in 2017 of this multi-phase project.

#### Road Rebuild Improvement Project (2019)

- East Grand Avenue Road Rebuild and Complete Streets Project – This is a road rebuild and complete streets project for East Grand Avenue in Pine Point to reconstruct the roadway, fix drainage issues, add bike lanes, and update and enhance the sidewalk infrastructure between the East Grand Avenue / Pine Point Road intersection and the municipal boundary with Old Orchard Beach.

#### Intersection Improvement Project (2019)

- Pine Point Road / East Grand Avenue / Jones Creek Drive Intersection Project – This project is intended to update, modernize and simplify the Pine Point / East Grand / Jones Creek intersection and make it safer and more efficient for vehicular, bicycle and pedestrian use as well as integrate the intersection with the repaving, road reconstruction and complete streets planned for the area.

# Gorham Road PACTS Grant Summary

Gorham Road is a minor arterial with over 10,000 vehicles per day traveling along it, and as such, is considered one of the major commuter corridors in the region. The Town of Scarborough has submitted an application for the Gorham Road (Route 114) Complete Street Project, which spans 1.25 miles from Wentworth Drive to Ridgeway Road. This section of the corridor is vital to Scarborough's transportation system, as it links Scarborough's downtown area at Oak Hill intersection with the commercial area of town near Scarborough Gallery. In between these two focus areas is a large network of residential streets and development. These factors lend itself to a complete street approach to rebuilding the infrastructure within the corridor. The project will include: full-depth roadway reconstruction, paved shoulders/bike lanes, curb, sidewalk, multi-use path, drainage improvements, water quality treatment measures, and stream crossing upgrades.



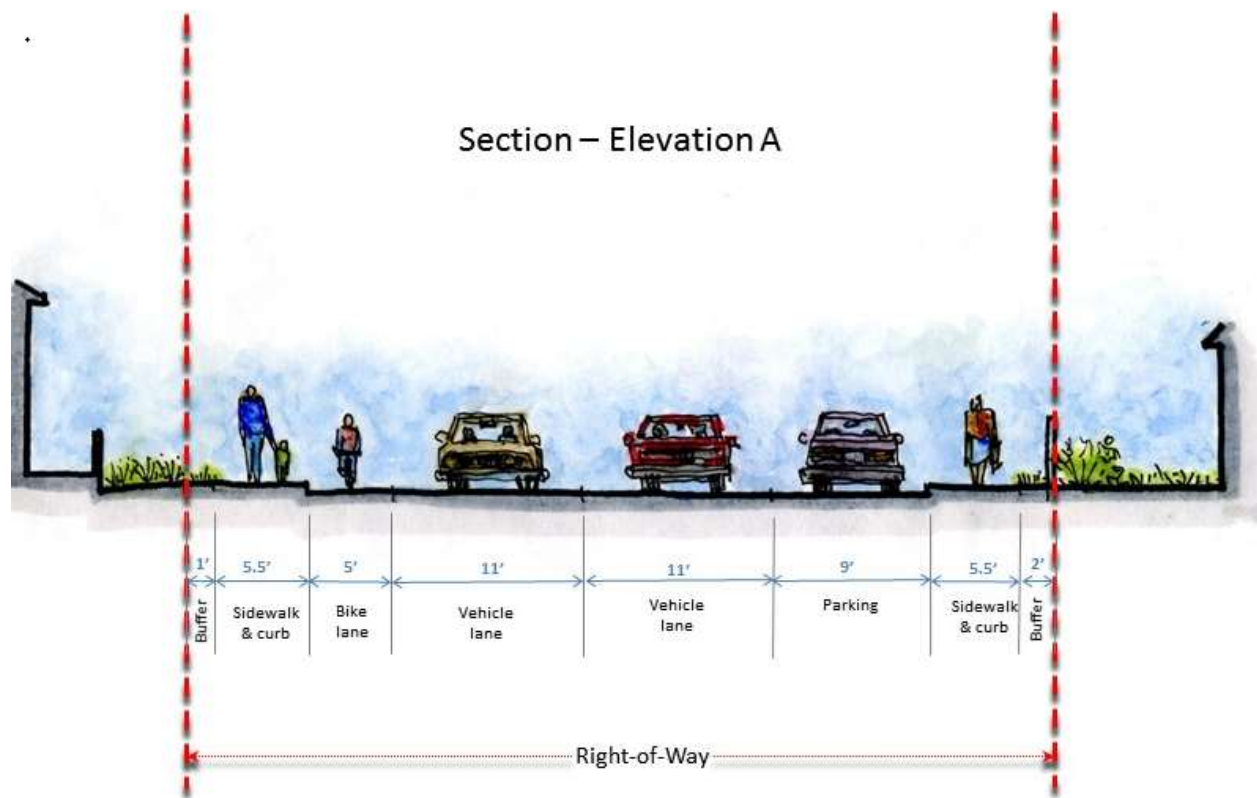
This busy corridor has had limited work performed on it over the past 25 years. Approximately eight years ago the Maine Department of Transportation (MDOT) completed paving project from the Oak Hill intersection to Maple Avenue. The remainder of the corridor has had only spot repairs performed by Scarborough Public Works Department. Even in the area of the MDOT mill and fill project, the roadway is showing signs of stress, which indicates that the roadway base needs to be rebuilt and drainage improvements completed rather than continuing to add more pavement to the roadway surface.

This project is intended to be the first phase of a larger initiative to rebuild 2.1 miles of Gorham Road, from Wentworth Drive to Payne Road. Staff anticipates that this project will be divided into multiple phases, and will span over many fiscal years tapping into a variety of funding sources from State and Federal agencies.

# East Grand Avenue PACTS Grant Summary

The East Grand corridor from the Pine Point Road intersection to the Old Orchard Beach town line is in need of capital improvements. The current road surface is in poor condition and last received a thin overlay 13 years ago. The drainage is 1950's vintage and is inadequate to handle the runoff from the additional impervious surface created over the last 60 plus years. Additionally, when the current system was design there was no consideration of treating stormwater for removal of pollutants. By today's standards the design of East Grand is outdated.

The proposed project is intended to address drainage and water quality needs as well as create a street scene that meets the needs of residents and visitors. Using a "Complete Streets" approach we intend to build a road system that supports multi modal transportation. The project will consider the surrounding landscape to be sure it is in scale with the other features around it. Below is a cross section that provides an example of what East Grand Avenue could look like.



Staff believes that a roadway with elements of the cross section above are appropriate for the East Grand Ave corridor. It has proper scale to the buildings in the area and addresses the desire of people to enjoy the Pine Point area in a number of ways. A design like this supports transportation and passive recreation activities within the 50 right of way that exists.

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**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 3, 2016**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 16-011.** Move approval of the first Reading and schedule a Planning Board public hearing on the proposed amendment to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Maine – Section III. Nonconformance Subsection C. to allow non-conforming structures to be elevated to meet Floodplain requirements and schedule a Town Council public hearing and second reading upon the filing of the Planning Boards recommendations.



To: Town Councilors and Tom Hall, Town Manager  
From: Brian Longstaff, Zoning Administrator and Dan Bacon, Planning Director  
CC: Long Range Planning Committee  
Date: January 28, 2016

**Proposed Zoning Amendment to  
Enable Non-conforming Structures to Meet Flood Zone Requirements**

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Currently a conflict exists between our Zoning Ordinance and our Floodplain Management Ordinance in situations where a building may exhibit a zoning non-conformity (such as not meeting a setback requirement) and is also located in a flood zone, where buildings are expected to be elevated to protect loss of life and property. In such circumstance, (which are fairly common in our beach and coastal areas) non-conforming buildings are not allowed to be “expanded, enlarged, or increased in height” unless they receive a variance from the Board of Appeals, while the Floodplain Management Ordinance requires these structures to be elevated to at least 1 ft. above the base flood elevation if the building is being invested in and improved by 50% of the value of the structure or greater.

Under the current regulatory situation our zoning ordinance does not permit by-right, and makes difficult by dictating a hardship variance, what our Floodplain Ordinance requires property owners to do to make their buildings more resilient to flooding and storm damage.

The proposed amendment is intended to address and eliminate this conflict between the two ordinances by expressly allowing non-conforming buildings and structures to be elevated and increased in height for the purposes of meeting the minimum elevation requirements of the Floodplain Management Ordinance as well as the Maine Department of Environmental Protection Sand Dune requirements, which also often require elevating structures in these same coastal areas.

The need for this change has been known for some time, and with the recent Higgins Beach zoning updates bringing this matter further to light, it makes sense to eliminate this conflict and enable and promote the elevating of buildings vulnerable to flooding.



## Proposed Amendment to the Zoning Ordinance Regarding Modifying Nonconforming Structures to Meet Flood Zone Requirements

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend SECTION III. NONCONFORMANCE subsection C. as follows (additions are underlined; deletions are struck through):

### Section III. NONCONFORMANCE

...

#### C. NON-CONFORMING BUILDINGS OR STRUCTURES

1. No building or structure which is non-conforming with respect to the Space and Bulk requirements of this Ordinance may be expanded, enlarged or increased in height unless such expanded or enlarged portion complies with the Space and Bulk requirements of this ordinance or the Board of Appeals grants relief from such requirements by [a variance under Section V, B, 3 or Section V.B.6](#), or by limited reduction of yard size under Section V, B, 5 of this Ordinance, except that:

a) The installation of one or more dormers on a dwelling shall not be considered an expansion, enlargement or increase in height provided that (1) dormer or dormers are set in a minimum of 12 inches from each end of the roof and from the exterior face of the story immediately below the roof, (2) the aggregate length of all dormers, measured along their faces, does not exceed the total length of the ridge of the roof less 24 inches, and (3) the height of the ridge is not increased.

b) The elevation of an existing structure required for the purpose of meeting the minimum elevation standards in the Scarborough Floodplain Management Ordinance or Maine Department of Environmental Protection Chapter 355 – Coastal Sand Dune Rules, shall not be considered an expansion, enlargement or increase in height.

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**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 3, 2016  
REGULAR MEETING – 7:00 P.M.**

**Order No. 16-012.** Move approval on the request to amend Chapter 302A – the Town Committees/Boards Manual relating to the Scarborough Housing Alliance.

**CHAPTER 302A  
TOWN OF SCARBOROUGH  
TOWN COMMITTEES/BOARDS MANUAL**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302A, the Town Committees/Boards Manual of the Town of Scarborough, Maine is amended by deleting the text shown in strikeover type, as shown below:

**SCARBOROUGH HOUSING ALLIANCE**

[Adopted May 15, 1991, Amended October 15, 2003, Amended February 18, 2004, Amended April 6, 2005]

**Established**

The Scarborough Housing Alliance is hereby established.

**Purpose**

The purpose of the Council in establishing the Alliance is to create a broadly-based community group to:

- Work together to develop and recommend a local affordable housing agenda to the Town Council.
- Implement a local affordable housing program under the guidance of the Town Council.
- Perform such other duties as may be assigned by the Town Council from time to time.

State Recognition - It is the intent of the Scarborough Town Council that the Scarborough Housing Alliance shall constitute the “*Local Housing Alliance*” of the Town of Scarborough for purposes of State law and regulations. [amended 10/15/03]

**Organization and/or Membership**

Members of the Alliance shall be comprised of seven (7) residents of the Town who shall be appointed by the Town Council for staggered three-year terms. Members shall be appointed from both the public and private sectors and may include such individuals as town councillors, bankers, business people, clergy, housing activists, real estate brokers, builders, comprehensive planning committee members, interested citizens, and representatives from community action programs, human service organizations, and other non-profit organizations. Of the seven (7) members first appointed, one (1) member shall be appointed for a term of one year, three (3) members for a term of two years, and three (3) members for a term of three years. Thereafter, replacement appointments shall be for a term of three years. A Council Liaison will be appointed as a ~~non~~ voting member. [amended 10/15/03] [amended 02/18/04]

Vacancies and Removal - Any vacancy shall be filled for the remainder of the unexpired term by the Town Council. The Town Council may remove any member of the Alliance by vote of a majority of its members for misconduct or nonperformance of duty.

Quorum and Voting - A quorum shall consist of four (4) members. The concurrence of a majority of the members of the Alliance present and voting shall be necessary to decide any questions before the Alliance. [amended 10/15/03] [amended 04/06/05]

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