

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – JUNE 26, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Item 1. Call to Order.** Chairman McGee called the regular meeting to order at 7:02 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Thomas Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were also present. Councilors present:

Councilor April V. Sither - Vice Chair [Absent]	Councilor Jean-Marie Caterina
Councilor Donald W. Cushing, Jr.	Councilor Donald R. Hamill
Councilor Karin B. Shupe [Absent]	Councilor Jonathan E. Anderson
Chairman Nicholas S. McGee	

**Item 4. General Public Comments.**

- Denise Hamilton of Two Rod Road, spoke on the Light Industrial Zone and changes to this area and would like answers to why this happened.
- Richard Pelton of Two Rod Road, also spoke on the zone change in his area and read a letter that had been received back in 2012, which stated that trucking terminals would not be allowed and now there is one going in – how did that happen?
- Barry Stevens of Scarborough, voiced his concerns on the TIF with the Downs and not having any public input in the process. This will have a long term effect on the residents.

**Item 5. Minutes: June 5, 2024 - Town Council Meeting.** Motion by Councilor Caterina, seconded by Councilor Cushing, to move approval of the minutes from the June 5, 2024, regular Town Council meeting, as written.

Vote: 5 Yeas. Motion Passes.

**Item 6. Adjustment to the Agenda.** Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval to move Order No. 24-049 [Land Bond request] to follow Order No. 24-050 [Contract Zone request]

Vote: 5 Yeas. Motion Passes.

**Item 7. Items to be signed: a. Treasurer's Warrants.** Treasurer's Warrants were signed prior to the meeting.

**Item 8. Town Manager Report.** Thomas J. Hall, Town Manager, gave the following updates and responded to questions from the Town Council:

- **Affordable Housing Grand Openings -**
  - Village Commons - June 18th
  - Jocelyn Place - June 20th
- **Upcoming Workshops -**
  - June 26th - Short-Term Rentals
  - June 27th - School Building Committee Report/School Survey Results
  - July 17th - November Ballot Questions
  - August 21st - Community Center Presentation

- **Mooring Expansion** -
  - As many as 30 new mooring opportunities as a result of dredging project
- **Eastern Trail - Close The Gap** -
  - Agreement with CSX on Aerial Easement and Construction Agreement
  - Application with MDEP and Army Corps of Engineers
- **Gorham Connector** -
  - Tentative 2nd Public Meeting - July 18th, at Wentworth School
- **Alger Hall** -
  - Purchase and Sales Agreement negotiated - TC action on July 17th
  - Access License and Indemnity Agreement executed
- **State of Scarborough Address** -
  - Scarborough Chamber of Commerce- July 25th
- **Summer Schedule** - Per Council Rules only one meeting per month in the summer
  - July 17<sup>th</sup>
  - August 21<sup>th</sup>
- **Route One Traffic** - Activation of Adaptive Signals
- **Concerts In The Park** - Starts June 27th, every Thursday through August 1st
- **BoardDocs** - Active for the July 17th meeting
- **Ralph Masciovecchio** - SCC President's Award

**Order No. 24-050, 7:00 p.m. Public with the Town of Scarborough Town Council and the Planning Board to discuss the proposed Ninth Amendment to the Contract Zone Agreement for The Gateway at Scarborough. The amendment is proposed by DEEP Engineering Solutions for property located off of Cabela Boulevard (Assessor's Map R040, Lot 5). The proposed contract zone amendment includes a 120-unit hotel. (*Applicant, Planning Director*)** Prior to the presentation from the applicant, Autumn Speer, Planning Director, gave a quick overview on this Order.

**Planning Board Members:**

Racheal Hendrickson, Chair  
 Rick Meinking, Vice Chair  
 Roger Beeley  
 Jennifer Ladd  
 James Herbert  
 Bennett Flanders  
 Autumn Speer, Planning Director

**Town Council Members:**

Chairman Nicholas McGee  
 Councilor Jonathan Anderson  
 Councilor Jena-Marie Caterina.  
 Councilor Donald Cushing, Jr.  
 Councilor Donald Hamill  
 Thomas J. Hall, Town Manager

- **Presentation by the Applicant:** Michael Wallace, Project Representative of DEEP Engineering Solution, and Dinesh Petal, Project Owner. Mr. Wallace reviewed the packet that had been provided to the Town Council and Mr. Petal, Project Manager, also spoke on the proposed project and both responded to questions from the Town Council and the Planning Board..

Chairman McGee stated that at the end of this hearing the Town Council would have to decide on whether to move this request forward or not. He then introduced Rachel Hendrickson, Chair of the Planning Board, to make comments.

- Comments from Town Staff:
  - R. Hendrickson, Planning Chair, spoke on the benefits that this project would bring. She added that this was the fourth request for a hotel that has come before the Planning Board.
  - R. Meinking, Vice Chair of the Planning Board, voiced his concerns on why there is so many parking spots in this area. If this project is given the go ahead he would like to see EV parking and less concrete.
  - B. Flanders, Planning Board, since this project is right off the exit, it would be nice to a good visual view for anyone coming into Scarborough and agreed with Mr. Meinking about adding EV parking spaces.
  - J. Hebert, Planning Board, spoke on the public benefit by having walkability to other areas in this location. Use this opportunity to enhance the project for connectivity; also more trees and less asphalt
  - R. Beeley, Planning Board, echoed the comments that had been previously made. He then explained why there was so much asphalt at the Cabela's location.
  - J. Ladd, Planning Board, she looks forward to seeing how the applicant incorporates the comments that have been made this evening if this request is given the go ahead.
  - R. Hendrickson, spoke on the connectivity and having a possible welcoming center there for those who
  - A. Speer, Planning Director, asked the applicant to clarify what area they have to work with.
- Comments from Members of the Public:  
The public hearing was opened at 7:46 p.m. There being no comments either for or against, the hearing was closed at 7:47 p.m.
- Councilor Comments:
  - Councilor Caterina voiced her concerns as to where the workers could live.
  - Chairman McGee questioned the TMP levels
  - Councilor Hamill asked about the other hotels the applicant owns and attracted him to this location. Mr. Patel says he has always wanted to build at this location.
  - Councilor Anderson would support this recommendation.
  - Mr. Patel responded to a question from the Planning Chair with regards to the definition of "extended stay".
  - Councilor Cushing asked the number of employees they would employ.
- Response or Rebuttal from the applicant: None at this time.
- Discussion among members of the Planning Board and Town Council, which may include questions posed to the applicant, staff and the public: None at this time.
- Comments from members for the Planning Board concerning the land use implications of the proposed contract zoning amendment:

The Planning Board members and Town Councils all agreed that this project was good.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the proposed Ninth Amendment to the Contract Zone Agreement for The Gateway at Scarborough, to continue to process the request for contract zoning, with or without modifications suggested by the Council;  
or

Vote: 5 Yeas. Motion Passes.

Chairman McGee called for a short recess at 7:57 p.m. The meeting was reconvened at 8:09 p.m.

**Order No. 24-049. Second reading to approve the expenditure, in an amount not to exceed, \$800,000 from the Land Acquisition Reserve Fund for the purpose of purchasing property located at 65 Hanson Road [Silver Brook Preserve II], identified by the Scarborough Tax Assessors Map R001/Lot 003, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest. [Parks and Conservation Land Board]** Jessica Sargent, Chair of the Parks and Conservation Land Board, spoke on this Order. The following individuals spoke on this Order:

- Andrew Mackie, Executive Director of the Scarborough Land Trust, spoke in support of this Order and asked that members of the public please stand to show their support [the majority of those in attendance stood in support of this request].
- Senator Stacy Brenner, of Broadturn Road, thanked the Council for all their hard work. She spoke in support of this request.
- Lucy Lacasse of Old Neck Road, spoke in support of this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval second reading to approve the expenditure, in an amount not to exceed, \$800,000 from the Land Acquisition Reserve Fund for the purpose of purchasing property located at 65 Hanson Road [Silver Brook Preserve II], identified by the Scarborough Tax Assessors Map R001/Lot 003, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest.

Vote: 5 Yeas. Motion Passes.

**Order No. 24-041, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405B Site Plan Review, IV Performance and Design Standards, D. Parking Areas; E. Pedestrian Ways, Space and Alternative Transportation; F. Landscape, Buffering and Greenspace; K. Outdoor Storage; Appendix Plant Material List; and Chapter 405B-1 Design Standards for Commercial Districts. [Planning Director]** Autumn Speer, Planning Director, spoke on this Order and responded to questions, from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the second reading on the proposed amendments to Chapter 405B Site Plan Review, IV Performance and Design Standards, D. Parking Areas; E. Pedestrian Ways, Space and Alternative Transportation; F. Landscape, Buffering and Greenspace; K. Outdoor Storage; Appendix Plant Material List; and Chapter 405B-1 Design Standards for Commercial District.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval to amend the main motion to as follows:

#### **14. Alternative Transportation and Bicycle Facilities**

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

#### **19. Waivers Landscape and Screening Standards**

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

- h. The Planning Board may consider waivers for the number of bicycle parking facilities for parking lots with 50 or more parking spaces provided.**

Vote on Amendment: 5 Yeas. Motion Passes.



Main Motion as amended:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following Chapter 405B Town of Scarborough Site Plan Review Ordinance is amended as recommended by the Planning Director.

**CHAPTER 405B  
SITE PLAN REVIEW ORDINANCE  
TOWN OF SCARBOROUGH**

TABLE OF CONTENTS WILL BE UPDATED UPON APPROVAL OF AMENDMENTS

**CHAPTER 405B  
TOWN OF SCARBOROUGH  
SITE PLAN REVIEW**

**I. Purpose**

The Town of Scarborough finds that uses and structures for which site plan submissions are required are potentially significant additions to the community's built and natural environment as well as to the residential, commercial or industrial neighborhood in which they are proposed. The purpose of site plan review is to ensure that the design, layout and construction of these additions to the community constitute suitable development and will not result in a detriment to the neighborhood, community or environment. The standards and requirements of this ordinance are intended to assure that adequate provisions are made for: traffic safety, access and circulation; emergency access and response; stormwater management; protection of natural features and the environment; water supply and sewage disposal; and minimizing impacts to abutting properties or uses.

**II. Applicability**

**A. Activities Requiring Site Plan Review [amended 04/21/2021]**

Site Plan approval is required before any building or structure is erected or externally enlarged and before any parking, loading, or vehicular or pedestrian use is established, enlarged or changed, with the exception of the activities found below in Section II(B). Activities subject to site plan review shall be divided into two classes: Major Development Review and Minor Development Review.

1. Major Development Review. Planning Board approval is required for any activity described above, except for any activity that may be eligible for Minor Development Review outlined below, or as exempt as provided in Section II.B.
2. Minor Development Review. Town Planner approval is required for any permitted uses in the Industrial District, the Light Industrial District, and those uses in the Crossroads Planned Development District which are permitted only within the "inclusionary area" as outlined in Section XX.C.I.B.iv of the Scarborough Zoning Ordinance.

Notwithstanding the above, the following activities in the Industrial District, the Light Industrial District, and those uses in the Crossroads Planned Development District which are permitted only within the "inclusionary area" as outlined in Section XX.C.I.B.iv require Major Development Review from the Planning Board:

- a. Activities with one-acre or more of disturbance;

- b. Activities that are forecasted to generate more than 35 trip ends during any peak hour; and
- c. Activities that require amendments to state or federal permits.

The Town Planner (or designee) may refer approval of a permitted use defined as requiring minor development review to the Planning Board for Major Development Review when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources, as determined by the Town Planner (or designee). Additionally, an applicant may request that a project be reviewed by the Planning Board through Major Development Review instead of Minor Development Review for any reason.

## **B. Activities Exempt from Site Plan Review [amended 05/05/2010; 01/04/2023]**

The following activities shall not require site plan approval; however, such activities may require building permits, plumbing permits or other local or State approvals:

1. The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use. More than one single family or two-family dwellings developed on a single lot under unified ownership, as defined in Section II(d)(9) of the Zoning Ordinance, are not exempt from Site Plan Review.
2. Alterations to a building which in total do not increase the floor area of the building by more than 100 square feet.
3. Municipal buildings or uses, but shall be reviewed by the Planning Board for an advisory opinion to the Town Council or the applicable Town Department.
4. Buildings, structures and areas of impervious surface, the principal use of which is the conduct of accessory agriculture, commercial agriculture, or commercial animal husbandry, as are defined in Section VI. Definitions of the Town of Scarborough Zoning Ordinance.
5. Farm stands with no more than 400 square feet of retail sales area.
6. Temporary use of accessory storage containers.
7. Timber harvesting.

## **III. Application & Review Procedures [amended 04/21/2021; 07/19/2023]**

The following procedures and application requirements shall govern development proposals for major and minor development review.

### **A. Major Development Review [amended 04/21/2021]**

#### **1. Sketch Plan Review**

Prior to submitting a formal site plan review application, the applicant may submit a sketch plan for review by the Planning Board. The sketch plan shall be conceptual and sketch plan review shall be considered an informal, informational review and discussion. The purpose of the sketch plan review process is to enable the applicant to present a concept plan for a development to the Planning Board in order for the Board to understand the type and scale of the proposed development as well as the associated on and off-site issues. Further, this process is intended to provide the applicant with preliminary feedback from the Board in order to identify any issues or revisions that should be addressed in the site plan review application.

The following information should be submitted or presented for discussion during sketch plan review:

- a. The proposed site, including its boundaries, size, location, and landscape.

- b. The environmental characteristics or constraints of the site, such as waterbodies, wetlands, floodways, steep slopes, etc.
- c. The proposed use and scale of development, including a conceptual site plan, landscape plan, and building elevations.
- d. Total disturbed area.
- e. An overview of any traffic issues or implications.
- f. An overview of the local regulations and State permits that may apply to the proposed project and any requested waivers of such regulations.

The sketch plan review shall be conceptual and informational, and there shall be no formal action by the Planning Board. Further, the submittal and review of a sketch plan shall not be considered the creation of a pending proceeding under 1 M.R.S.A. § 302. Following sketch plan review, an applicant must submit a formal site plan review application in order to seek site plan approval.

## **2. Site Plan Application Procedures & Action [amended 06/05/19]**

- a. An application for site plan review shall be submitted to the Planning Department with the requisite fees and submission requirements, as outlined in Section VI.A of this ordinance. Upon receipt of any application that meets the submission requirements the Town Planner shall schedule the site plan for review on the next available Planning Board meeting agenda. An initial determination as to the completeness of the application shall be made by the Town Planner and Town Engineer, subject to final determination by the Planning Board. The Planning Board reserves the right to request additional plans or information, as stated in Section III(3)(i), depending on the nature of the proposal and its anticipated impacts. The Planning Board may also engage the services of one or more professional consultants to review the materials submitted by the applicant, the cost of which shall be paid by the applicant as provided in Section VI(B) of this ordinance.
- b. When an application for site plan review is determined to be complete, the Planning Department shall, at the applicant's expense, give written notification to all abutting property owners within five-hundred (500) feet of the parcel on which the proposed development is located of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least ten (10) days prior to the first meeting at which the complete application is to be reviewed. Failure of any property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For purposes of this section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough. The Planning Board shall provide an opportunity for public comment prior to taking action on any site plan application.
- c. No application for site plan review shall be considered complete nor acted upon by the Planning Board until all special exceptions or variances which may be required for a development have been approved. The Planning Board may conduct its shoreland zoning or subdivision review concurrently with a project's site plan review.
- d. The Planning Board may make a decision at the initial Planning Board meeting at which a site plan is heard or may request additional meetings to receive revised plans or additional information pertaining to the proposal, and then issue a decision. The Planning Board may deny the application, approve the site plan as submitted, or approve the site plan with such conditions as the Board finds necessary to ensure compliance with the standards of this ordinance and other applicable ordinances of the Town of Scarborough.

- e. If a site plan application is denied, a substantially similar application shall not be brought before the Planning Board within one (1) year from the date of the denial of the original application. This limitation may be waived if the majority of the Board finds that substantial new evidence exists or an error or mistake of law or misinformation concerning the original application is identified.
- f. Any appeal of a Planning Board decision on an application for site plan review shall be taken directly to Cumberland County Superior Court. Decisions of the Planning Board are not appealable to the Scarborough Board of Appeals.
- g. Upon written request, the Town Planner may approve transfer of Site Plan approval granted to the project owner to an alternative developer or property owner, or the Planner may refer any request for transfer to the Planning Board for decision. A transfer shall be approved only if the new developer or owner has the financial and technical capacity to comply with the requirements of the site plan approval.
- h. Final approval shall expire one (1) year from the date of such approval unless the applicant has started substantial construction. The Town Planner may extend final approval for one (1) additional year for good cause, provided a written request for extension is submitted before the expiration of the approval. At her/his option, the Town Planner may refer any request for extension to the Planning Board for decision. [amended 11/01/17]
- i. The property shown on the approved site plan may be developed and used only as shown on the plan. All elements and features of the plan and all representations made by the applicant which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended site plan is approved by the Planning Board. Minor deviations that do not alter the essential nature of the approval or affect approval criteria may be approved by the Town Planner (or designee) and with endorsement of the Planning Board Chair.
- j. The text of paragraph (i), above, shall be included as a note on the approved site plan.
- k. A request to amend an approved site plan shall be processed in the same manner as an application for site plan review, except that the Town Planner may grant preliminary waivers of submission requirements, subject to review of such waivers by the Planning Board when the Board takes up the request for amendment.

### **3. Submission Requirements**

The applicant shall submit to the Planning Board the following plans and information in a form required by the Planning Department:

- a. A boundary survey prepared by a professional land surveyor licensed by the State of Maine indicating the boundary lines, dimensions, encumbrances, water bodies, water features, zoning designation(s) and topography of the site. This boundary survey shall be prepared at a scale no greater than one (1) inch = forty (40) feet. Plans showing engineering details submitted as part of the site plan application may be prepared by either a professional land surveyor or by a professional engineer.
- b. A site plan(s), at a scale no greater than one (1) inch = forty (40) feet, showing all existing and proposed buildings, contour elevations, structures, parking spaces and layout, driveways, driveway openings, service areas, proposed outside display or vending areas, proposed grades and drainage facilities, proposed water and sewage facilities or connections, landscaping plan including proposed trees and planting areas, proposed locations of fences, walls, signs and advertising features, proposed walkways and pedestrian amenities, total disturbed areas, and a lighting plan. The site plan shall also include a locus map showing the

relationship of the project to the surrounding area at a scale no greater than one inch equals 2,000 feet. The site plan shall also show all contiguous land owned by the applicant or the owner of the land proposed for development.

- c. Building plans showing the floor plans, an outside access plan, and all elevations. The elevations shall indicate the proposed material and color of all of the proposed principal buildings and structures. The Planning Board may also require elevations of the accessory buildings and structures depending on their size and location.
- d. Stormwater management systems, details and calculations in compliance with Section IV.G of this Ordinance.
- e. An erosion and sedimentation control plan and narrative in accordance to Chapter 420 - Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance.
- f. A written statement prepared by a Maine Licensed Professional Engineer that describes the potential traffic flow patterns into and upon the site for both vehicles and pedestrians, the expected peak hour trip generation associated with the proposal, and the measured sight distance of each proposed driveway access. A traffic impact study shall be submitted for any project forecasted to generate 35 or more trip ends during any peak hour or if a project is forecasted to cause an existing access with less than 35 peak hour trip ends to exceed this threshold. The Planning Board or Town staff may also require a traffic study if specific safety or capacity issues have been identified for the general vicinity of the development. The scope of the study shall be determined based on discussions with the Town's Traffic Engineer and be completed by a Registered Professional Engineer with significant experience in traffic engineering. The study should be appropriate for the level of impact. At a minimum the study shall contain the following information: collision history at the intersection of the proposed street/driveway, capacity evaluation at the proposed driveway, sight distance analysis, Road Impact Fee calculations and the need for improvements such as turning lanes, signalization, etc. In compiling a traffic study, trip generation shall be based upon the most recent edition of the ITE's "Trip Generation" Manual and shall include an evaluation of each peak hour condition.
- g. Any proposed off-site improvements to roads, sidewalks, natural areas or other infrastructure as may be necessary to accommodate the proposed development.
- h. A lighting plan in compliance with Section IV(H) of this ordinance.
- i. Reports from the Police Chief, Fire Chief, and to the extent applicable, from the Water District and Sanitary District, containing their requirements or recommendations.
- j. Such other information or plans as may be necessary to enable the Town Planner, Town Engineer, Code Enforcement Officer, and Planning Board to determine that the proposed structure and use of the land will conform to the provisions of this ordinance, the Scarborough Zoning Ordinance and, where applicable, the Scarborough Shoreland Zoning Ordinance and all other applicable Town Ordinances.
- k. A list of any requested waivers of required submissions and waivers from the standards of this ordinance.
- l. A description of method to be used to permanently delineate wetlands and wetland buffers to prevent encroachment. [08/17/2005]
- m. The location and description of all historic and archeological resources on the parcel as identified by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or Section VII.H. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance together with a narrative describing how these resources can

be preserved and incorporated into the development plan. If an identified resource will be removed, altered, or not included as part of the development plan, a statement shall be provided as to why the resource cannot be preserved and the options considered but rejected for including it as part of the development plan. [03/19/2014][Amended 03/18/2015]

The Planning Board may waive any of the above submission requirements if the Board finds that the required information is not necessary due to special circumstances of a particular site plan, or the nature or scale of the proposed development. Requirements set forth in Chapter 419 Town of Scarborough Post-Construction Stormwater Infrastructure Management Ordinance and in Chapter 420 Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance are required by the Maine Department of Environmental Protection and the Environmental Protection Agency and are not waivable.

## **B. Minor Development Review [amended 04/21/2021]**

1. An application for site plan review shall be submitted to the Planning Department with the requisite fees and submission requirements, as outlined in Section VI.A of this Ordinance. The Town Planner (or designee) reserves the right to request additional plans or information, as stated in Section III.A(3)(i), depending on the nature of the proposal and its anticipated impacts. The Town Planner (or designee) may also engage the services of one or more professional consultants to review the materials submitted by the applicant, the cost of which shall be paid by the applicant as provided in Section VI.B of this ordinance.
2. After the Town Planner (or designee) determines that an application is complete, the applications are distributed to the Town Engineer, Zoning Administrator, Fire Chief (or designee), Police Chief (or designee), and the Director of Public Works (or designee) for review and comment.
3. The Planning Department shall also, at the applicant's expense, give written notification to all abutting property owners within five hundred (500) feet of the parcel on which the proposed development is located, and must include a brief description of the proposed project, the name of the applicant, the location where the application is available for inspection, how written comments on the application may be submitted. Failure of any property owner to receive the notification shall not invalidate any action of the Town Planner. For purposes of this section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough.
4. Within 30 days of determining the application complete, and after a ten (10) day public comment period following mailing of the notice to abutting property owners, the Town Planner (or designee) shall review all submitted comments and act on the application to either: a. send the application to Major Development Review; or b. approve, approve conditionally, or deny the application. The decision of the Town Planner (or designee) shall be provided in writing to the applicant.
5. If a site plan application is denied, a substantially similar application shall not be brought before the Town Planner (or designee) within one (1) year from the date of the denial of the original application. This limitation may be waived if the Town Planner finds that substantial new evidence exists or an error or mistake of law or misinformation concerning the original application is identified.
6. Any appeal of the Town Planner's decision on an application for Minor Development Review shall be taken directly to the Planning Board; provided the appeal is made within 30 days of the issuance of the decision. Upon such an appeal, the Planning Board shall review the application as a Major Development Review; including all procedures and submission requirements of section III.A.

7. Upon written request, the Town Planner may approve transfer of Minor Development Site Plan approval granted to the project owner to an alternative developer or property owner, or the Planner may refer any request for transfer to the Planning Board for decision. A transfer shall be approved only if the new developer or owner has the financial and technical capacity to comply with the requirements of the site plan approval.
8. Final approval shall expire one (1) year from the date of such approval unless the applicant has started substantial construction. The Town Planner may extend final approval for one (1) additional year for good cause, provided a written request for extension is submitted before the expiration of the approval. At her/his option, the Town Planner may refer any request for extension to the Planning Board for decision.
9. The property shown on the approved site plan may be developed and used only as shown on the plan. All elements and features of the plan and all representations made by the applicant which appear in the application are conditions of approval. No change from the conditions of approval is permitted unless an amended site plan is approved by the Town Planner (or designee). Minor deviations that do not alter the essential nature of the approval or affect approval criteria may be approved by the Town Planner (or designee).
10. The text of paragraph 9, above, shall be included as a note on the approved site plan.
11. A request to amend an approved site plan shall be processed in the same manner as an application for site plan review, except that the Town Planner (or designee) may grant preliminary waivers of submission requirements.

#### **IV. Performance & Design Standards [amended 04/21/2021; 07/19/2023]**

The following minimum performance and design standards shall apply to all site plans and shall serve as the minimum requirements for approval of any application. However, where the Planning Board or Town Planner (together the “Applicable Reviewing Authority”) as applicable finds that due to the nature or special circumstances of a particular plan the requirements of certain standards are not requisite to the interest of public health, safety and general welfare, the Applicable Review Authority may waive such requirements, subject to appropriate conditions to achieve the intent of this ordinance. Requirements set forth in Chapter 419 Town of Scarborough Post-Construction Stormwater Infrastructure Management Ordinance and in Chapter 420 Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance are required by the Maine Department of Environmental Protection and the Environmental Protection Agency and are not waivable.

##### **A. Site Utilization & Layout**

The primary goal of the site plan review process is to produce attractive and functional sites that compliment and conform to both the natural and built environment in which they are proposed. To this end, the built portions of a site shall be laid out in only the most environmentally suitable locations for development. Structures and impervious areas shall be designed around, and away from, resource areas such as wetlands, steep slopes, water bodies and other unique natural features. Once the build-able portion of a site is identified, the principal building(s) is the most critical amenity to orient and position, as it is the focal point of the site in regards to use, visitation, and aesthetics. The principal building(s) shall be oriented on the site in a way that is compatible with neighboring structures and the development pattern in the vicinity. The building(s) shall also be positioned to provide an aesthetic and functional relationship with surrounding streets and sidewalks to ensure attractive and efficient vehicle and pedestrian access. Parking areas, driveways, access points and sidewalks shall be designed around, and to serve, the principal building(s) and shall also compliment the neighboring development patterns and transportation networks as well as the Comprehensive Plan guidelines.

## **B. Site Access [amended 04/21/2021]**

Vehicle access to and from the site shall be safe and convenient, shall minimize conflict with the existing flow of traffic, and shall be from roads that have adequate capacity to accommodate the additional traffic generated by the development. Access management techniques such as limiting the number of driveways and combining driveways preserves mobility and improves safety, and shall be incorporated to the extent feasible.

As used in this Section IV(B), the term “street or driveway” includes both public and private local, collector and arterial streets, as well as entrance roads.

### **1. Entrance Location & Design**

- a. Any street or driveway access shall be separated from any other street or driveway, existing or proposed, on-site or off-site, in accordance with the following table. The Applicable Reviewing Authority may relax these standards only upon finding, based on a traffic study, that the location of the street or driveway closer than these minimums is necessary for effective utilization of the site or to enable the sharing of an access with an adjacent lot to reduce the total number of necessary curb cuts, and will not cause unreasonable congestion or unreasonable safety hazards. Driveway separation shall be measured from the edge of the proposed street/driveway entrance to the edge of the alternative entrance, excluding the radii.

The location of the site’s access shall also consider the existing location of driveways and entrances across a road or highway and shall attempt to meet the same separation standards established below. Entrances having the same centerline and situated directly across a road or highway from a proposed street or driveway shall not apply to this spacing requirement.

<b>POSTED SPEED IN M.P.H.</b>	<b>SEPARATION IN FEET</b>
25 or less	90’
30	105’
35	130’
40	175’
45	265’
50	350’
55 or more	525’

- b. Any street or driveway access shall be so designed in profile and grading and so located as to provide the minimum sight distance measured in each direction as specified in the Maine Department of Transportation’s “Entrance Rules - Chapter 299, Part B” (as may be amended from time to time).
- c. Driveway grades at street intersections shall not be more than five percent (5%) up or down for the first fifty (50) feet from the street, unless otherwise approved by the Applicable Reviewing Authority.



- d. Streets and driveways shall be located not less than 125 feet from the tangent point of the curb radius of any intersection. However, a greater distance or movement restrictions shall be provided if necessary based on the results of a vehicle queuing analysis at the intersection.
- e. When serving an individual site, no part of any street or driveway shall be located within a minimum of ten (10) feet of a side property line. Alternatively, when a street or driveway serves two (2) or more adjacent sites, the Applicable Reviewing Authority may allow the street or driveway to be located on or within ten (10) feet of a side property line between the sites. The sharing of street or driveway accesses between sites should be incorporated whenever feasible to limit curb cuts.
- f. Where a site has frontage on two or more streets, the Applicable Reviewing Authority will require that the access to the site be provide off the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. For developments with significant traffic volumes of 50 or more peak trips, the Applicable Reviewing Authority will consider access to more than one street, providing a traffic study clearly demonstrates a traffic safety and congestion benefit will result.
- g. There shall be no more than one full service street or driveway connection from any lot to any street, except when an additional entrance/exit must be provided to prevent traffic hazards or congestion. If two curb cuts are found to be necessary for congestion or safety reasons they shall be separated in accordance with the separation requirements in Section IV(B)(1)(a), above.
- h. Streets and driveways shall intersect the road at an angle as near to ninety (90) degrees as site conditions will permit and in no case less than seventy-five (75) degrees.
- i. Streets and driveways intersecting collector and arterial roadways shall be adequately lit.
- j. The level of service at a proposed signalized intersection shall be “D” or better. At an existing signalized intersection, the level of service shall not be reduced below “D” by the development. If an existing signalized intersection is operating below a LOS “D” pre-development, then the development shall not increase the delay at the intersection, unless this standard is waived by the Applicable Reviewing Authority. At an un-signalized intersection, if the level of service is forecasted to be less than a “D” post-development, than the installation of a traffic signal and/or additional turning lanes shall be investigated. If these improvements are found not to be warranted, then a level of service less than “D” may be acceptable.

### **C. Internal Vehicular Circulation [amended 04/21/2021]**

The layout and circulation pattern within the site shall provide for the safe and convenient movement of passenger, service, and emergency vehicles through the site. The circulation layout shall also provide a safe, accessible pedestrian environment as well as encourage intra-parcel travel, minimizing curb cuts and unnecessary roadway travel in keeping with the access management goals of section B.

1. Street and driveway dimensions. The dimensions of streets and driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to visit the site on a daily basis. The required minimum and maximum dimensions for driveways are indicated below. Streets and driveways serving large volumes of daily traffic or truck traffic shall be required to establish high to maximum dimensions.

<b>LAND USE</b>	<b>ONE-WAY WIDTH (FEET)</b>	<b>TWO-WAY WIDTH (FEET)</b>
-----------------	-------------------------------------	-------------------------------------

Residential	12 to 14	20 to 24
Commercial & Industrial generating between 10 - 50 truck trips per hour	15 to 25	26 to 30
Commercial & Industrial generating 50 or more truck trips per hour	Maine DOT Criteria to Apply	Maine DOT Criteria to Apply

2. A site development access driveway profile shall be designed to conform to the natural topographic features of the site, to the extent feasible. Driveways serving residential development shall be between 0.75% and 15% up or down. Driveways serving commercial or industrial developments shall be between 0.75% and 8% up or down.
3. The construction and materials used for a driveway, street, parking lot and drainage infrastructure shall comply with the latest standard specifications issued by The State of Maine Department of Transportation and as approved by the Applicable Reviewing Authority. Specific construction details for this infrastructure shall also be approved by the Applicable Reviewing Authority.
4. The layout and design of driveways and parking areas shall provide for safe and convenient circulation of vehicles throughout the site and shall provide the necessary curbing, directional markings, and signage to achieve this requirement. The layout, design and circulation pattern must also provide for pedestrians and cyclists as well as emergency, delivery, and service vehicles.
5. Traffic calming measures shall be included where appropriate to discourage speeding within the site and between abutting sites. Measures may include speed tables, on-street parking, raised crosswalks, vertical curbing, curvilinear road alignments, roadside plantings, neck-downs, curbed islands, signage or other traffic calming techniques.
6. Where feasible, connections between parking lots and driveways on adjacent parcels shall be provided to facilitate deliveries and minimize turning movements onto primary roads. Internal connections shall be designed to provide safe, direct access between adjacent lots in a manner that prevents their use as vehicle shortcuts. The site plan shall show stub outs, or other driveway or parking lot linkages, anticipating future vehicular connections to abutting undeveloped property.
7. Identifiable routes of access for emergency and service vehicles shall be provided to and around the buildings on the site.
8. Drive-through lanes shall minimize conflicts with pedestrian circulation routes. Motorists shall be made aware of pedestrians through signage, lighting, raised crosswalks, changes in paving or other devices. The site plan shall be designed to minimize queuing in parking lots or other areas which would cause congestion or unsafe conditions.
9. Service drives shall be separated from internal walkways, parking areas, or pedestrian use areas by landscaped islands, grade changes or other devices to minimize pedestrian contact.

#### **D. Parking Areas [amended 04/21/2021]**

Parking lots shall be designed to complement adjacent buildings, the site, and the neighborhood by not being a dominant visual element. Every effort shall be made to reduce the scale of parking lots for aesthetic and stormwater reasons. Parking areas shall balance the needs of both vehicles and pedestrians.

Parking lots shall be accessible and organized to serve the motorist, while being safe and pedestrian-friendly.

1. Off-street parking shall conform to Section XI., Off-Street Parking & Loading Requirements, of the Zoning Ordinance.
  - a. If an applicant can demonstrate to the Applicable Reviewing Authority that the nature or operation of the proposed use will not necessitate the minimum parking space requirements found in Section XI., the Applicable Reviewing Authority shall have the authority to approve a site plan showing fewer parking spaces than are required. This allowance may only be provided, however, if the site plan incorporates a landscaped area that is feasible and adequate to accommodate the requisite parking under Section XI., should there be a future change in the nature or operation of the use necessitating the required parking.
  - b. The Board of Appeals may also permit a reduction in the required parking spaces as per Section XI(F) of the Zoning Ordinance.
  - c. For uses that experience high turn-over traffic volumes (i.e. typical visitation is less than one-hour) the Applicable Reviewing Authority may require the dimensions of parking spaces in close proximity of the building entrance to be 10 feet wide by 20 feet long.
  - d. The Applicable Reviewing Authority may approve parking spaces for use by employees or residential parking to be 8 feet wide. All 8 foot wide parking spaces that are provided for employees and residential uses must be in physically segregated parking areas and the design of such parking areas must be shown on an approved site plan. No more than 10% of off-street parking spaces may be designed with a width of less than 9 feet.
2. There shall be adequate provisions for ingress and egress to all parking spaces. The following aisle widths shall be required to ensure adequate and safe access to parking spaces. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

PARKING ANGLE DEGREE	MINIMUM AISLE WIDTH (FEET)
0° parallel parking	12'
30°	12'
45°	13'
60°	18'
90° perpendicular parking	25'

3. Parking lots shall be designed as part of the overall plan for the site, and shall be coordinated with building entrances, lighting, and landscaping.
  - a. Whenever feasible, the majority of parking areas shall be located at the rear or sides of the building(s) being served, except where parking would be located adjacent to a residential neighborhood or when the parking is part of a multi-building site. ~~Where such placement is not possible, the parking area shall be screened with evergreen trees, earth berms, fences, or shrubs.~~

4. There shall be adequate provisions made for handicap parking in accordance with the ADA Standards for Accessible Design and marked by the international symbol of accessibility. Handicap accessible spaces shall be designated in the closest located spaces on a site to the accessible entrances. Such spaces shall be provided in accordance with the following table and shall be designed in accordance with the ADA Design Standards.

<b>TOTAL SPACES</b>	<b>TOTAL ACCESSIBLE SPACES REQUIRED COLUMN A</b>	<b>SPACES WITH 60" WIDE ACCESSIBLE AISLE</b>	<b>VAN ACCESSIBLE SPACES WITH 96" WIDE ACCESSIBLE AISLE</b>
1 to 25	1	0	1
26 to 50	2	1	1
51 to 75	3	2	1
76 to 100	4	3	1
101 to 150	5	4	1
151 to 200	6	5	1
201 to 300	7	6	1
301 to 400	8	7	1
401 to 500	9	7	2
501 to 1000	2% of total parking provided	7/8 of column A	1/8 of column A
1001 and over	20 plus 1 for each 100 over 1000	7/8 of column A	1/8 of column A

*This table is in accordance with the ADA Design Guide, U.S. Department of Justice, Civil Rights Division, Disability Rights Section*

5. ~~Parking areas shall be landscaped and screened in accordance with the following standards:~~
- a. ~~Paved surfaces of parking areas shall be separated from buildings by a minimum of five (5) feet of landscaping and a five (5) foot walkway. Beyond the 5 foot minimum, the width of the landscaping shall be proportional to the height of the building.~~
  - b. ~~The seal and impervious area of parking lots with more than 15 spaces shall be broken up with trees, landscaped islands, grade changes, low walls, or other features.~~
  - c. ~~At a minimum, between 10% and 15% of the parking lot shall be landscaped. The higher percentage (15%) shall be used for larger parking lots consisting of 40 or more spaces. The lower percentage of 10% shall be used for smaller parking lots containing fewer than 40 parking spaces. Planting islands shall be a minimum of 9 feet in width. All parking lot~~

~~landscaping shall be hearty and appropriate for parking lot conditions. Existing natural groupings or clusters of trees shall also be preserved.~~

- ~~d. Where front parking is permitted between the building and the road it shall be screened by trees, berms, fencing, shrubs, low walls, perennial masses, or a combination of these elements. The height of the screening shall be approximately 3 feet to minimize the view of the parking lot and vehicles, while providing a clear view of the building and signage.~~
5. Parking areas with a single point of access are strongly discouraged. Dead-end parking lots shall not contain more than ten (10) spaces. Where dead-end lots must be used, adequate space shall be provided to safely turn a vehicle around to avoid backing out.
6. Directional signage and markers shall be utilized in diagonal parking lot arrangements.
- ~~7. Provisions shall be made for snow storage in the design of all parking areas. The areas shall be shown on the site plan to avoid conflicts with landscaping, visibility, drainage, or icing during the winter season.~~

## **E. Pedestrian Ways, Space & Alternative Transportation** **[amended 11/07/2007; 04/21/2021]**

Developments shall provide attractive, safe, and functional walkways within the site and for connection of the site to the Town's sidewalk system when a public sidewalk exists or is planned in the vicinity of the site. Walkways shall be designed to direct pedestrians to the main entrances of the buildings from the public right-of-ways, abutting properties and businesses, and the parking areas on the site. Entrances to buildings shall also be designed to provide some outdoor space for pedestrian use, such as seating, dining, or lawn area.

1. Continuous internal walkways shall be provided from any existing or planned public sidewalk in the street(s) adjacent to the site to the principal customer entrances on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as transit stops, street crossings, and building entrances.
2. If a sidewalk does not exist in the street(s) adjacent to the site but the Town has identified the construction of a sidewalk for this portion of the street(s) in the Town Wide Transportation Study (March 2005) the applicant shall be responsible for the construction of a sidewalk along the full width of the frontage or in a location otherwise determined by the Applicable Reviewing Authority. The applicant shall not be responsible for the construction of a sidewalk in a location for which the Town Council has already adopted and funded a Sidewalk Capital Improvement Plan.
3. If a sidewalk is required to be constructed, the sidewalk shall be located within the right-of-way of the public street unless the width of the right-of-way will not allow for this. In this case, the sidewalk shall be located on the parcel in the area immediately adjacent to the street right-of-way unless the topography or natural characteristics of the site or existing development make this impractical. When determining the location and alignment of new sidewalks, existing street trees shall be avoided and preserved to the extent possible. ~~to further the goals of "subsection F Landscaping, Buffering and Greenspace" of this Ordinance.~~
4. If the sidewalk will be located outside of the street right-of-way, the applicant shall convey an easement to the Town for the sidewalk area.
5. When a sidewalk is constructed wholly within the street right-of-way it must conform to the design and construction requirements set forth in the Town's Street Acceptance Ordinance (Chapter 701) for the class of street. When a sidewalk is constructed wholly or partly outside of the street right-of-way the location and design of the sidewalk must be approved by the Applicable Reviewing Authority as part of the site plan approval.

6. Internal walkways shall be a minimum of 4 feet in width for ADA compliance and shall be raised and separated from vehicular traffic by 6 inch curbing except at crosswalks and access areas.
7. Within larger parking lots where the main building entrance will be 50+ feet from at least half of the parking spaces, a network of walkways shall be provided. These walkways shall be separated from parking bays and travel aisles by raised curbing or landscape buffering and shall be aligned with the main entry or a focal point on the building for way finding. The width of these internal parking lot walkways shall be five feet or more to enable the use of shopping carts or heavy pedestrian traffic.
8. Walkways shall be located where motorists can anticipate pedestrians. Likewise, walkways shall be designed to give pedestrians a view of oncoming vehicles and shall avoid bisecting drive-through lanes, access and service drives, and other high-traffic routes.
9. Internal crosswalks shall be provided and marked by a change in pavement texture, pattern, or color to maximize pedestrian safety. The materials selected shall be highly durable and low maintenance. Raised crosswalks shall be considered at key locations as a traffic calming device as well as to make crosswalks more visible.
- ~~10. Areas adjacent to walkways shall be landscaped with trees, shrubs, ground cover, benches or other materials. Walkways in parking areas shall include landscaped islands for visual relief, shade, and scale.~~
- ~~11. All walkways and sidewalks shall be designed for efficient snow removal to enable year round use.~~
- ~~12. Major entrances to new or renovated buildings shall be complemented with outdoor seating or use areas. Canopies, recessed entrances, seating areas, decorative plantings, lawn areas and other elements may be incorporated around the building entry to serve as pedestrian space or gathering areas.~~
- ~~13. Provisions shall be made for alternative transportation if the site is located on a bus or bicycle route. Such provisions may consist of bus shelters, bicycle racks, or individual travel lanes for either mode of transportation.~~

#### ~~F. Landscaping, Buffering & Greenspace [amended 04/21/2021]~~

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

- ~~1. Native species shall be used to the greatest extent possible in all landscaping designs. If site improvements will create ten (10) or more new parking spaces or create 2,000 sq. ft. or more of new building footprint, a landscape plan shall be prepared by a landscape architect registered in Maine.~~
- ~~2. The applicant shall use plant material and species that require a low degree of maintenance and that are hearty and resistant to insect infestation, drought, disease, road salt, and auto emissions, and are tolerant of local winter conditions.~~
- ~~3. Wherever practical, existing specimen trees, tree clusters or other significant vegetation shall be preserved. The landscape plan shall illustrate which vegetation will be preserved and what protection measures will be implemented. Further, transplanting and reusing on site trees and other vegetation is strongly encouraged.~~

- ~~4. A varying, but simple, collection of plant materials and species is encouraged to create a distinctive, yet low maintenance environment. A list of suggested plantings in Scarborough is included in an appendix to this ordinance. Plant materials shall meet the following minimum sizes, unless alternative sizes are required given a particular site or location:~~

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

- ~~5. Landscaping is necessary in parking lots to enhance their appearance, lessen the scale of paved areas, define edges, and provide shade and cover. The following standards shall apply within parking areas:~~
- ~~a. At a minimum, between 10% and 15% of the parking lot shall be landscaped. The higher percentage (15%) shall be used for larger parking lots consisting of 40 or more spaces. The lower percentage of 10% shall be used for smaller parking lots containing fewer than 40 parking spaces. Planting islands shall be a minimum of 9 feet in width. All parking lot landscaping shall be hearty and appropriate for parking lot conditions and snow storage.~~
  - ~~b. Trees in parking lots shall be planted in informal groups, straight rows, or concentrated in certain areas. Trees shall be planted at least five feet from the end of parking lot islands for both motorist visibility and tree health.~~
  - ~~c. Plantings, trees, and other landscape elements shall separate parking lots from neighboring streets to minimize views of vehicles and paved areas, while still enabling views of the building.~~
  - ~~d. Trees and shrubs in and near parking areas shall be trimmed and maintained so that they do not block views needed for safe movement of motorists and pedestrians.~~
- ~~6. Trees and plantings shall be coordinated with the on-site architecture by complementing the building elevations without blocking storefronts, signs, or lighting.~~
- ~~7. Large spreading deciduous trees shall be planted in appropriate locations along town roads and private access drives to define the edge of the travelway, provide shade for pedestrians, clean the air, and add scale to transportation corridors and commercial developments.~~
- ~~8. Landscape plans presented to the Applicable Reviewing Authority shall anticipate a 3 to 8 year growing cycle to achieve maturity for shrubs and 15 to 20+ years for trees. The plan shall be designed and plantings selected with due consideration for maintenance requirements.~~

- ~~a. A written maintenance plan shall be provided for the landscape elements to be installed on the site. The plan shall include initial installation, guarantee period, replacement policy, annual maintenance, and irrigation provisions. All lawns and plant materials shall be guaranteed for a period of not less than 2 years.~~
- ~~b. The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. Vegetation to consider includes drought resistance, tolerance to auto emissions, disease resistance, and relatively light leaf litter.~~
- ~~9. Buffers shall be provided to shield structures and uses from the view of abutting properties, where the abutting properties would otherwise be adversely impacted. In particular, buffers shall be used to screen garbage collection areas, loading areas, waste storage, commercial vehicle parking and the like. Buffers may include fences, plantings, berms, and walls used to minimize any adverse impacts and nuisances on a given site or abutter.~~
- ~~10. Special landscaping and buffer requirements pertain to development along the Route One Corridor. Sites abutting Route One shall provide a green strip buffer along Route One at a depth of no less than 15 feet from the sideline of Route One. This 15 ft. may include trees, grass, plantings, berms, and mounds as well as sidewalks, fences or other landscape elements. The trees and plant materials within this buffer shall also conform to the planting schedule of the document entitled: Guiding Growth & Public Improvement on Route One, Scarborough, Maine, authored by Terrence J. Dewan & Associates, dated June 1993.~~
- ~~11. In cases where the Scarborough Zoning Ordinance requires buffers for commercial or industrial developments that abut residential zoning districts or uses, the Applicable Reviewing Authority may require evergreen or deciduous trees within these buffer areas. An evergreen buffer requires three (3) rows of staggered plantings. The rows shall be eight (8) feet apart and the evergreens planted six (6) feet on center. Deciduous buffers require trees with a minimum of 3-inch caliper and rows and spacing to be determined by the Board based on the characteristics of the site and uses.~~

## **F. Landscape and Screening Standards [amended 04/21/2021; amended 06/05/2024]**

### **1. Purpose**

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

### **2. Applicability**

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

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

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

### **3. General Standards**

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



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

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

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

#### **4. Definitions**

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

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

**Buffer:** Landscaped areas, berms, fencing, walls or other physical features that are planted or installed to physically and visually separate land uses.

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

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

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

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

**Landscape Plan:** A component of a development plan which shows the quantity, species, and size of all proposed vegetation.

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

**Site Furniture:** Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, and fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces used by the public.

#### **5. Minimum Landscaping Required**

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

- a. Multifamily dwellings: 15%
- b. Mixed-use buildings, commercial, retail and lodging use: 15%
- c. Office and professional uses: 15%
- d. Institutional and civic uses: 15%

- e. Industrial and manufacturing uses: 10%

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

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

Tree and shrub requirements for industrial and manufacturing uses:

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

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

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

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

## **6. Buffer Yard - Streetscape**

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

A vegetated buffer yard shall be established and/or maintained along the front property line of a lot where it abuts a public street as defined in the specific Zoning District for which the property is located. The minimum streetscape buffer yard shall be 10' deep for all streets not specifically designated.

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

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

Trees and other landscaping planted at intersections shall preserve an adequate sight triangle as determined by the traffic engineer.

Landscape buffer strip requirements may be used to meet the overall landscape requirements established in Section F.5.

## **7. Buffer Yard – Residential Adjacency**

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

A residential adjacency buffer yard is required when a side or rear yard abuts a residential district as defined in the specific Zoning District for which the property is located.

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

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

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

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

## **8. Parking Lot Landscaping Required**

Landscaping is necessary in parking lots to enhance their appearance, lessen the scale of paved areas, define edges, and provide shade and cover.

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

- a. Landscape screening shall contain a continuous screen not less than three (3) feet in height in a minimum planting bed depth of five (5) feet. The five (5) foot planting bed is in addition to the depth required for the streetscape buffer yard.

The continuous screen may be comprised of:

- a. Shrubs provided every four (4) to six (6) linear feet within the required planting strip
- b. Three (3) feet tall fence or boulders in combination with shrubs; or
- c. Combination of the above

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

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

- a. Planting islands shall be included at a rate of one (1) island per fifteen (15) spaces.
- b. Landscape islands shall be required on both ends of all parking aisles, both single and double loaded, if such spaces are not adjacent to another landscaped area or entryway.
- c. Landscape islands shall be a minimum of 160 square feet, typically nine (9) feet wide and eighteen (18) feet deep, and shall contain at least one (1) large tree and four (4) shrubs.
- d. Parking lot entryways shall contain at least one (1) large tree and four (4) shrubs on each side.

- e. Vehicular use areas including drive aisles and/or parking space shall be screened from all abutting property by a continuous landscaped area not less than five (5) feet deep. Stormwater treatment may be located in these areas upon approval by the Town Engineer.
- f. Trees in parking lots shall be planted in informal groups, straight rows, or concentrated in certain areas. Large trees shall be planted at least five feet from the end of parking lot islands for both motorist visibility and tree health.
- g. Areas adjacent to walkways shall be landscaped with trees, shrubs, ground cover, benches or other materials. Walkways in parking areas shall include landscaped islands for visual relief, shade, and scale.

Parking Lot Landscaping requirements may be used to meet the overall landscape requirements established in Section F.5.

## **9. Foundation Landscaping Required**

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

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

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

- a. A minimum of one (1) shrub shall be provided every four (4) to six (6) linear feet within the required planting strip. Shrubs may be clustered to avoid utility conflicts.
- b. Small ornamental trees may be provided in the planting strip and substitute for four (4) shrubs.

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

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

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

Foundation landscaping requirements may be used to meet the overall landscape requirements established in Section F.5.

## **10. Screening – Service and Mechanical Areas**

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

- a. Structural screens and fencing shall complement the design of the main structure by repetition of materials, detailing, scale, and color.
- b. Where chain link fencing is required for safety, it shall be painted black or a similar

dark color, or coated with dark vinyl. Plastic slats in chain link fencing are not permitted.

- c. Gates shall be designed to prevent sagging.
- d. Screening may be further enhanced with evergreen trees, shrubs, and earth berms.

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

Screening requirements may be used to meet the overall landscape requirements established in Section F.5.

## **11. Screening – Outdoor Storage**

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

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

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

Screening requirements may be used to meet the overall landscape requirements established in Section F.5.

## **12. Landscape Preservation and Protection**

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

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

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

Tunneling under large diameter roots may be required to prevent root damage.

Preserved landscaping may be used to meet the overall landscape requirements established in Section F.5.

### **13. Site Amenities**

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

### **14. Alternative Transportation and Bicycle Facilities**

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

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

### **15. Snow Storage**

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

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

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

Designated snow storage locations shall be required as follows:

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



## 16. Approved Plant Species List

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

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

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

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

All required trees shall be selected from the preferred or acceptable alternative list below, based on the size required for the landscape element. A minimum of sixty (60) percent of the total number of required trees shall be selected from the preferred species list.

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

LARGE DECIDUOUS TREES		
Preferred Species		
Scientific Name	Common Name	Mature Height
Acer x freemanii	Armstrong Maple	40-55'
Acer rubrum	Red Maple	50-60'
Acer saccharinum	Silver Maple	60-80'
Acer saccharum	Sugar Maple	60-70'
Betula alleghaniensis	Yellow Birch	70-85'
Betula borealis	Northern Birch	30-60'
Betula nigra	River Birch	40-70'
Betula papyrifera	Paper Birch	60-70'
Betula populifolia	Gray Birch	20-40'
Carya ovata	Shagbark Hickory	70-90'
Cladrastis kentukea	Yellowwood	30-50'
Fagus grandifolia	American Beech	50-100'
Larix laricina	Larch, Hackmatack, Tamarack	50-60'
Nyssa sylvatica	Tupelo Black Gum	40-70'
Platanus occidentalis	Sycamore American Buttonwood	60-80'
Prunus serotina	Black Cherry	50-80'
Quercus alba	White Oak	60-70'
Quercus bicolor	Swamp Oak	50-60'

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

<b>LARGE EVERGREEN TREES</b>		
<b>Preferred Species</b>		
Scientific Name	Common Name	Mature Height
Abies balsamea	Balsam Fir	60-70'
Abies concolor	White Fir	30-50'
Abies fraseri	Fraser Fir	30-50'
Chamaecyparis thyoides	Atlantic White Cedar	30-50'
Juniperus virginiana	Eastern Red Cedar	20-60'
Picea glauca	White Spruce	60-90'
Picea rubens	Red Spruce	60-80'
Picea mariana	Black Spruce	50-70'



<i>Pinus banksiana</i>	Jack Pine	50-60'
<i>Pinus rigida</i>	Pitch Pine	30-40'
<i>Pinus resinosa</i>	Red/Norway Pine	60-80'
<i>Pinus strobus</i>	Eastern White Pine	70-80'
<i>Thuja occidentalis</i>	Cedar Northern White	20-40'
<b>LARGE EVERGREEN TREES</b>		
<b>Acceptable Alternative Species</b>		
Scientific Name	Common Name	Mature Height
<i>Chamaecyparis</i> spp.	Cypress	10-60'
<i>Picea abies</i>	Norway Spruce	70-120'
<i>Picea engelmannii</i>	Engelmann Spruce	80-130'
<i>Picea omorika</i>	Serbian Spruce	50-60'
<i>Picea pungens</i>	Colorado Spruce	30-60'
<i>Pinus flexilis</i>	Limber Pine	60-80'
<i>Pinus nigra</i>	Austrian Pine	60-180'
<i>Pinus sylvestris</i>	Scots Pine	30-80'
<i>Thuja plicata</i>	Western Red Cedar/Arborvitae	50-70'

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

<b>SMALL ORNAMENTAL TREES</b>		
<b>Acceptable Alternative Species</b>		
Scientific Name	Common Name	Mature Height
<i>Acer campestre</i>	Hedge Maple	20-25'
<i>Acer griseum</i>	Paperbark Maple	20-30'

<i>Acer palmatum</i>	Japanese Maple	10-25'
<i>Acer triflorum</i>	Three Flower Maple	25-30'
<i>Amelanchier alnifolia</i>	Western Serviceberry	10-15'
<i>Chionanthus Virginicus</i>	American Fringetree	12-20'
<i>Cornus kousa</i>	Kousa Dogwood	20-30'
<i>Cornus mas</i>	Cornealian Cherry Dogwood	15-25'
<i>Cotinus obovatus</i>	American Smoketree	20-30'
<i>Crataegus viridis</i>	Winter King Hawthorne	20-35'
<i>Halesia Carolina</i>	Carolina Silverbell	30-40'
<i>Hamamelis vernalis</i>	Witchhazel	6-10' (also shrub)
<i>Hamamelis x intermedia</i>	Witchhazel	12-15'
<i>Maackia amurensis</i>	Amur Maackia	20-30'
<i>Magnolia x liliiflora</i>	Lily Magnolia	8-12' (also shrub)
<i>Magnolia loebneri</i>	Loebner Magnolia	20-30'
<i>Magnolia soulangiana</i>	Saucer Magnolia	20-25'
<i>Magnolia stellata</i>	Star Magnolia	15-20'
<i>Malus species</i>	Flowering Crabapple	15-25'
<i>Pinus mugo</i>	Mugo Pine	20-25'
<i>Prunus x accolade</i>	Accolade Flowering Cherry	20-25'
<i>Prunus sargentii</i>	Sargent Cherry	20-40'
<i>Stewartia pseudocamellia</i>	Stewartia	20-40'
<i>Syringa reticulata</i>	Japanese Tree Lilac	20-30'

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

<i>Ilex verticillata</i>	Winterberry	<i>Viburnum</i> spp.	<i>Viburnum</i>
<i>Juniperus communis</i>	Common Juniper	<i>Xanthorhiza simplicissima</i>	Yellowroot
<i>Kalmia angustifolia</i>	Sheep Laurel		
<b>SHRUBS</b>			
<b>Acceptable Alternative Species</b>			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Azalea</i> spp.	Azalea	<i>Hydrangea</i> spp.	Hydrangea
<i>Buxus</i> spp.	Boxwood	<i>Pieris</i> spp.	Andromeda
<i>Cotoneaster</i> spp.	Cotoneaster	<i>Rhododendron</i> spp.	Rhododendron
<i>Deutzia gracilis</i>	Slender Deutzia	<i>Rose</i> spp.	Rose
<i>Enkianthus campanulatus</i>	Redveined Enkianthus	<i>Salix</i> spp.	Willow
<i>Fothergilla gardenia</i>	Dwarf Fothergilla	<i>Spiraea</i> spp.	Spiraea
<i>Fothergilla major</i>	Bottlebrush Bush	<i>Syringa</i> spp.	Lilac
<i>Forsythia</i> spp.	Forsythia	<i>Weigela</i> spp.	Weigela

<b>PERENNIALS</b>			
<b>Preferred Species</b>			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Achillea millefolium</i>	Yarrow	<i>Iris versicolor</i>	Blue Flag Iris
<i>Actaea rubra</i> , <i>Actaea pachypoda</i>	Red Baneberry, White baneberry	<i>Liatris spicata</i>	Gayfeather
<i>Anemone canadensis</i>	Canadian Anemone	<i>Lobelia cardinalis</i>	Cardinal Flower
<i>Aquilegia canadensis</i>	Eastern Red Columbine	<i>Lupinus perennis</i>	Wild Lupine
<i>Asclepias tuberosa</i>	Butterfly weed	<i>Monarda didyma</i>	Scarlet Bee Balm, Oswego Tea
<i>Columbine aquilegia</i>	Columbine	<i>Monarda fistulosa</i>	Wild Bergamot
<i>Coreopsis lanceolata</i>	Lanceleaf Coreopsis	<i>Polygonatum pubescens</i>	Solomon's Seal
<i>Coreopsis verticillata</i>	Moonbeam Coreopsis	<i>Rudbeckia hirta</i>	Black-Eyed Susan
<i>Echinacea purpurea</i>	Purple coneflower	<i>Symphyotrichum novae-angliae</i>	New England Aster
<i>Eutrochium purpureum</i>	Joe Pye Weed	<i>Symphyotrichum novibelgii</i>	New York Aster
<b>PERENNIALS</b>			
<b>Acceptable Alternative Species</b>			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Astilbe varietalis</i>	Astilbe	<i>Hosta</i> spp.	Hosta
<i>Agastache</i>	Anise Hyssop	<i>Leucanthemum</i>	Ox-eye Daisy
<i>Aruncus dioicus</i>	Goatsbeard	<i>Malva alcea</i> 'fastigiata'	Hollyhock Mallow
<i>Baptisia</i>	Wild Indigo	<i>Nepeta x faassenii</i>	Walker's Low Catmint
<i>Epimedium</i>	Barrenwort	<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Geranium</i> spp.	Geraniums	<i>Phlox</i> spp.	Garden Phlox
<i>Hemerocallis</i> species	Daylilies	<i>Sedum telephium</i>	Autumn Joy Sedum
<i>Heuchera</i> spp.	Coral Bells		

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

GRASSES			
Preferred Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Ammophila breviligulata</i>	Beachgrass	<i>Deschampsia cespitosa</i>	Tufted Hairgrass
<i>Andropogon gerardii</i>	Big Bluestem	<i>Deschampsia flexuosa</i>	Crinkled Hairgrass
<i>Carex appalachica</i>	Appalachian Sedge	<i>Panicum virgatum</i>	Switchgrass
<i>Carex pensylvanica</i>	Pennsylvania Sedge	<i>Juncus</i> spp.	Rush
<i>Chasmanthium latifolium</i>	Northern Sea Oats	<i>Schizachyrium scoparium</i>	Little Bluestem
<i>Eragrostis spectabilis</i>	Purple Lovegrass	<i>Sporobolus heterolepis</i>	Prairie Dropseed
GRASSES			
Acceptable Alternative Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Calamagrostis x acutiflora</i>	Feather-Reed Grass	<i>Miscanthus sinensis</i>	Maiden Grass
<i>Calamagrostis brachytricha</i>	Feather-Reed Grass	<i>Molinia caerulea</i> subsp. <i>Arundin</i>	Moor Grass
<i>Festuca glauca</i>	Blue Fescue	<i>Pennisetum alopecuroides</i>	Fountain Grass
<i>Hakonechloa macra</i>	Hakone Grass		
GROUNDCOVERS			
Preferred and Acceptable Species			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Arctostaphylos uva-ursi</i>	Bearberry	<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Cornus canadensis</i>	Bunchberry	<i>Mitchella repens</i>	Partridgeberry
<i>Gaultheria procumbens</i>	Checkerberry, Wintergreen	<i>Vaccinium angustifolium</i>	Lowbush blueberry

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

Landscape Element	Minimum Size
Large Deciduous Trees	2 ½" caliper
Large Evergreen Trees	5-7' in height
Small Ornamental Trees	2" caliper

Shrubs	3gallons
Perennials	1 gallon
Ferns	1 gallon
Grasses	1 gallon
Groundcovers (plugs acceptable)	1 gallon

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

## 17. Installation, Guarantee and Maintenance

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

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

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

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

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

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

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

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

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

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

Plants that die must be replaced in kind, unless another species is more appropriate given the site's

growing conditions. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.

## 18. Landscape Plan Required

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

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

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

Plantings used in stormwater treatment facilities should be designed by a qualified professional.

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

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

Minimum Landscape Required	Required	Provided
Minimum Landscape Area (square feet)		
Minimum Trees Required		
Trees (Preferred Species)	Min 60% = ##	% and #
Trees (Alternative Species)	Max 40% = ##	% and #
Minimum Shrubs Required		
Shrubs (Preferred Species)	Min 40% = ##	% and #
Shrubs (Alternative Species)	Max 60% = ##	% and #
Shrubs (Unlisted)	Max 25% = ##	% and #

Buffer Yard - Streetscape	Required	Provided
Street Name		
Street Frontage Depth		
Street Frontage Length (excluding entryways) (linear feet)		
Street Frontage Area (square feet)		
Street Trees		
Buffer Yard - Residential Adjacency (if required)	Required	Provided
RA Type Required		
RA Buffer Depth (feet)		
RA Buffer Length (linear feet)		

RA Buffer Area (square feet)		
RA Buffer Trees		
<b>Parking Lot Screening (if required)</b>	<b>Required</b>	<b>Provided</b>
Parking Lot Screen Depth (feet)		
Parking Lot Screen Length (excluding entryways) (linear feet)		
Parking Lot Screen Area (square feet)		
Parking Lot Screening Shrubs		
<b>Parking Lot Landscape</b>	<b>Required</b>	<b>Provided</b>
Parking Calculation Type		
Parking Spaces		
Parking Islands (number)		
Parking Islands Total Area (square feet)		
Parking Island Trees		
Parking Island Shrubs		
Entryway Trees		
Entryway Shrubs		
Continuous 5' Landscape Area - All Applicable Sides (square feet)		
<b>Foundation Landscape</b>	<b>Required</b>	<b>Provided</b>
Landscape Bed Depth (feet)		
Landscape Bed Length - All Applicable Sides (linear feet)		
Landscape Bed Area - All Applicable Sides (square feet)		
Landscape Bed Shrubs		
Landscape Bed Ornamental Trees (if provided)		
<b>Additional Screening (if required)</b>	<b>Required</b>	<b>Provided</b>
Dumpster Area Fence		
Dumpster Areas Shrubs		
Mechanical Screening Fence		
Mechanical Screening Shrubs		

## 19. Waivers Landscape and Screening Standards

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

- The Planning Board may reduce the amount of landscaping required for parking lots if additional landscaping of equal or greater value is provided on other areas on site.
- The Planning Board may approve an alternative interior parking island design to address stormwater runoff if recommended for approval by the Town Engineer.
- The Planning Board may approve stormwater treatment areas located in the streetscape buffer yard if recommended for approval by the Town Engineer.



- d. The Planning Board may approve an alternative planting plan if the site is not able to accommodate the required plantings, only as follows:
  - i. One large tree may be substituted by two (2) ornamental trees
- e. The Planning Board may waive or decrease the five (5) foot landscape strip requirement between all parking areas and buildings if the development is in an urban setting.
- f. The Planning Board may waive residential adjacency buffer requirements if the site is in conjunction with a master planned development or within a mixed-use district.
- g. The Planning Board may waive the required snow storage areas if a snow storage management plan is submitted and approved by the Town that includes the following:
  - i. Designated temporary or interim snow storage areas that do not interfere with more than one-third (1/3) of the project required minimum parking.
  - ii. Interim snow storage shall be removed within five (5) calendar days following a storm cycle.
  - iii. Interim snow storage shall not be in a location that will damage trees, landscape or other facilities.
  - iv. Interim snow storage shall not block any required access, sidewalk, trail or public way.
  - v. Snow shall be hauled to approved and permitted locations. The location shall be provided.
  - vi. Snow hauling shall generally be completed during non-business hours.
  - vii. The snow management plan shall designate the removal methods.
- h. The Planning Board may consider waivers for the number of bicycle parking facilities for parking lots with 50 or more parking spaces provided.

## **G. Stormwater Management [amended 04/21/2021]**

Adequate provisions shall be made for the control, collection and disposal of all stormwater runoff from the site. Drainage plans, details, and calculations shall address the two, ten and twenty-five year, twenty-four hour storm events. These plans shall be designed to compliment the hydrology and natural features of the site and shall not cause adverse impacts to abutters, downstream properties, or receiving waters. Post-development stormwater flow rates must be equal to or less than pre-development stormwater flow rates.

1. Stormwater management areas shall be treated as integral, attractive and natural parts of the landscape. Natural areas shall be used to retain and drain stormwater to the extent possible.
2. When areas of the site are to be paved they may be designed and constructed with pervious and semi-pervious alternatives to bituminous pavement. Alternative parking surfaces, such as porous pavement, are intended to minimize storm water run-off and facilitate infiltration and natural hydrological functions to the extent feasible.
3. Stormwater treatment basins shall be patterned after natural features and shall avoid hard geometric shapes. These basins shall be planted with wetland species to improve their aesthetic and habitat values.



4. Abrupt changes to natural drainage ways and grades shall be avoided. Natural drainage ways shall not be filled unless specifically permitted by the Applicable Reviewing Authority and transitional grading shall be used to blend all earthworks into the natural contours of the site.
5. Drainage systems shall be designed so as to not impact streets, adjacent properties, downstream properties, and local soils and vegetation. The system shall also consider and incorporate the upstream runoff that may pass over the site. Systems should include green infrastructure and low impact development practices.
6. The water quality of receiving waters shall not be degraded by the stormwater runoff from the site. Oil and grease traps, on-site vegetated waterways, drainage swales, and vegetated buffer strips shall be utilized as needed to aid in the prevention of degraded receiving waters.
7. Where ground protection and rip rap is necessary in visible locations it shall be constructed of hand-placed rock or geo-grid, rather than course rip-rap.
8. Wherever feasible, drainage basins shall be designed to be shared between abutting properties to lessen the amount of land area devoted to stormwater management.
9. If applicable, the site must comply with and submit all documentation required in accordance to Chapter 419 – Town of Scarborough Post-Construction Stormwater Infrastructure Management Ordinance.
10. Erosion and sedimentation control plan and narrative is required in accordance to Chapter 420 – Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance.

## **H. Outdoor Lighting Standards [amended 04/21/2021; 10/18/2023]**

### **1. Purpose**

Outdoor lighting shall be designed to balance visibility and safety on the site, while respecting abutting properties and minimizing light pollution and sky glow. Function, safety, energy consumption and demand, and aesthetic goals shall be achieved with fixtures, color rendering and locations that are planned as part of the overall site design.

### **2. Applicability**

All outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location.

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

The provisions of this section shall not apply to streetlights installed in public rights-of-way. See the Town of Scarborough Streetlight policy.

Temporary outdoor decorative lighting (including lighting for temporary uses, special events, and seasonal holiday lighting) is exempt where the lighting does not exceed sixty (60) consecutive days or more than 120 days during any one-year period and does not cause undue burden on adjacent properties.

### **3. General Standards**

The location, design, and color of fixtures (poles and luminaries) shall complement the architecture, landscaping, parking areas, and street furnishings of the site to be developed or redeveloped in terms of form, style, and placement.

Lighting shall not cause spillover onto neighboring residential properties or create dangerous conditions due to glare on adjacent roadways.

#### 4. Definitions

**Astronomic Time Switch:** An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.

**Decorative Lighting:** Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.

**Footcandle:** The unit of measure expressing the quantity of light received on a surface.

**Full cut-off fixture:** Full-cutoff fixtures permit zero light intensity at or above horizontal (90° above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°.

**Glare:** Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**IES:** Illuminating Engineering Society.

**Lamp:** A generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”.

**Light Pollution:** Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

**Light Trespass:** Light that falls beyond the property it is intended to illuminate.

**Luminaire:** The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

**Mounting Height:** The height of the photometric center of a luminaire above grade level.

**Sky Glow:** The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one’s ability to view the night sky.

**Uplight:** For an exterior luminaire, light directed in the hemisphere at or above the horizontal plane.

**Vertical Illuminance:** Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

#### 5. Lighting Plan Required

A lighting plan shall be furnished with all site plan applications or amended site plan applications. It shall include the following:

- a. Narrative that describes the hierarchy of site lighting, how lighting will be used to provide safety and security, and aesthetic effects. The lighting plan narrative shall describe how the facades of individual buildings and/or landscaping will be lit (if at all) and the design intent behind such lighting.
- b. Photometric diagram showing the illumination levels that will result from the proposed lighting; including the location of all lighting fixtures proposed to illuminate the buildings, entryways, travelways, loading areas, service areas, walkways and landscaping on the site.

- c. Calculation Summary indicating foot-candle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum and average to minimum levels to avoid “hot” spots of light.
- d. Summary of the IES lighting standards applied to the site and table showing compliance not exceeding minimum requirements.
- e. Lighting manufacturer-supplied specifications that include photographs of the fixtures, lamp source type, lumen output, color rendering and wattage. This specification must contain the exact make and model number of the light fixture.
- f. Mounting height with distance noted to the nearest property line for each luminaire. All façade mounted lights are also required to be shown on the architectural elevations.
- g. Permanently installed decorative outdoor lighting, such as string lights or patio lights, must be included on the lighting plan submitted with site plan submittals.
- h. Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.
- i. An environmental impact statement may be required as to the impact of the exterior lighting proposed on adjacent open space or waterways to include flora, fauna, and the night sky. Location of species sensitive to light at night needs to be indicated.
- j. A note stating no substitutions, additions, or changes may be made without prior approval by the governing authority; and that all lighting not on the plan shall be removed and no additional lighting shall be installed without prior approvals.
- k. Maintenance and Replacement Plan discussing lighting maintenance.

## **6. Lighting Levels**

For safety and energy conservation purposes, illumination levels shall not exceed the current recommended minimums by the [Illuminating Engineering Society](#) (IES) except as outlined below:

- a. Light levels at the property line should not exceed 0.1 foot-candles (fc) adjacent to business properties, and 0.05 fc at residential property boundaries.

## **7. Permitted Lighting**

- a. All lamps source to be used on site are required to be classified as dark sky compliant and full cutoff, except as otherwise permitted in this ordinance.
- b. Exterior light sources shall be LED or the current highest efficiency available.
- c. Warm lighting color temperature is to be specified for all exterior light applications. Provide a maximum color temperature of 3000K, with a color rendering index (CRI) of 80.

## **8. Time Limits for Outdoor Lighting**

- a. All outdoor lighting located more than 30 feet from any building or outdoor product display or storage area shall be turned off no later than 30 minutes after the business closes and remain off for the remainder of the night or until the business reopens. All exterior lights that remain on during after-hours must be dimmed to fifty (50) percent of their total lumen output until 30 minutes before business reopens. An astronomic time switch or other permanent lighting control device must be provided to facilitate controlled dimming.

- b. All landscape lighting must be turned off when the business is closed.
- c. All temporary or permanent decorative outdoor lights must be turned off when the business is closed. Temporary decorative lights not related to the functionality of the business that are seasonal and/or related to a Federal Holiday may remain on at the business' discretion.

## **9. Fixture Height and Placement**

The location and alignment of fixtures shall be coordinated with the orientation of buildings, the layout of parking and landscaped islands, and the driveway patterns. Light fixtures shall be sited within raised landscaped areas to avoid damage from vehicles and plows. Light poles must not obstruct sidewalks or bicycle paths.

The following requirements apply:

- a. Façade mounted lights adjacent to driveways or access ways shall not exceed 25 feet in height from ground level.
- b. Façade mounted lights adjacent to sidewalks shall be a minimum of twelve (12) feet high from ground level and not exceed sixteen (16) feet from ground level.
- c. Indirect landscape lighting (uplighting and washes) may be used.
- d. High branch-mounted flood-lights aimed toward the ground are prohibited.
- e. Bollard fixtures (full cutoff) are permitted up to 3-4 feet in height from ground level.
- f. Ornamental fixtures are permitted up to 12 feet in height from ground level upon approval by the Planning Board.
- g. Parking Areas light fixtures shall have a maximum overall pole height of 20 feet from grade level to the top of the fixture.

## **10. Outdoor Recreation Facilities**

- a. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
- b. All fixtures used for event lighting shall be fully shielded, or be designed or provided with full cut-off capability, so as to minimize up-light, spill-light, and glare.
- c. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
- d. The maximum height permitted is to be determined during the site plan process as approved by the Planning Board.

## **11. Prohibited Fixtures and Lighting**

- a. Bare lamps are not allowed, unless permitted as temporary outdoor lighting or approved as permanent decorative lighting by the Planning Board through the waiver process.
- b. Neon tubes as lighting features are not allowed on building exteriors. The use of internally illuminated bands of color and/or light is prohibited.

- c. Non-cutoff fixtures, other than those specifically permitted by this ordinance.
- d. Mercury vapor lamps.
- e. Outdoor floodlighting by flood light projection above the horizontal plane.
- f. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire, or medical personnel or at their direction; or for meteorological data gathering purposes.
- g. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

## **12. Waivers**

The Planning Board may review waivers to lighting standards for the following:

- a. Maximum pole and fixture height greater than 20' for large parking lots over 150 spaces if the increase in height can significantly reduce the number of fixtures necessary. Under no circumstances shall the combined height of the pole and light exceed 30' in height. Poles within 200' of residential property lines shall not exceed 20' in height.
- b. Non-cut-off fixtures, such as decorative or historic lamps, may be allowed by the Planning Board where they are designed to be lower luminance, limited in number, or distant from abutting residential uses.
- c. Nonconforming (exposed lamps) permanent decorative lighting may be permitted by the Planning Board where they are limited in number, or distant from abutting residential uses.

## **13. Signs**

Standards for external and internal sign illumination are provided in Section XII of the Zoning Ordinance. Lighting used for the external illumination of signs is included toward the Total Outdoor Light Output standards.

## **I. Architecture & Signage**

The architecture of the building(s) and the aesthetics of the signage on a site shall follow traditional New England building forms and shall be designed to complement the neighborhood or village in which the site is located.

1. The signage for a site shall comply with Section XII, Sign Regulations of the Zoning Ordinance and shall be reviewed in conjunction with the site plan.
2. Buildings shall present an inviting, human-scaled façade to the street, internal drives, parking areas, and abutting properties. Wherever possible, entrances shall be clearly visible from the street and reinforced through site and architectural features designed to direct visitors to the building.
3. Building materials shall be treated as important design elements that define the appearance of the structure and strengthen the sense of identity throughout Scarborough. The use of materials that give the appearance of New England architectural forms are strongly encouraged.
4. Rooflines shall be designed to provide diversity in the form of the building and add visual interest to the streetscape. Specifically, rooflines shall be designed to reduce the mass of large

buildings, emphasize building entrances, provide shelter or shade for pedestrians, and incorporate elements unique to Maine and New England.

5. Large retail buildings, linear commercial buildings, national franchise buildings, and service stations shall all comply with the specific requirements for such structures found in the *Design Standards for Scarborough's Commercial Districts, January 27, 2003*.

#### **J. Public & Private Utilities [amended 04/21/2021]**

1. The Applicable Reviewing Authority may require electric, cable television, and telephone lines to be underground. If these services are underground in the street or on adjoining properties, the new service shall be placed underground. Any utility installations permitted above ground shall be designed and located so as to have a harmonious relation to both neighboring properties and the site.
2. The site shall be served by an adequate supply of drinking water as well as sufficient flows for fire suppression. If a development intends to be served by a public water supply, the applicant shall furnish a written statement from the water supplier confirming that the project can be served.
3. The project shall provide for an adequate means of sewage disposal, whether it is on-site or tied into the public sewage collection and treatment system. An on-site system shall be in conformance with Scarborough's Local Plumbing Ordinance, Chapter 404A. If a development intends to be served by a public sewage system, the applicant shall furnish a written statement from the sanitary district confirming the project can be served.

#### **K. Outdoor Storage**

~~Outdoor storage shall be permitted only as allowed by the Scarborough Zoning Ordinance. The outside storage of goods, materials, merchandise, automobiles, automobile parts, waste collection facilities, dumpsters, containers, and the like shall be located to the side or rear of sites and screened from view, if feasible.~~

- ~~1. Fencing or vegetation shall be used to screen dumpsters or recycling areas from view. These facilities shall be consolidated where possible.~~
- ~~2. Areas for outdoor storage or containers shall be designed as an integral part of the site, landscaping, and architectural plan and shall be setback and screened from public and private ways, main entrances, public spaces, and abutting residential neighborhoods.~~

#### **K. Design Standards for Commercial Districts [amended 04/21/2021]**

In addition to complying with the foregoing performance and design standards, all site plans for properties located in the Residence and Professional Office District (RPO), the Local Business District (B-1), the Town and Village Centers District (TVC), the General Business District (B-2), the Highway Business District (B-H), the Haigis Parkway District (HP), and any commercial uses within the Traditional Neighborhood Development Overlay (TND) shall comply with the more specific Design Standards for Scarborough's Commercial Districts. In determining whether a project is designed in accordance with the Commercial Design Standards, the Applicable Reviewing Authority may engage the services of appropriate professionals to review (at the applicant's expense) the materials submitted. In the event of a conflict or inconsistency between any requirement of the Design Standards and a requirement of this Ordinance, the Scarborough Zoning Ordinance, the Scarborough Shoreland Zoning Ordinance, or the Scarborough Subdivision Regulations, the more restrictive requirement shall apply.

## **L. L. Preservation of Historic and Archeological Resources**

Any historic or archeological resource that has been identified by the Maine Historic Preservation Commission, the Town's adopted Comprehensive Plan, or Section VII.H. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance should be preserved and incorporated into the development plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored. The Planning Board, Planning Department, and the applicant may consult the State Historic Preservation Office, the Scarborough Historical Society, or similar organizations with the mission of historic and archeological preservation on options for preserving the resource. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location. [03/19/2014][Amended 03/18/2015]

## **M. Municipal Capacity and State Agency Review**

Within the Town's designated growth areas as depicted in the current version of the Comprehensive Plan, the Town of Scarborough's Planning Board has municipal capacity to review development activities that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law. This authority has been provided for under 38 M.R.S.A. Section 488(19). Municipal capacity shall only apply to development projects that are located wholly within the Town of Scarborough and wholly within a designated growth area. All other development projects that meet or exceed the thresholds for Site Location of Development Law shall be reviewed by the Maine Department of Environmental Protection accordingly. Municipal capacity within the Town's growth areas shall apply to both new development projects and modifications to past development projects that may have existing Site Location of Development approvals.

In addition to meeting the standards and requirements of this Ordinance, the Scarborough Zoning Ordinance, and any other applicable local ordinances, site plans that include a minimum of three (3) acres or more of building and impervious coverage shall also be submitted and reviewed by the State of Maine regarding significant wildlife and fisheries habitat and natural resources and significant historic and archeological resources as follows:

1. The Maine Department of Inland Fisheries and Wildlife shall be provided with a complete site plan application and shall have the ability to review and provide advisory comments on the site plan's impact on any significant wildlife habitat, aquatic habitat, fisheries habitat, or wildlife travel corridor. The Planning Board shall not issue a final decision on a site plan application until it receives comments from the Maine Department of Inland Fisheries and Wildlife or thirty (30) days from the submission of the application to the department, whichever comes first. [03/19/2014]
2. The Maine Historic Preservation Commission shall be provided with a complete site plan application and shall have the ability to review and provide advisory comments on the presence of any significant historic or archeological resources that may exist on the site. The Planning Board shall not issue a final decision on a site plan application until it receives comments from the Maine Historic Preservation Commission or thirty (30) days from the submission of the application to the department, whichever comes first. [03/19/2014]

## **V. Site Conditions & Environmental Considerations**

Before and during construction, the applicant or developer shall abide by the following conservation, erosion, and sediment control measures as well as the site construction, safety, and hazardous waste standards.

## **A. Conservation, Erosion, & Sediment Control [amended 04/21/2021]**

1. All sites must comply with Chapter 420 – Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance.
2. Stripping of vegetation, re-grading and other development shall be performed in such a way as to minimize erosion.
3. Development shall preserve prominent natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.
4. Wherever feasible, natural vegetation shall be retained, protected, and supplemented.
5. The extent of disturbed area and the duration of exposure shall be proposed by the applicant for consideration by the Applicable Reviewing Authority. The proposal shall conform to time schedules acceptable to the Applicable Reviewing Authority or to the Town Planner and Town Engineer if the Applicable Reviewing Authority so directs.
6. Disturbed soils shall be stabilized as efficiently as possible.
7. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
8. The permanent vegetation and mechanical erosion control measures shall be installed in conformance with a specified schedule as approved by the Applicable Reviewing Authority or by the Town Planner and Town Engineer if the Applicable Reviewing Authority so directs.
9. Until the disturbed area is stabilized, sediment in the runoff shall be trapped and contained by the use of debris basins, sediment basins, silt traps, silt fencing or other acceptable measures.
10. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing the sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any resulting damages in an efficient manner.
11. Any developer conducting an activity on or across a stream, watercourse or swale or upon a floodway or right-of-way thereof shall maintain, as nearly as possible, the state of the stream, watercourse, swale, floodway or right-of-way during the activity. Following the activity, the water feature shall be returned to its original, or equal, condition.
12. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

## **B. Site Conditions**

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order by the Code Enforcement Officer or other authorized personnel. The developer shall make provisions for the disposal of oil, grease, and any other materials or equipment which may pose a threat to public health and safety. The site shall be regularly sprayed to control dust from construction activity.
2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials. Such material shall be removed or destroyed upon the request, and to the satisfaction, of the Code Enforcement Officer and must be accomplished prior to the issuance of an occupancy permit.



3. No substantial change shall be made in the elevation or contour of any lot or site by the removal or addition of earth, except as shown on an approved site plan. Minimal changes in elevations may be made only after approval by the Code Enforcement Officer. All permitted changes necessitated by field conditions shall be shown on the as built plans.
4. Prior to or during construction, the Code Enforcement Officer may require the installation or construction of improvements in order to prevent or correct a temporary condition on the site that could cause personal injury, damage to property, erosion, flooding, heavy construction traffic, creation of steep grades, or pollution. Required improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads, and other improvements specific to a condition. All temporary improvements shall remain in place and operation until otherwise directed by the Code Enforcement Officer.

## **VI. Fees**

### **A. Application Fee**

At the time of submission of a site plan review application, the applicant shall pay to the Town Treasurer an application fee. Said fee shall be non-refundable and shall be computed as specified in the *Schedule of Licenses, Permit and Application Fees* established by the Town Council.

### **B. Development Review and Construction Inspection Fee**

Prior to the issuance of a building permit for the construction authorized by the site plan approval, the applicant shall pay to the Town Treasurer a Development Review and Construction Inspection Fee. Said fee shall be non-refundable and shall be computed and paid as follows:

1. The amount of the fee shall be determined by the Town Engineer, and shall include the actual costs incurred by the Town to engage consultants to undertake review of the applicant's site plan submissions plus the estimated cost to the Town of retaining the services of a qualified construction or site inspector under the employ of a licensed professional engineer to observe and inspect any improvements associated with the site plan approval.
2. If, upon completion of the required improvements, the actual cost of monitoring and inspection exceeds the amount paid at the time of issuance of the building permit, the applicant shall pay the additional amount to the Town Treasurer before the certificate of occupancy for the building or site shall be issued. If, upon completion of the required improvements, the actual cost of monitoring and inspection is less than the amount paid the Town shall return the unused portion to the applicant.

## **VII. Enforcement, Occupancy and Performance Guaranty** **[amended 04/21/2021]**

This ordinance shall be enforced by the Town of Scarborough Code Enforcement Officer. It shall be a violation of this ordinance (1) to undertake an activity requiring site plan review without first obtaining site plan approval from the Applicable Reviewing Authority, (2) to develop or use any property for which a site plan has been approved except in the manner shown on the approved site plan and as per Section III(B)(8) of this ordinance, or (3) to violate any condition of approval of an approved site plan. Any person who violates this ordinance shall be penalized pursuant to 30-A M.R.S.A. section 4452. Each day a violation exists constitutes a separate violation.

## **A. Occupancy Permit and Performance Guaranty**

An occupancy permit for the use or occupancy of any land, building, structure or part thereof requiring site plan approval shall be issued in accordance with Section IV(G), Certificate of Occupancy, of the Town of Scarborough Zoning Ordinance.

No occupancy for full or partial occupancy shall be issued by the Code Enforcement Officer until the Town Engineer, Town Planner or their designee are satisfied that the property has been constructed in accordance with the approved site plan and conditions of approval, or that the Town has received a performance guarantee for the completion of specific outstanding site elements within a specified timeframe, as well as final documentation required in all applicable Town ordinances including but not limited to as-builts.

A performance guarantee may be in the form of cash, certified check payable to the Town of Scarborough, or an irrevocable letter of credit in a form and from an issuer acceptable to the Town Treasurer. The amount of a performance guarantee shall be determined by the Town Engineer or her/his designee, following the submission of a cost estimate by the applicant, and shall be in an amount at least equal to the total cost of the remaining work to be completed. [amended 11/01/17]

As-built plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Prior to the release of the letter of credit and inspection fee account, the developer shall submit to the Planning Office a digital copy of the final site plan approved by the Planning Board, including all approved amendments to the plan during construction. The digital data shall be a single composite AutoCAD (up to Release 2019) drawing file as well as a .pdf file may be submitted via e-mail, or other format acceptable to the Town Engineer. The following standards shall be followed:

1. Plan units: decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988. (2) Georeferencing: drawing features should be tied into state plane coordinates.
2. Rotation of grid north maintained. Plan data should not be "rotated" in any way which might compromise data coordinate integrity. (Alternately, a "dview twist" or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
3. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System.
4. AutoCAD (up to Release 2019) drawing or equivalent.
5. Any dependent external referenced (xref's) should be bound to the drawing file(s).
6. Drawing layers should be named in a logical fashion to allow identification of features; preferably, all drawings should be accompanied by a file that describes the layer structure.
7. Significant proposed polygon features, i.e., building footprints, parking areas, and driveways, should be closed 2-D polylines (looped for closure).

## **VIII. Severability and Conflicts**

### **A. Severability**

In the event that any section, subsection or any portion of this ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this ordinance.

## B. Conflict

In the event that any provision of this ordinance is in conflict with or inconsistent with any provision of any other ordinance of the Town of Scarborough, the provision which establishes the most stringent requirement shall prevail.

## IX. Meanings of Words

Where words or terms used in this ordinance are defined in the Town of Scarborough Zoning Ordinance, the Town of Scarborough Subdivision Ordinance or the Town of Scarborough Shoreland Zoning Ordinance, such definitions shall apply to this ordinance as well. Words or terms not so defined shall have their ordinary, customary meanings.

### Appendix—Plant Materials List

~~The plants on this list have been derived from a number of sources to inspire a greater landscape variety in Scarborough. The final selection of materials shall consider the specific growing requirements and characteristics of each plant and the conditions of the site.~~

STREET TREES		ORNAMENTAL TREES	
Aesculus hippocastan	Baumanii Horsechest	Acer campestre	Hedge Maple
Acer campestre	Hedge Maple	Acer ginnala	Amur Maple
Acer ginnala	Amur Maple	Aesculus carnea	Red Horsechestnut
Acer x. freemanii	Armstrong Maple	Amelanchier canadensis	Serviceberry
Acer x. freemanii	Autumn Blaze Maple	Carpinus betulus	European Hornbeam
Acer rubrum	Red Maple	Carpinus carolinianum	American Hornbeam
Acer saccharum	Sugar Maple	Celtis occidentalis	Hackberry
Acer tataricum	Tartarian Maple	Cornus kousa	Kousa Dogwood
Acer triflorum	Three flower Maple	Cornus mas	Cornealiancherry Dogwood
Amelanchier	Shadblow	Cotinus obovatus	American Smoketree
Betula nigra	River Birch	Crataegus crus galli	Cockspur Hawthorne
Carpinus betula fastig.	Upright Hornbeam	Crataegus viridis	Winter King Hawthorne
Carpinus caroliniana	American Hornbeam	Halesia carolina	Carolina Silverbell
Cercidiphyllum japon.	Katsura Tree	Maaeki-amurensis	Maaekia
Cladrastis lutea	Yellowwood	Magnolia loebneri	Loebner Magnolia
Corylus colurna	Turkish Filbert	Magnolia stellata	Star Magnolia
Crataegus crusgalli	Cockspur Hawthorn	Malus species	Crabapple
Fraxinus americana	White Ash	Nyssa sylvatica	Tupelo
Ginkgo biloba	Maidenhair Tree	Ostrya virginiana	Ironwood
Gleditsia triacanthos	Thornless Honey Locust	Phellodendron arborescens	Amur Corktree
Gymnocladus dioica	Kentucky Coffee Tree	Prunus sargentii	Sargent Cherry
Liriodendron tulipifera	Tulip Poplar Tree	Prunus subhirtell	Higan Cherry
Magnolia acuminata	Cucumber Tree	Pyrus calleryana	Bradford Pear
Prunus accolade	Accolade Cheery	Sorbus alnifolia	Korean Mountain Ash
Prunus maaekii	Amur Chokecherry	Syringa reticulata	Tree Lilac ‘Ivory Silk’
Quercus alba	White Oak		

<del>Quercus bicolor</del>	<del>Swamp White Oak</del>	<b>EVERGREEN TREES</b>	
<del>Quercus coccinea</del>	<del>Scarlet Oak</del>	<del>Abies concolor</del>	<del>White Fir</del>
<del>Quercus imbricaria</del>	<del>Shingle Oak</del>	<del>Abies fraseri</del>	<del>Fraser Fir</del>
<del>Quercus palustris</del>	<del>Pin Oak</del>	<del>Picea abies</del>	<del>Norway Spruce</del>
<del>Quercus robur</del>	<del>Upright English Oak</del>	<del>Picea glauca</del>	<del>White Spruce</del>
<del>Quercus rubra</del>	<del>Red Oak</del>	<del>Picea omorika</del>	<del>Serbian Spruce</del>
<del>Quercus shumardi</del>	<del>Shumard Red Oak</del>	<del>Picea pungens</del>	<del>Colorado Spruce</del>
<del>Sophora japonica</del>	<del>Regent Scholartree</del>	<del>Pinus resinosa</del>	<del>Red/Norway Pine</del>
<del>Tilia cordata</del>	<del>Littleleaf Linden</del>	<del>Pinus strobus</del>	<del>Eastern White Pine</del>
<del>Ulmus parvifolia</del>	<del>Lacebark Elm</del>	<del>Thuja occidentalis</del>	<del>American Arborvitae</del>
<del>Ulmus americana</del>	<del>Princeton American Elm</del>	<del>Tsuga canadensis</del>	<del>Canadian Hemlock</del>
<del>Zelkova serrata</del>	<del>Greenvase Zelkova</del>	<del>Tsuga caroliniana</del>	<del>Carolina Hemlock</del>

<b>FLOWERING &amp; ORNAMENTAL SHRUBS</b>		<b>PERENNIALS</b>	
<del>Aesculus parviflora</del>	<del>Bottlebrush Buckeye</del>	<del>Achillea millefolium</del>	<del>Yarrow</del>
<del>Aronia arbutifolia</del>	<del>Red Chokeberry</del>	<del>Aster x frikartii</del>	<del>New England Aster</del>
<del>Cotinus coggygria</del>	<del>Common Smoketree</del>	<del>Astilbe varieteis</del>	<del>Astilbe</del>
<del>Cotoneaster adpressa</del>	<del>Creeping Cotoneaster</del>	<del>Coreopsis verticillata</del>	<del>Moonbeam Coreopsis</del>
<del>Deutzia gracilis</del>	<del>Slender Deutzia</del>	<del>Echinacea purpurea</del>	<del>Purple coneflower</del>
<del>Enkianthus campanulat.</del>	<del>Redveined Enkianthus</del>	<del>Hemerocallis species</del>	<del>Daylilies</del>
<del>Forsythia 'Sunrise'</del>	<del>Sunrise Forsythia</del>	<del>Liatris spicata</del>	<del>Gayfeather</del>
<del>Hydrangea paniculata</del>	<del>Panicle Hydrangea</del>	<del>Malva alcea 'fastigiata'</del>	<del>Hollyhock Mallow</del>
<del>Ilex verticillata</del>	<del>Winterberry</del>	<del>Perovskia atriplicifolia</del>	<del>Russian Sage</del>
<del>Myrica pensylvanica</del>	<del>Bayberry</del>	<del>Rudbeckia 'Goldsturm'</del>	<del>Black-Eyed Susan</del>
<del>Potentilla fruticosa</del>	<del>Bush Cinquefoil</del>	<del>Sedum telephium</del>	<del>Autumn Joy Sedum</del>
<del>Prunus maritima</del>	<del>Beach Plum</del>		
<del>Rhododendron species</del>	<del>Rhododendron Species</del>	<b>ORNAMENTAL GRASSES</b>	
<del>Rosa rugosa</del>	<del>Beach Rose</del>	<del>Deschampsia caespitosa</del>	<del>Tufted hair Grass</del>
<del>Viburnum prunifolium</del>	<del>Blackhaw Viburnum</del>	<del>Miscanthus sinensis</del>	<del>Purple Silver Grass</del>
<del>Viburnum sargentii</del>	<del>Sargent Viburnum</del>		
<del>Viburnum trilobum</del>	<del>Amer. Cranberrybush</del>		
<del>Xanthorrhiza simplicissima</del>	<del>Yellowroot</del>		

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following Chapter 405B-1Town of Scarborough Design Standards for Commercial Districts is amended as recommended by the Planning Director.

## DESIGN STANDARDS for Scarborough's Commercial Districts

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Design Standards for Scarborough's Commercial Districts is amended as recommended by the Planning Director, as follows (additions are underlined; deletions are struck through):

## DESIGN STANDARDS for Scarborough's Commercial Districts



Adopted July 16, 2001

[Amended February 18, 2009]

[Amended October 18, 2023; Lighting Standards Repealed,

See Chapter 405B Section H]

[Amended June 26, 2024; Landscape Standards Repealed, See Chapter 405B Section F]

### Planning Board Policy Approving Site Planning Goals

The Planning Board approves the attached Site Planning Goals as guidelines to assist applicants in designing proposals which will comply with the standards of Section C of the Site Plan Review Ordinance. Proposals that are designed in accordance with the Site Planning Goals will be presumed to comply with the standards of Section C. Proposals that are not designed in accordance with the Site Planning Goals will need to demonstrate compliance with each of the standards of Section C. In determining whether a project is designed in accordance with the Site Planning Goals or meets the standards of Section C, the Planning Board may engage the services of appropriate professionals to review, at the applicant's expense, the materials submitted by the applicant.



## DEFINITION OF TERMS

These definitions are provided to assist the reader while using Scarborough's Design Standards.

**Adaptive Reuse** - The development of a new use for a preexisting building. If a historic structure is involved, the conversion strives to maintain the structure's historic character.

**Americans with Disabilities Act.** A 1990 federal law designed to bring disabled Americans into the economic mainstream to provide them equal access to jobs, transportation, public facilities, and services.

**Architectural Feature** -A prominent or significant part or element of a building, structure or site.

**Bollards** -Posts used in the landscape for functional (e.g., separation of pedestrian and vehicular traffic) or decorative purposes.

~~**Buffering** -Landscaped areas, berms, fencing, walls or other physical features that are planted or installed to physically and visually separate land uses.~~

**Building Mass** The height, width, and depth of a structure.

**Cape Cod Curbs** -A relatively low fiat asphalt curb, typically used at the edge of parking lots or roadways to minimize snow plow damage.

**Community Character** - The image of a community as defined by such factors as its built environment, natural features, open space, architectural styles of houses and buildings, infrastructure, and the type and quality of public facilities and services.

**Compact Parking** -A parking space with a dimension of 8' in width and 15 feet in depth.

**Cross Easement** \_The reciprocal legal right to pass from one property to another.

**Curb Cut** - The opening along the curb line at which point vehicles may enter or leave the roadway.

**Fenestration** - Window treatment in a building or on a building facade.

**Gateways** -Entrances into recognizable places or areas of significant changes in land use.

**Human Scale.** The relationships of a development and/or its elements in terms of size, height, bulk, intensity, and aesthetics, to human beings.

~~**Landscape Plan** -A component of a development plan which shows the quantity, species, and size of all proposed vegetation.~~

**Massing** - The grouping of three-dimensional forms to achieve variation (as in a building or landscape planting).

**Mixed-Use Development** -The combination of two or more land uses within one building, project, or site. The most common combination of uses is business/retail and residential.

**Modular Pavers** -Preformed paving blocks that are installed on the ground to form patterns.

**Neckdowns** -Located at the openings of curb lines, the curb width is extended, usually 7-8", to decrease the distance between opposing curb lines and to prohibit parking. Sometimes referred to as "bump outs."

**Outdoor Storage** - The keeping, in an unenclosed area, of any goods, materials, merchandise, junk, or vehicles in the same place for more than twenty-four hours.

**Parapet** - The extension of the main walls of a building above the roof line.

**Peer Review** - The use of qualified professionals to review specific aspects of a Site Plan application for conformance with the Town's Ordinances or Design Standards.

**Performance Guarantee** -Any security that may be accepted by a municipality to assure that improvements required as part of an application for development will be satisfactorily completed.

**Reader boards** -A sign affiliated with a business or institution that contains temporary announcements about events or activities occurring on the premises.

**Redevelopment** - The reconstruction, reuse or change in use of any developed property including an increase in intensity of use or structural enlargement.

**Rehabilitation/Renovation/Restoration** - To construct an addition, make alterations, or to upgrade to the design and layout of a building.

**Scale** .The relationships of a development and/or its elements in terms of size, height, bulk, intensity, and aesthetics, to one another and the surroundings.

**Service Areas** -A designated area, either attached to or separated from the main commercial building, where a business accommodates services such as product shipping and delivery, trash pickup, machinery and equipment repair, utility storage, etc.

**Sight Triangle** -A triangular shaped portion of land established at street intersections in which nothing is erected, placed, or planted that would limit or obstruct the motorists vision as they enter or depart the intersection.

~~**Site Furniture** -Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, and fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces used by the public.~~

**Strip Commercial Centers**- Continuous or intermittent linear roadside development, generally one store deep and characterized by multiple roadway access points, highly visible off-street parking and an assortment of commercial uses with direct access to abutting roads.

**Stacking Lanes** -A designated area of a parking lot that accommodates the queuing of cars (for instance, at a drive-through restaurant).

**Temporary Signs** -A sign which is installed for a limited time and is not constructed or intended for long-term use.

**Vernacular Architecture** -Architectural forms which are indigenous to an area, having developed in response to available materials, environmental conditions, and local cultural traditions.



INTRODUCTION

Each property within Scarborough's commercial district is unique. Development plans should be based upon a careful understanding of the site in order to meet the **requirements of the business while improving the** functionality, safety, and visual character of Scarborough's commercial community.

Site Planning Goals

- Distinctive, attractive gateways that welcome people to Scarborough.
- Quality development that respects the uniqueness of each property and reinforces Scarborough's sense of place and character.
- Public open space throughout the commercial area to enhance its appearance and support pedestrian use.
- An attractive, functional, and safe environment that is conducive to commerce and other permitted activities.
- Quality redevelopment of transitional or substandard properties.
- Protection for abutting residential properties through sensitive site planning, buffering, and architectural design.
- Upgrading the visual character and human scale of commercial districts through particular attention to architecture, site planning, signage, and lighting.
- Encourage increased walking and cycling activity within commercial district's by providing safe, attractive, interconnected facilities.
- Universal accessibility for all that meets the Americans with Disabilities Act (ADA).
- Sound access management throughout the commercial district to maintain efficient traffic flow and high levels of safety.

CONTENTS

General Site Plan Principles	2
Circulation Planning	4
Parking Areas	6
Pedestrian Spaces	8
Public Sidewalks	9
Internal Sidewalks	10
Multiple Building Developments	13
Service Areas	15
Buffers & Screening	17
Stormwater Management	18



*The preservation of mature trees, combined with masses of plantings, create a distinctive, attractive environment the landscape buffer also helps separate the cars from the pedestrian path to the right.*

## OBJECTIVES

Good site planning shall result in an attractive, safe, and economically viable relationship between buildings, parking, signage, lighting, landscaping, and the surrounding environment. Site plans shall minimize the visual effects of parking, feature high-quality landscaping, accommodate pedestrian movement where possible, and encourage connections to nearby properties.

## DESIGN STANDARDS

### Proximity of Buildings to Roadways.

Buildings shall be located as close to the front property line as possible to provide scale and interest to the auto and pedestrian environment. The majority of parking shall be located at the rear or side of the building.

### Relationships to Residential Properties.

The facades of buildings which abut or are visible from residential neighborhoods shall use forms, materials, and details which are residential in nature and appearance. Services areas, parking lots, outdoor storage yards, and other similar features shall avoid facing residential neighborhoods.

**Licensed Professionals.** All plans for development/redevelopment shall be designed by appropriate licensed professionals (e.g., architects, landscape architects, civil engineers, traffic engineers) to address issues of public health, safety, and welfare.

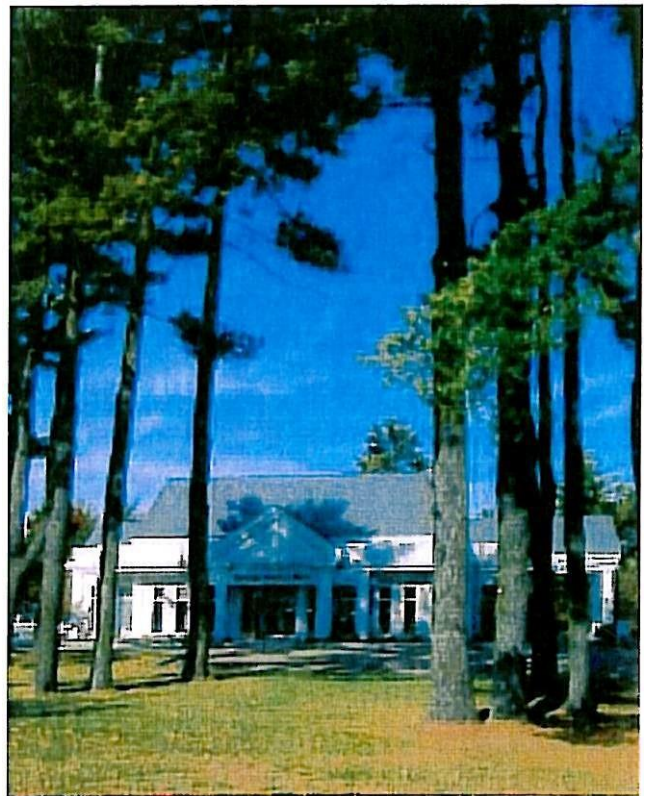
**Access Management.** Site plan involving curb cuts onto major roadways shall demonstrate an adherence to sound access management principles to promote efficient traffic flow and maintain a high level of safety for pedestrians and motorists.

**Landscaping.** ~~The Space between the roadway and the front of the building shall be attractively landscaped with trees, flowering shrubs, fencing, stone walls, and other elements. Existing healthy trees and shrubs shall be preserved or transplanted~~

~~to another area of the site wherever possible. Properties located along Route One shall comply with the recommendations of Guiding Growth and Public Improvements on Route One.~~

**Standard Note.** All plans submitted for Planning Board Approval shall contain the following standard note:

*The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.*



*Preservation of the mature pines add visual interest and reduce the impact of front parking.*





*Pedestrian walkways are clearly identified through changes in color and materials.*



*An example of a high-quality contemporary office building that has retained many of the natural features of the site.*



*The proportions and site features give this building a strong sense of scale. The stone wall, plantings, and walkway lighting create a welcome entrance. The building used to be a flat-roofed commercial structure.*



*A human-scaled shopping plaza that offers a variety of interesting and inviting exterior spaces*



*This well-detailed outdoor space provided an attractive opportunity for pedestrians. The wooden trellis and landscaping complement the building and add human scale.*

## OBJECTIVES

All development activities shall be characterized by safe, user-friendly, and efficient traffic flow. Access management principles shall be followed to reduce the number of curb cuts, provide a safer vehicular and pedestrian environment, encourage intra-parcel travel, and minimize the number of trips on roadways.

## DESIGN STANDARDS

**Curb Cuts on Major Roads.** Site plans shall be designed to minimize the number of curb cuts on major roadways to increase vehicular and pedestrian safety.

**Shared Access.** Entrances to abutting commercial properties shall be combined to the maximum extent possible.

**Internal Traffic Flow.** To ensure the safety of motorists, delivery trucks, and pedestrians, the site plan shall clearly delineate internal traffic patterns. Site plans shall be designed by a professional engineer familiar with the Scarborough Ordinances. Parking space, directional arrows, crosswalks, and other markings on the ground shall be delineated with pavement paint or other suitable material to ensure safe circulation.

**Internal Connections.** Where feasible, connections between parking lots and driveways on adjacent parcels shall be provided to facilitate deliveries and minimize turning movements onto major roadways. Internal connections shall provide safe, direct access between adjacent lots in a manner that prevents them from becoming vehicular shortcuts. Cross easements shall be provided as required to facilitate circulation. The site plan shall anticipate future vehicular connections to abutting undeveloped property.

**Internal Pedestrian Connections.** Safe pedestrian connections between abutting land uses shall be provided where possible to encourage foot traffic and minimize vehicular movement.

**Traffic Calming.** Traffic calming measures shall be included where appropriate to discourage speeding within the site and between abutting properties. Measures may include speed tables, on-street

parking, raised crosswalks, vertical curbing, curvilinear road alignment, roadside plantings, neck-downs, curbed islands, and signage.

**Drive-Throughs.** Access routes leading to or from takeout windows or other drive-throughs shall minimize conflicts with pedestrian circulation routes. Motorists shall be made aware of pedestrians through signage, lighting, raised crosswalks, changes in paving, or other devices. The site plan shall be designed to prevent queuing in parking lots or other areas which would cause congestion or unsafe conditions.

**Pedestrian and Bicycle Movement.** The circulation plan shall provide safe pedestrian and bicycle movement within the site. The plan shall demonstrate how linkage(s) can be made to adjacent properties, both developed and undeveloped. Pedestrian and bicycle connections between abutting properties shall be coordinated with vehicular routes to encourage foot traffic and minimize vehicular movement.

**Refuge Zones.** Pedestrian islands (five feet minimum width) shall be installed in driveways and streets where the crossing distance is greater than 32 ft.



*This curbed, landscaped island divides entering and exiting traffic. The identification sign is located away from the intersection to avoid interfering with the motorists' line of sight.*



**Outparcel Development.** Plans for multi-building developments shall accommodate future buildings, access roads, sidewalks, esplanades, and signage in a coordinated fashion. See *Mull/Building Development pp. 14-15*, for further standards.

**Service Drives.** Service drives shall be separated from internal walkways, parking areas, or pedestrian use areas by landscaped islands, grade changes, or other devices to minimize pedestrian contact.



*This planted bed serves as an attractive way to separate entering and exiting traffic. The planting bed has also helped preserved a large, mature tree located on the site.*



*An island provides a refuge zone for pedestrians crossing this wide driveway. Permanent crosswalks would have minimized annual maintenance costs.*



*This fast-food restaurant is an outparcel of a larger commercial retail development. Circulation, including drive-through, parking, and pedestrian access, has been carefully integrated into the surrounding site.*



*The predominance of curb cuts along this roadway creates an unsafe/uninviting environment for the pedestrian.*

## OBJECTIVES

Parking lots shall be designed to complement adjacent buildings, the site, and the commercial district without becoming a dominant visual element. Every effort shall be made to reduce the scale of parking lots by minimizing the total amount of paved surface visible from the road.

Parking lots shall be designed as inviting, pedestrian-friendly places by careful attention to landscaping, lighting, and internal walkways. With proper planning, parking lots can balance the needs of both the vehicle and the pedestrian.

## DESIGN STANDARDS

**Siting.** Whenever possible, the majority of parking areas shall be located at the rear or sides of commercial buildings, except where parking would be located adjacent to a residential neighborhood, or when included as part of a multi-building site plan (see pp. 13-14). Where land use conflicts occur, (e.g., unavoidable siting of a parking lot next to a home) the lot shall be screened with evergreen trees, earth berms, fences, or shrubs.

**Orientation.** Parking lots shall be designed as part of the overall plan for the site, and coordinated with building entrances, lighting, and landscaping.

**Scale.** The scale of parking areas with more than 1s spaces shall be broken up with trees, landscaped islands, grade changes, low walls, or other appropriate features. See Landscaping for specific standards regarding parking areas.

~~**Relationship to Buildings.** Paved surfaces of parking lots shall be separated from buildings by a minimum of five feet of landscaping and/or a paved walkway. The width of the landscaping shall be proportional to the height of the building.~~

~~**Screening.** Where front parking is permitted between the building and the road, it shall be screened by berms, fencing, low walls, trees, shrubs, perennial masses, or a combination of elements. The~~

~~ultimate height of the screen shall be 3± feet to minimize the view of the vehicle while still providing a clear view of the building and signage.~~

~~**Landscaping in Parking Lots.** Between 10% and 15% of the parking lot shall be landscaped. The higher percentage shall be used for larger lots (more than 40 cars) and those that are most exposed to public view. Planting islands shall be a minimum of 9' in width. All parking lot landscaping shall be hearty and appropriate for parking lot conditions. Natural groupings or clusters of trees are also encouraged. See Landscaping for further standards.~~

**Dead End Parking Lots.** Parking lots with a single point of access are strongly discouraged. Dead-end parking lots shall not contain more than ten spaces. Where dead-end lots are unavoidable, space shall be provided to safely turn a vehicle around without having to back out.

**Shared Parking.** Shared parking is strongly encouraged where appropriate, particularly where abutting land uses have differing hours of peak parking demand. Cross easements may be required to allow shared parking.

**Safety.** Crosswalks shall be marked by a change in pavement texture, pattern, or color to maximize



*An attractively landscaped parking lot that is a positive asset to the surrounding commercial area. Bike racks are conveniently situated near surrounding shops.*



~~pedestrian safety in parking areas and other potentially hazardous areas. Care shall be taken in the selection of shrubs, ornamental grasses, walls, or other landscape elements to maintain visibility.~~

**Side Lot Parking.** Parking on the side of buildings shall not extend closer to the street than the front facade. The space between the end of the parking lot and the roadway shall be landscaped according to an overall plan for the property.

~~**Snow Storage.** Provisions shall be made for snow storage in the design of all parking areas. The areas shall be shown on the Site Plan to avoid conflicts with landscaping, visibility, drainage, or icing during winter months.~~

**Buildings in Existing Parking Lots.** The development of smaller commercial buildings on out-parcels is strongly encouraged to break up the scale of large parking areas.



~~Landscaped islands should have been used here to provide scale, reinforce internal circulation, and guide pedestrians.~~



~~Wide parking lot islands provide ample room for tree growth and snow storage.~~



~~A low wall and ornamental plantings effectively screen this parking lot from view.~~



~~While asphalt curbing is inexpensive to install, it is very prone to snowplow damage.~~



## OBJECTIVES

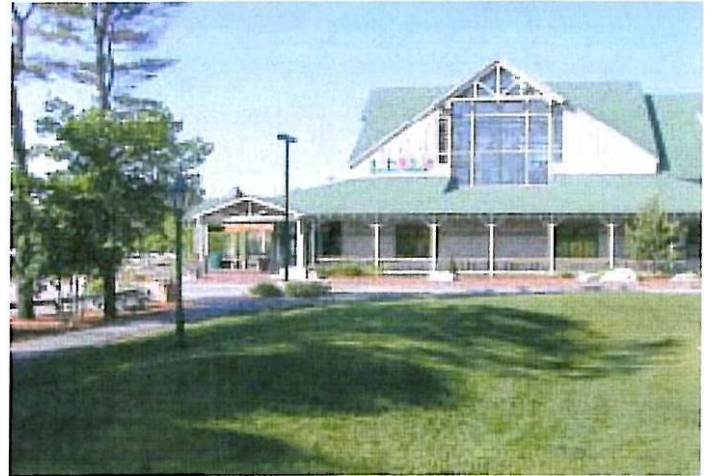
Entrances to buildings shall be designed to provide outdoor spaces for a variety of uses—seating/resting, dining, displays, and aesthetic enhancement—to create a pedestrian-friendly environment.

## DESIGN STANDARDS

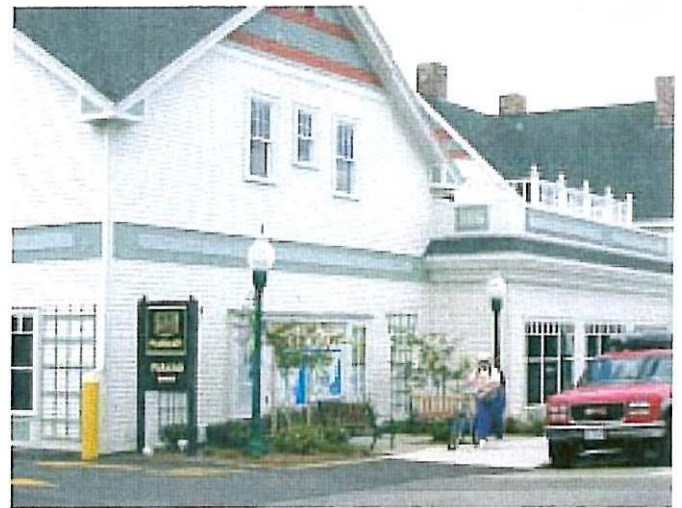
**Planning.** Outdoor use areas should be located in sunny, highly visible locations and sized to fit the anticipated uses. The design should be a collaborative effort between architect, landscape architect, engineers, artists, and other design professionals.

**Materials.** Outdoor use areas shall be constructed of high-quality, easily maintained materials. All elements within the space shall be coordinated with the architecture and site elements to achieve a unified look. The use of decorative paving is encouraged for sifting areas, pedestrian plazas, building entrances, or other designed open spaces. See Landscaping for plantings and street furniture standards.

**Entrances.** Major entrances to new or renovated buildings shall be emphasized through the use of canopies, recessed entries, seating areas, decorative plantings and lighting, sculpture, and other elements.



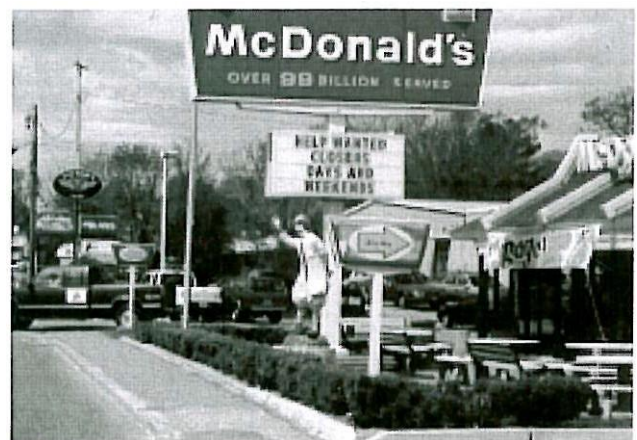
*welcome visual relief and all opportunity for programmed activities.*



*A small sitting area next to a new drug store offers a place to meet and relax in a commercial environment*



*An informal dining area in front of a deli provides an attractive setting for customers. Parking is screened by an attractive wooden fence. An informal lawn area provides*



*An outdoor eating area located within the front setback is separated from traffic by a subtle grade change and a hedge. However, advertising features visually overwhelm the space.*



## OBJECTIVES

Public sidewalks should be provided wherever possible throughout Scarborough's commercial areas. Existing and proposed road corridors should include sidewalks, planted esplanades, crosswalks, and pedestrian amenities to encourage a safe flow of non-motorized traffic.

There are many areas in Scarborough's commercial areas which are currently not pedestrian or bicycle friendly. The long-term objective is to encourage an interconnected network of sidewalks that encourage exercise for the general population.

## DESIGN STANDARDS

**Public Sidewalks.** Wherever possible, sidewalks and planted esplanades shall be provided within or near the right-of-way on both sides of all streets to encourage safe pedestrian movement. Facilities shall be coordinated with abutting land uses to create interconnections throughout the commercial area and linkages to surrounding residential neighborhoods. lighting and other amenities abutting walkways should be at human scale.

**Coordination with Site Plan.** All new sidewalks shall be coordinated with the Site Plan to avoid conflicts with landscaping, utilities, grading, drainage structures, signs, and other elements. MI walks shall be designed to facilitate snow removal and allow year-round use. Sheet flow of stormwater across sidewalks shall be avoided. Underground storm drainage systems are strongly encouraged.

**Material Selection.** Concrete sidewalks with granite curbing shall be used on sidewalks within the public ROW.

**Crosswalks.** Where sidewalks intersect with commercial drives or roads, crosswalks shall be installed to alert the motorist and improve visibility. Crosswalks shall offer a noticeable change in texture and color. Materials for crosswalks shall be highly durable and slip resistant.

**Lighting.** Sidewalks shall be lit to the minimum standards recommended by the Illuminating Engineering Society of North America (IESNA) to promote safe use during evening hours.

**Accessibility.** All new and renovated facilities shall be located, designed, and detailed in full compliance with the Americans with Disabilities Act (ADA), as revised.



*This photo simulation, illustrates the improvements sidewalks and pedestrian amenities can add to a public roadway.*

## OBJECTIVES

Commercial properties shall provide attractive, safe, and functional walkways between the public right-of-way and the main entrance. Internal walkways shall invite pedestrians onto the property and make them feel welcome.

## DESIGN STANDARDS

**Internal Walkways.** Continuous internal walkways shall be provided from the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building entrances.

**Location.** Walkways shall be located where motorists can anticipate pedestrians and react accordingly. Likewise, walkways shall be designed to give the pedestrian a full view of oncoming vehicles, with minimal interference from trees, shrubs, and parked cars. Walkways shall avoid drive-through lanes, access and service drives, and other high-traffic routes. Traffic control signs, light fixtures, trees, or other potential obstacles shall be located far enough from walkways to prevent interference with pedestrian movement.



*An internal walkway that is an integral part of the site plan.*

**Orientation.** Walkways in parking lots shall be aligned with the main entry or a focal point on the building to assist in wayfinding.

**Curbing.** Internal walkways shall be separated from parking bays and/or travel lanes by raised curbing. Granite is preferred for its longevity, low maintenance, and appearance.

**Width.** Internal walkways shall be a minimum of five feet wide to allow two people to pass comfortably. Additional width may be necessary in certain conditions, e.g., where shopping carts may be used, where heavy pedestrian traffic is anticipated, or where cars overhang the walkway.



*This circulation system results in excessive width in front of the storefronts and creates an auto-oriented environment. The painted walkway offers little contrast and leads to tire parking aisle.*



*This raised walkway provides a high level of contrast with the surrounding parking lot. However the width is compromised by the overhang of cars, making pedestrian movement difficult.*

**Coordination with Landscaping.** Areas adjacent to walkways shall be landscaped with trees, shrubs, benches, flower beds, ground covers, or other such materials. Walkways in parking lots shall include landscaped islands to provide visual relief, shade, and scale. Shrubs shall be used with care to avoid blind spots. Special features, such as benches, flower beds, planters, and artwork can be used to enhance the walkway. Trees along all walkways shall be trimmed to provide adequate sight distance and to remove potential obstacles. Vertical clearances of at least eight feet shall be maintained.



*An internal walkway oriented toward the main entry of a restaurant. The planting strips with ornamental grasses and perennials separate the pathway from vehicles.*

**Crosswalks.** Internal crosswalks shall be marked by a change in pavement texture, pattern, or color to maximize pedestrian safety in parking areas and other potentially hazardous areas. The materials selected for road crossings shall be highly durable and low maintenance. Raised crosswalks shall be considered at key locations as a traffic calming device to make crosswalks more visible. Signs may be warranted in certain situations as determined by the Institute for Traffic Engineers (ITE). Materials selected for crosswalks shall allow safe bicycle movement across the surface.

**Drainage.** Sheet flow of stormwater across walkways shall be avoided. Culverts shall be sized to prevent ponding and provide uninterrupted use of the walkway.

**Maintenance.** All internal walkways shall be designed to facilitate maintenance by the property owner. The site plan shall coordinate the location of walkways with utilities, plantings, drainage, and other site elements that could affect long-term maintenance.



*Decorative plantings can add to the attractiveness of walkways while helping to set them apart from parking lots.*



*A wide walkway that provides a well-marked, attractive pathway to the main entrance. Separated walkways are more desirable than systems that end behind parked cars.*



**Snow Storage.** All walkways shall be designed for ease of snow removal to encourage year-round use. Site plans shall indicate locations for snow storage in areas where they will not interfere with pedestrian movement, block visibility, or cause dangerous conditions from freezing meltwater.

**Accessibility.** Walkways shall be located, designed, and detailed in full compliance with the Americans with Disabilities Act (ADA), as revised.



*The walkway in the parking lot leads to a well-defined crosswalk to maintain continuity.*



*The pedestrian circulation system in this shopping center includes well marked crosswalks and sidewalks.*



*This internal walkway crosses over a curb, making access difficult for people with disabilities.*



*A highly visible internal crosswalk that effectively connects the parking lot to the storefronts.*

## OBJECTIVES

Multiple building developments shall exhibit a high degree of coordination in site planning, architectural design, site design, and site detailing. MB physical components shall be designed to complement an overall plan.

## DESIGN STANDARDS

**Master Plan.** For multi-building developments (MBD's), a conceptual master plan shall be prepared to show the Town the general location of future buildings, parking lots, roads and driveways, walkways, common open spaces, utilities, service areas, stormwater management, and other components of site development. The master plan shall also show how traffic, stormwater, and utilities will be coordinated with adjacent properties. The plan shall also illustrate the measures that will be taken to preserve significant natural or cultural features, such as wetlands, specimen trees, or stone walls.

**Phasing \_Plan.** As part of the Site Plan application, the applicant shall provide a phasing plan that illustrates the sequence of development and what steps will be taken to ensure compatibility between current and future activities.

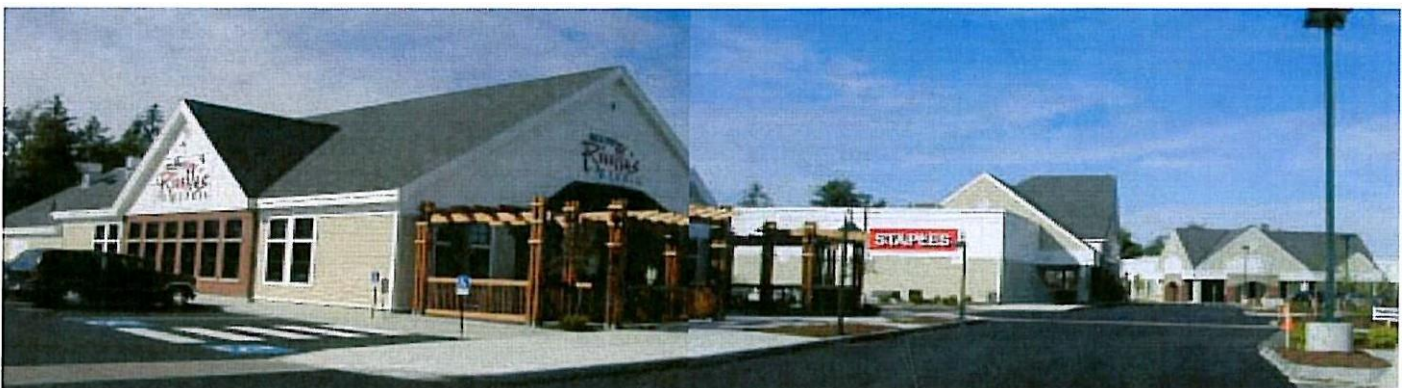
**Building Orientation.** All buildings in MBD's shall be oriented to create usable, safe and attractive pedestrian spaces, preserve significant site features and minimize the appearance of parking areas.



*The buildings in this MBD have been sited to reinforce pedestrian circulation patterns and reduce the scale of the overall development.*

**Focal Points.** In MBD's, a limited number of buildings or other elements shall be designed as focal points. These structures shall be visually more prominent, enhanced by height, massing, distinctive architectural treatment, lighting, landscaping, or other distinguishing features.

**Outdoor Spaces.** MBD's shall include outdoor use areas such as greens, plazas, and courtyards. Buildings may be oriented toward open spaces rather than roadways. In these situations, buildings shall have a major access on the space as well as a secondary access point(s) oriented to parking areas. Outdoor spaces shall be coordinated with the pedestrian circulation plan to encourage pedestrian use, with provisions for seating and outdoor activities. Outdoor spaces shall be designed to separate pedestrian and vehicular traffic with landscaping, grade changes, and other site features.



*Similar roof pitches, pedestrian use areas, and traditional building materials help unify this multi-building development.*

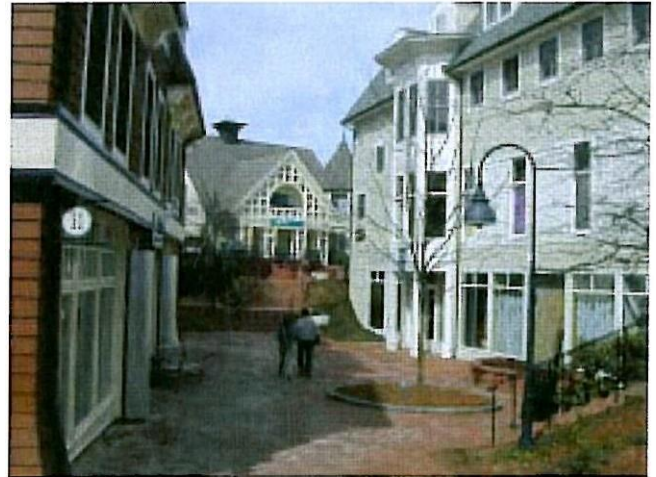


**Drive Through Facilities.** Where drive-through facilities are a component of a MBD, the building and site plan shall emphasize pedestrian access.

**Signage Plan.** Applicants for MBD's shall submit a master signage plan that shows how graphics will complement and unify the proposed development. See **Signage**.

~~**Landscape Plan.** Landscaping for MBD's shall be coordinated with all other elements of the site. As part of the application for Site Plan approval, applicants shall submit a master landscape plan that shows how landscaping will be used to complement proposed buildings, reinforce circulation paths, help define pedestrian use areas, highlight entrances, provides shade, and adds seasonal interest to the landscape. See **Landscape Chapter** for further standards on landscape materials.~~

~~**Shared Stormwater Management.** Wherever appropriate, treatment basins shall be designed to be shared by multiple building sites to minimize the land area devoted to stormwater management. (See Stormwater Management, p. 19 for further details).~~



*This MBD encourages pedestrian use and enjoyment through well-connected sidewalks, mature landscaping, high quality lighting and paved public plaza.*



*This MBD is unified by a common architectural style and coordinated landscaping, lighting, and outdoor spaces.*



*Buildings in this multi-building development are oriented to a grid pattern, with strong pedestrian circulation.*

## OBJECTIVES

Service areas shall be integrated into the overall site plan. They shall be designed to meet the functional needs of the facility while minimizing any traffic or visual conflicts, audible noise, or smells.

## DESIGN STANDARDS

**Locations.** All facilities for service, including waste collection and storage facilities, off-street loading and unloading areas, loading docks, storage facilities, dumpsters, fueling areas, and vehicle service and maintenance areas, shall be located at the side or rear of the principal building. Locations that face public roadways or abutting residential properties shall be avoided. Overhead doors or other vehicle entrances or exits shall not be located on any facade that faces a public street or residential neighborhood.

**Design.** Service areas shall be sized to fit the specific needs of the building and its intended operations. The smallest size needed to meet the building's requirements is encouraged.

~~**Screening.** Service areas shall be screened to minimize visibility from sensitive viewpoints such as public and private roadways, main entrances, abutting neighborhoods, public open spaces, and pathways in these situations. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms.~~

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

**Service Access.** Service areas shall be sited to accommodate the turning movements of vehicles used for trash pickup, deliveries, and similar functions without conflicting with other vehicles.

**Coordination.** Prior to Town submittal, the applicant shall contact the representatives of utility companies, fuel suppliers, trash haulers, the fire department, and others who may have input into the design and siting of service areas and facilities.

**Protection.** Where architectural screening or freestanding fencing is used for screening, it shall be protected with granite posts or concrete filled steel bollards, or reinforced in a manner that will prevent damage from service vehicles.

**Recycling Facilities.** The installation and use of recycling bins is encouraged. All recycling facilities shall be screened in a manner similar to other service areas. Dumpsters and recycling areas shall be consolidated where possible.



*A variable height fence used to provide visual separation between a convenience store and its residential neighbor. The fence is attractive on both sides.*





*This service area is effectively integrated into the side of the building. The evergreen buffer acts as an appropriate and attractive screen.*



*This service area is screened by a solid wall topped by a trellis structure that repeats design elements used elsewhere.*

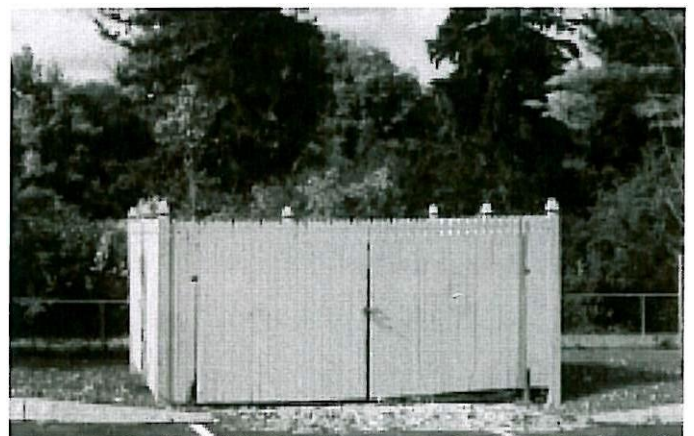


*This service area is effectively buffered by grade changes and evergreen trees.*

## OBEDESIGN STANDARDS



*This trash enclosure was not properly sized to handle the dumpster needed for the facility.*



*A typical trash enclosure that could be improved by plantings, detailing to match nearby buildings, reinforcing the design.*



## OBJECTIVES

~~Buffering or screening will be required in certain areas to ensure compatibility between unharmonious land uses, particularly between commercial and residential properties. Plantings, earth berms, Stone walls, grade changes, fences, distance, and other means can be used effectively to create the necessary visual and psychological separation.~~

## DESIGN STANDARDS

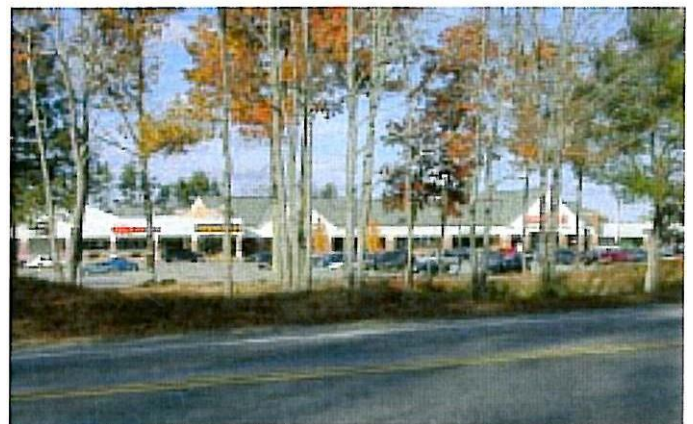
~~**Appropriateness.** The selection of the proper type of buffer shall result from a thorough understanding of existing site conditions, distances to property lines, the intensity of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers and appropriate sizes and types shall begin at the sketch plan review.~~

~~**Design.** Buffers and screens shall be considered an integral part of the Site Plan. Stone walls, plantings, fencing, land forms, etc. used for buffers shall be similar in form, texture, scale, and appearance to other landscape elements. Structural measures (e.g., screening walls) shall likewise be related to the architecture in terms of scale, materials, forms, and surface treatment.~~

~~**Maintenance.** Buffers shall be maintained in a condition that assures their continual effectiveness. Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced to meet the intent of the approved plan. Walls, fencing, or other forms of screening likewise shall be maintained in good condition.~~



~~Landscape buffers can separate land uses and soften the presence of buildings.~~



~~This stand of trees creates an effective visual buffer between the road and the plaza parking lot.~~

## OBJECTIVES

To comply with Town requirements and MeDEP Stormwater Management law, site plans may be required to incorporate treatment basins or other measures to maintain the quality of stormwater runoff. All stormwater management areas shall be treated as integral and attractive parts of the landscape.

## DESIGN STANDARDS

**Location.** Where stormwater treatment basins or other related facilities are required, they shall be located in the least visible portion of the site. Where visible, they should be graded to conform to natural contours and planted to integrate them into the natural landscape.

**Design.** Stormwater treatment basins shall be patterned after naturalistic landforms, avoiding hard geometric shapes. Side slopes shall be landscaped with appropriate plantings to reduce erosion and screen the basin. Islands can be effective in breaking up the mass of a treatment pond while increasing habitat opportunities.

**Grading.** Abrupt changes in grades and steep side slopes (>3:1) shall be avoided. Transitional grading shall be used to blend all earthworks into the natural contours of the land where possible.

**Structures.** Man-made drainage structures (e.g., culverts, manholes, and outfalls) that are visible from roadways or residential neighborhoods shall be screened with vegetation or treated to reduce their visibility and integrate them into the landscape.

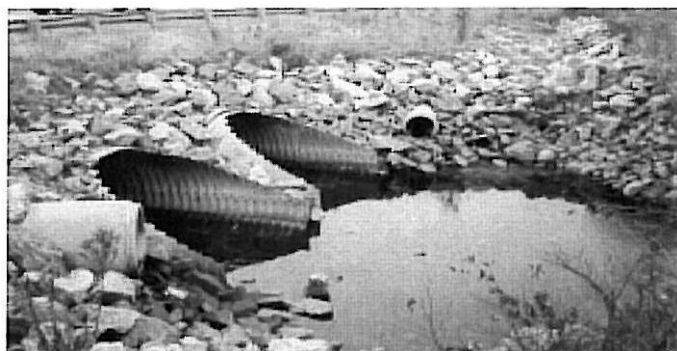
**Planting Design.** Plantings used in stormwater treatment ponds should be designed by a qualified professional familiar with the growing requirements of wetland species.

**Shared Basins.** Wherever appropriate, treatment basins shall be designed to be shared by abutting properties to minimize the amount of land area devoted to stormwater management.

**Rip-Rap.** Where ground protection is necessary in highly visible locations (e.g., at spillways and culverts), it shall be constructed of hand placed rock or geo-grid, rather than coarse rip-rap. The use of coarse crushed rock in visible roadside ditches is discouraged. The use of Permeon (Desert Varnish) is encouraged to hasten the weathering process on rip-rap and other stone surfaces.



*Stormwater treatment ponds can be designed to create attractive focal points in the landscape.*



*Rip-rap is often necessary to control erosion and stabilize slopes. Hand-placed stone or natural landscaping would have improved the appearance of this treatment pond.*



*A stormwater treatment pond that is contoured to blend into the surrounding landscape.*

## INTRODUCTION

These Design Standards establish criteria for new or renovated buildings in Scarborough's commercial districts. They anticipate a greater sense of continuity and identity by illustrating high quality architectural design. They are not intended to dictate building styles.

### Architectural Goals

Architecture that offers a positive experience from three perspectives: by the motorist driving along the road corridor, by the pedestrian viewing the buildings up close, and in relation to surrounding buildings that tie into the community's identity.

- Good neighborhood buildings that thoughtfully consider scale, form, orientation, height, setback, massing, materials, and architectural features.
- Buildings that are designed to human scale that address the comfort, enjoyment, and safety of the users.
- Buildings that are designed as permanent, positive additions to the commercial district, constructed of high quality, long lasting materials.
- Street corners that are treated as special places.
- Architecture that utilizes energy conservation measures wherever possible.
- Older buildings that are restored and/or reused to maintain the integrity of Scarborough's historic heritage.

## CONTENTS

General Architectural Principles	2
Renovations & Additions	5
Facade Design	6
Building Materials	9
Awnings & Canopies	12
Rooflines	13
Street Corners	14
Design of National Franchises	15
Large-Scale Buildings	17
Linear Commercial Buildings	20
Gas Stations, Convenience Stores, & Car Washes	22
Drive-Throughs	23



*Drawing from traditional forms, the scale of this commercial building is reduced by variations in roofline, massing, and high-quality architectural details.*



## OBJECTIVES

The purpose of these standards is to encourage architecture within Scarborough's commercial districts that draw its inspiration from traditional New England examples. Building design shall reinforce a human scaled environment through careful consideration of architectural forms, massing, detailing, number and use of materials, and color.

## DESIGN STANDARDS

**Design.** New buildings shall be designed to fit the individual characteristics of their particular site. The architecture shall be influenced by traditional New England building forms and town-making patterns, the specific needs of the intended users, the nature of the intended use, and other site-specific factors. Contemporary architectural styles are appropriate, provided they meet these standards.

**Human Scale.** Buildings and site elements shall be designed to human scale. The forms, massing, and openings of buildings shall be proportional to the size of a human figure. Many architectural elements can add scale to a building: water tables, integral planters, recessed openings, windows with divided panes, building mounted light fixtures, dormers, cupolas, projecting rooflines, covered walkways, colonnades, and similar features.

**Licensed Architects.** Any structure subject to site plan review shall be designed by an architect licensed in the State of Maine.

**Freestanding Accessory Structures.** Non-habitable structures, such as freestanding ATMs, garages, service stations, canopies, storage units, recycling sheds, trash enclosures, cart corrals, and utility buildings shall meet the same design standards as the principal building(s) on the site. The design of freestanding structures shall be coordinated with the principal building through repetition of architectural forms, materials, colors, and detailing.

**Energy Conscious Design.** Commercial architecture and site planning shall promote energy conservation wherever possible. Consideration shall be given to solar orientation and siting, use of maximum insulating materials, reduced lighting loads, and landscaping for windbreaks and shading.



*Examples of high-quality Maine architecture -a medical office, a retail store, and a library -that have been designed at human scale and fit their unique sites.*





*Three examples of buildings that have little reference to traditional New England forms or materials.*

*Finely detailed commercial buildings using traditional New England forms and materials. Entrances are well marked and provide users with areas for shelter and/or interaction.*





*A free standing A T M and remote teller located in the rear of the building designed to complement the main bank building in color scale, and detailing.*



*This restaurant occupies a highly visible corner location, yet provides the public with a scale less, blank wall that does not contribute to the aesthetics of the street.*



*A free-standing canopy designed with the same form and detailing as the main building. The signage is well integrated into the facades.*



*A commercial building that lacks scale. There are virtually no distinguishing features to give the structure character or relate it to the context of New England.*



*All office complex that offers a variety of exterior spaces and relates well to surrounding residential areas by paying particular attention to design, scale, and details.*



*This cart corral does not reflect the architectural treatment of the large retail establishment and appears out of place in the parking lot.*

## OBJECTIVES

Many existing commercial buildings may be coming before the Planning Board for Site Plan approval as they undergo major renovations or additions. This is an opportunity to add visual interest to the building and to strengthen its relationship with the site and nearby structures. The Town expects high quality architectural and site design for all renovated structures.

## DESIGN STANDARDS

**Alterations.** Where the existing building currently meets the design standards, proposed renovations must be designed to respect the proportions, fenestration patterns, and details of the original building. Where the existing building does not meet the design standards, the owner is strongly encouraged to upgrade the entire structure.

**Design.** Applications to the Planning Board that involve renovations and additions shall show all improvements as well as the existing structure. A narrative shall accompany the application which explains the designer's intent to relate the old with the new.

**Materials.** Where existing buildings meet the design standards, additions or renovations shall complement or match the materials, form, color, and detailing of the original structure. Where the original building does not meet the standards, the owner shall demonstrate how the materials used in the renovation will complement the existing structure.

**Architectural Features.** Renovations shall retain any distinctive architectural features or examples of skilled craftsmanship.

**Architectural Features.** Renovations shall retain any distinctive architectural features or examples of skilled craftsmanship.



*The repetition of architectural and landscape details help to integrate a shopping center with a historic building.*



*A shingle-style renovation transformed a small nondescript building into a noteworthy restaurant.*



*The additions on both sides of this restaurant do not relate to the form of the central structure.*



## OBJECTIVES

All buildings shall present an inviting, human scaled facade to the street, internal drives, parking areas, and surrounding neighborhoods. Wherever possible, entrances shall be clearly visible from the street and reinforced through site and architectural features.

## DESIGN STANDARDS

**Facade Treatment.** The facade containing the main entrance shall be treated as a front facade and shall be designed in a manner that is consistent with the design standards. Building entrances shall be designed to be visible from the street and provide unobstructed areas for pedestrians. The front facade shall contain a clearly defined, highly visible customer entrance and three or more of the following elements to add scale to the building:

- canopies
- overhanging rooflines to provide shelter for pedestrians
- recesses or projections in keeping with the scale of the building
- arcades
- raised corniced parapets over entrances
- gables and donners
- pilasters
- peaked roof forms
- outdoor sifting or dining areas
- display windows that are visible from the sidewalk
- architectural details such as moldings which are integrated into the building design
- other features which are designed to add scale and visual interest to the facade.

For retail structures, the front facade or any other facade that faces a public or private street shall have display windows, entry areas, or other transparent features along 40% or more of its horizontal length. This standard may be waived if other architectural elements are used to provide scale and visual interest to the front facade in keeping with these Design Standards.

**Offsets.** No uninterrupted length of any facade shall exceed 100 horizontal feet. Facades greater than 100

feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20 percent of the length of the facade. Where the plane of a wall is broken, the offset shall be proportional to the building's height and length. Strong shadow lines, changes in rooflines, pilasters and other architectural details, patterns in the surface material, and wall openings can all be effectively used to add visual interest and scale to the facade. Projections used to break up the mass of the building shall extend to the ground.

**Rear and Side Facades.** Blank walls facing public roads, residential neighborhoods, or abutting properties are prohibited. Where rear or side facades are visible from adjacent properties or roadways they shall be designed to match or complement the architectural treatment of the primary facade to give it scale and visual interest.



*Facade treatments on these two commercial buildings wrap around the corners to present a unified design from all visible faces.*



**Site Design.** Signage, lighting, landscaping, and other exterior elements shall all be designed to complement and be in scale with the facade, avoid visual or functional conflicts, and retain visibility.

**Trim.** Windows, door openings, ventilation openings, and other forms of exterior fenestration in frame construction shall be trimmed.

**Window Shapes.** Windows should be vertical in orientation, or square.

**Shutters.** If shutters are used, they must be sized to fit the openings and provided for all windows on a given wall.

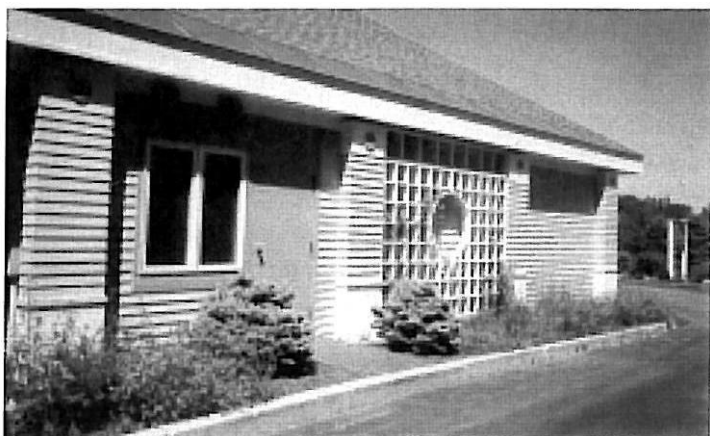


*While the front plane of the wall of this building is broken, the offset does not contribute to the overall. The projection becomes a billboard and the building is seen as a large box.*



*The scale of this 'big box' has been effectively reduced by architectural elements and detailing. The overhang provides protection for pedestrians and emphasizes the entrance.*

*Three views of a branch bank set in a mixed-use village setting. All facades were treated with equal importance. The front (top) faces the street and is built to the sidewalk, encouraging pedestrian traffic. The side of the building (middle) facing a single-family home is residential in scale and design. The canopy at the rear (bottom) provides a transition area between the parking lot and the back entrance.*



*Small scale buildings, especially those viewed at close range, offer all opportunity to display a high level of detailing to enrich the pedestrian environment.*



*Highly articulated windows work successfully as design details in the front facade of this contemporary medical building.*



*This building & ventilation equipment and service connections are highly visible, adding unnecessary clutter*

**Functional Elements.** All vents, downspouts, flashing, electrical conduits, meters, HVAC equipment, service areas, loading docks, service connections, and other functional elements shall be treated as integral parts of the architecture, starting at the conceptual building design phase. When these elements need to be part of the facade (e.g., downspouts, vents) they shall be incorporated into the architecture through detailing or matching colors. Meters, utility banks, HVAC equipment, and other exterior service elements shall be contained in service closets, behind walls, or located out of view from the public. Building elevations presented for Planning Board review shall show the location and treatment of all functional elements.

**Vending Machines.** Where vending machines are provided, they shall be sited in locations that are not visible from the street. The site plan and architectural elevations shall show the location of all vending machines.

**Illustrations.** All elevations of proposed buildings shall be evaluated as part of the design review. The Planning Board may request perspectives of the building to illustrate the three-dimensional relationship between the front and side elevations. Elevations and perspective drawings shall include all landscape elements (trees, shrubs, lighting, street furnishings, etc.) that will be seen in conjunction with the facade.



*The building's meters and service connections are located out of sight in this service cabinet.*



## OBJECTIVES

Building materials shall be treated as significant design elements that define the appearance of the structure and strengthen the sense of identity throughout Scarborough. The use of materials that give the appearance of New England architecture is strongly encouraged.

## DESIGN STANDARDS

**Materials Encouraged.** Traditional, high-quality building materials common to northern New England (e.g., brick, clapboard, shingles or other similar products) shall be used as the primary siding material. Contemporary materials that have the same visual characteristics (e.g., cement plank clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., comers, trim at openings, changes in material). Painted MDO plywood is acceptable when used in combination with traditional materials to give it scale. Long-term maintenance needs shall be a consideration in the selection of all building materials.

**Materials Prohibited.** Highly reflective or processed materials (e.g., metal or plastic panels, brushed aluminum, bronzed glass, concrete block, T-111, untreated plywood, dryvit, etc.) and multicolored brick (incorporating occasional white bricks in a random pattern) shall not be used on the primary or front-facing facade.

**Colors.** Traditional colors commonly found in New England villages are appropriate for all components of the building. Facade colors shall be low reflectance. The use of high intensity, high reflectance, chrome, metallic, or fluorescent colors or black is prohibited as the primary color.



*Cement plank clapboard is a new material that resembles traditional wooden siding with less maintenance.*

**Trim.** Where trim is used, it shall be a color that complements to the building's primary color. Neon tubing shall not be allowed as an exterior trim or accent material.

**Detailing.** Arbitrary changes in materials or embellishments that are not in keeping with the rest of the building are discouraged.



*Three building that use traditional materials: brick, granite, and wood.*





*Reflective metallic siding*



*Metal panels*



*Multicolored brick*



*Split face block*



*Highly reflective glazed tile with bright plastic accents*



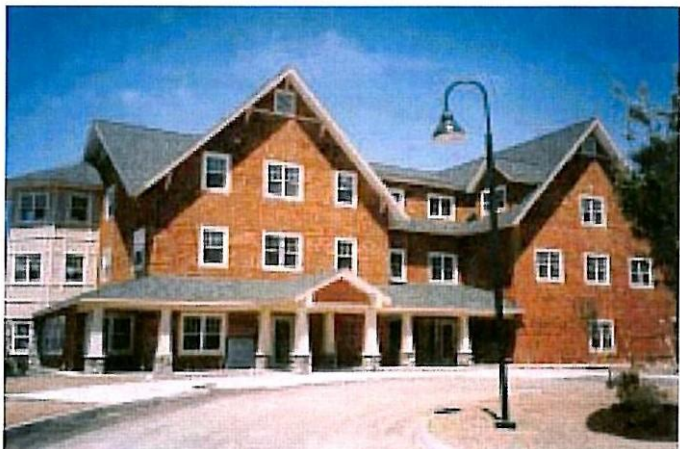
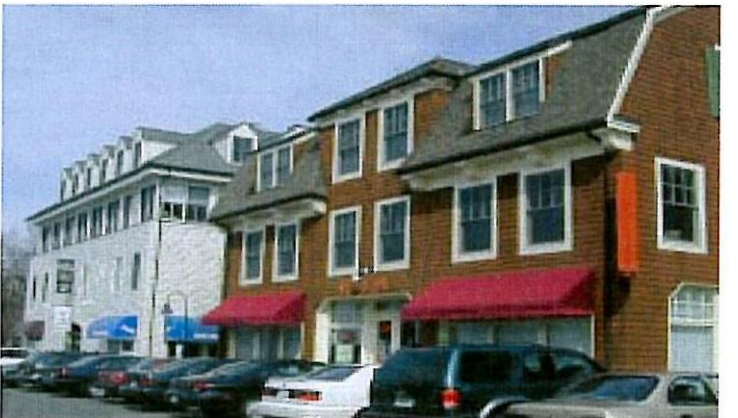
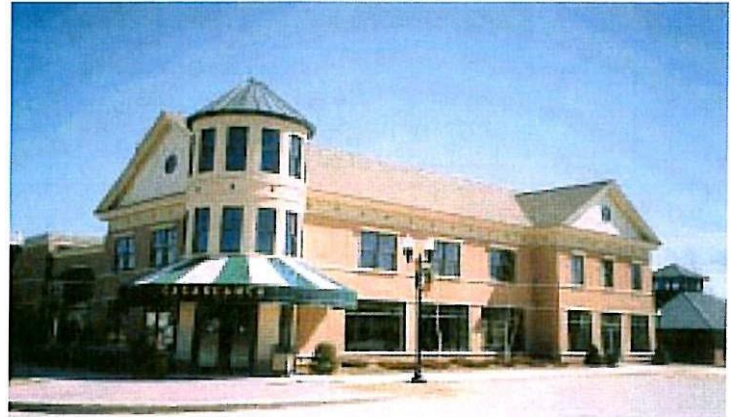
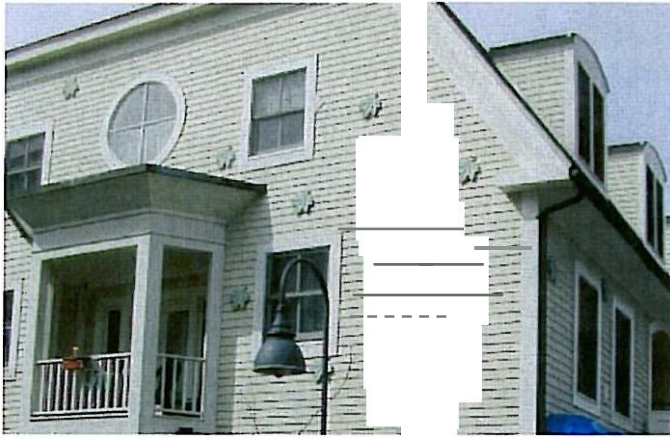
*Textured plywood and arbitrary changes in materials*



*Painted concrete block*

*Examples of primary building materials and treatments that are prohibited in Scarborough's commercial districts.*





Examples of the richness and variety of traditional New England color schemes.



## OBJECTIVES

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they shall complement the design, materials, color, and appearance of the building.

## DESIGN STANDARDS

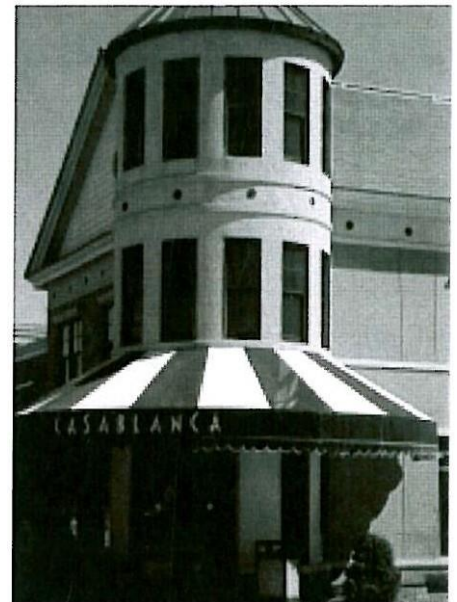
**Location.** Where awnings are used, both fixed or retractable, they shall be an integral element of the architecture. Awnings shall be located directly over windows or doors to provide protection from the elements.

**Materials.** Awnings and canopies shall not be made of reflective materials, such as metal or plastic. Their color shall match or complement the facade of the building.

**Design Elements.** Graphics used on awnings for identification or advertising shall be designed as an integral part of the signage program for the property, and shall be coordinated with other sign elements in terms of typeface, color, and spacing. Awnings shall not be used as advertising features or light sources. Backlit awnings are prohibited. Graphics on canopies are counted toward the total signage area.



*Canopies over the doorways emphasize the main entrance and provide effective protection from the elements.*



*Backlit, highly reflective canopies are not appropriate in Scarborough. These canopies (above and to the right) function primarily as a large sign, which is not acceptable.*

## OBJECTIVES

Rooflines shall be designed to provide diversity in the form of the building and add visual interest to the streetscape. When used properly, rooflines can reduce the mass of large buildings, emphasize entrances, and provide shelter and shade for the pedestrian.

## DESIGN STANDARDS

**Pitched Roofs.** Buildings with pitched roofs are strongly encouraged. Where pitched roofs are used, the minimal pitch shall be at least **5/12**. Projecting rooflines shall be designed to create strong shade/shadow patterns.

**Shapes to be Avoided.** False mansard, A-frames, and other non-traditional roof forms shall not be used as the primary roofline.

**Flat Roofs.** Flat roofs, especially on single-story isolated buildings, are discouraged in most applications. Where flat rooflines are used, the design shall create no horizontal line greater than 100 feet without a break, using features found on traditional New England buildings. See pp. 15-16 *Large Scale Buildings* for additional design standards. Flat roofs on multi-story office buildings are appropriate when designed in conformance with the *Office Building* design standards.

**Parapets.** Where parapets are used to break up a flat roofline, the height of the parapet shall be at least five percent of the total length of the wall.

**Preferred Materials for Pitched Roofs.** Composite asphalt shingles and standing-seam non-glare metal are preferred for visible roofing. High gloss roofing materials shall not be used. Roofing materials shall complement the color and texture of the building's facade. Roof colors shall be muted earth tones or a color that is darker than the facade. Stripes and patterns on the roof are strongly discouraged.

**Roof-Mounted Equipment.** Mechanical and other equipment mounted on rooftops must be screened from public view or grouped in a location where visibility is limited. Where used, screening for roof-mounted equipment shall be designed as an integral part of the architecture to complement the building's mass and appearance.

**Roof-Mounted Signs.** Roof mounted signs are prohibited by the Sign Regulations in the Zoning Ordinance.



*The scale of this linear shopping plaza has been effectively reduced through variations in roof planes, dormers and a cupola.*



*Standing seam metal roofing is a traditional material common in older commercial buildings in New England.*



*A cupola projecting from this steeply pitched roof is an example of traditional forms used in a contemporary structure. Roof-mounted mechanical equipment has been effectively screened by balustrades.*

## OBJECTIVES

Buildings located on comers are particularly important because they help define the character of two streets. These high-visibility locations shall be emphasized by quality architecture and site development.

## DESIGN STANDARDS [Amended 02-18-09]

**Siting on Corner Lots.** A building on the corner of two public streets shall be located close to the intersection and shall exhibit a strong relationship to both streets that it fronts. Where zoning allows, the Planning Board may permit a limited amount of parking and vehicular travel ways between the building and the property lines along one or more of the streets, but the majority of the parking shall be located to the side or rear of the building. The amount of parking and vehicular travel ways permitted between the building and the property lines along each street shall depend on both the zoning district and the context of the site.

**Corner Buildings.** Buildings on comers shall be a minimum of two stories or twenty feet (20') in height to add mass and visual prominence to the street.

**Facade Treatment.** Both facades of comer buildings shall be designed according to the standards in Facade Design, p. 5. Blank or unadorned facades facing streets on comer buildings are prohibited. The facade of the upper floor(s) shall be visually related to the ground floor through repetition of design elements, e.g., color, materials, window treatment, and detailing that will unify the structure and help frame the ground floor.

**Corner Treatment.** The architectural treatment of the street comer of the building shall emphasize its prominent position. This can be accomplished by greater massing and height, unique detailing, lighting, and other facade treatment to emphasize the front comer of the building. This comer treatment shall be designed to be visible from both streets. Where practical, an entrance to the building shall be located on the comer.

**Focal Points.** Comer locations offer opportunities to create dynamic focal points in the streetscape. These

can take the form of distinctive architectural elements, signs, sculpture, lighting, or landscaping. Focal points shall be visually related to the building as a whole, providing an accent without overwhelming it.



*A retail building that is well-sited in its corner location. Attention to design detail gives the building human scale and visual interest.*



## OBJECTIVES

National franchises (e.g., restaurants, service stations, retail stores) are a welcome and permitted use within Scarborough's commercial districts. However, the design of these buildings can contribute to the loss of identity for Scarborough by the repetition of generic architectural forms that are found throughout the country. Buildings for these types of uses shall reflect an awareness of New England architectural traditions in their form, detailing, and materials.

## DESIGN STANDARDS

**Franchise Styles.** Architectural forms primarily derived from building styles from other regions of the country are prohibited. New England regional prototypes from national franchises are permitted, provided they meet the Design Standards. Buildings that are stylized to the point where the structure is a form of advertising are not acceptable.

**Coordination of Site Features.** Applicants shall provide the Planning Board with illustrations that demonstrate how site features and accessory structures will be coordinated with the principle building. These may include dumpster screens, storage buildings, refrigeration lockers, playgrounds, signage, and lighting.



*A fast food restaurant t/rat was designed to complement t/re vision for a /highway corridor*



*An addition to house an indoor playground bears 110 relationship to the existing structure.*



*The designs used for national franchises are often repeated across the country. Generic architecture has little or no reference to traditional New England forms and can further the loss of identity in Scarborough.*





*F  
R  
A  
N*



*C  
H  
I*



*Examples of building forms used for national franchises (left column). Examples of architecture from the same franchises which have been designed to local design standards (right column).*

## OBJECTIVES

Due to their visibility and mass, large scale buildings (20,000 square feet or greater), such as 'big box' retail or grocery stores, can greatly enhance or detract from the visual character of the commercial district. These buildings shall be designed as attractive pieces of commercial architecture that are consistent with the scale and form found in Scarborough traditional buildings.

## DESIGN STANDARDS

**Design and Massing.** Large structures shall be designed to break up their mass into smaller visual components through the use of projections, recesses, and varied facade treatments. (See pp. 5-8, *Facade Treatment*).

**Site Design.** Scale reductions of large buildings shall be reinforced by appropriate site features such as pedestrian shelters, large trees, clearly-defined entrances, and site furnishings.

**Architectural Details.** Architectural details shall be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, canopies, display windows, and light fixtures can be effective measures to add human scale.

**Facades and Exterior Walls.** Horizontal facades greater than too feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. Nor uninterrupted length of any facade shall exceed 100 horizontal feet.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and architectural details, patterns in the surface material, and wall openings. All facade elements shall be coordinated with the landscape plan to ensure balance, proportion, and continuity.

Ground floor facades that face public streets shall have display windows, entry areas, or other such transparent features along 40% or more of their horizontal length.



*The mass of this large building has been reduced by a columns and subtle changes in geometry.*



*Main entrances on large-scale buildings shall be designed as prominent focal points to orient customers.*



*A large retail establishment that still projects the image of a big box, despite the canopy and entrance treatment.*



**Smaller Retail Stores.** Where principal buildings contain additional, separate stores which in total occupy less than 20,000 square feet of gross floor area, with separate, exterior customer entrances, the following standards shall apply:

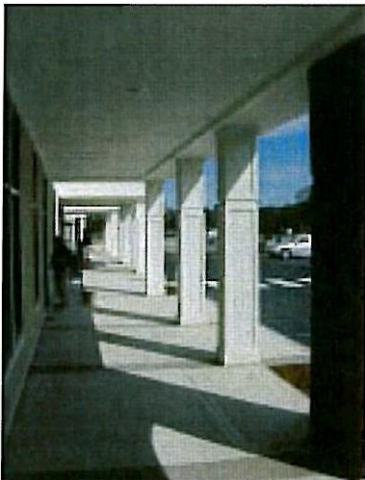
- The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 40% of the horizontal length of the building facade of such additional stores.
- Windows shall be trimmed and include visually prominent sills, shutters or other such forms of framing.

**Entryways.** Each principal building shall have a clearly defined, highly visible customer entrance featuring three or more of the following:

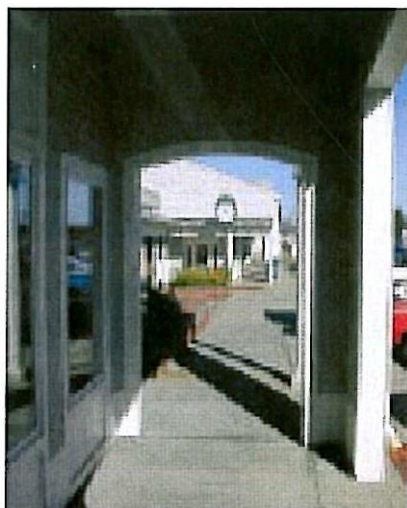
- Canopies
- Overhangs or recesses provide shelter
- Arcades that lead to entrances
- Raised corniced parapets over the door
- Peaked roof forms
- Outdoor patios
- Architectural details such as tile work and moldings which are integrated into the building structure and design, or
- Other features which are designed to add scale and visual interest to the buildings.

Where additional stores are located in the principal building, and customer entrances to such stores are outdoors, each additional store shall conform to the above requirements. All components used to enhance entranceways or provide a distinctive look shall be designed or detailed as integral parts of the whole building.

**Multiple Entrances.** All sides of a large scaled building that face an abutting public or private street shall feature at least one customer entrance to facilitate pedestrian access, minimize walking distances from cars, and reduce the scale of facades. Where a building abuts more than two streets, this requirement shall apply to only two sides of the building, including the side facing the primary public street and another side facing a second street.



*Arcades call be an effective way to add little scale to large buildings. Architectural detailing and shadow patterns creates an inviting space.*



*The entrances to this larger grocery store are emphasized by projecting canopies, distinctive openings, and a covered arcade.*

**Features and Amenities.** Large scale buildings shall contribute to the establishment or enhancement of the pedestrian environment by providing at least two of the following:

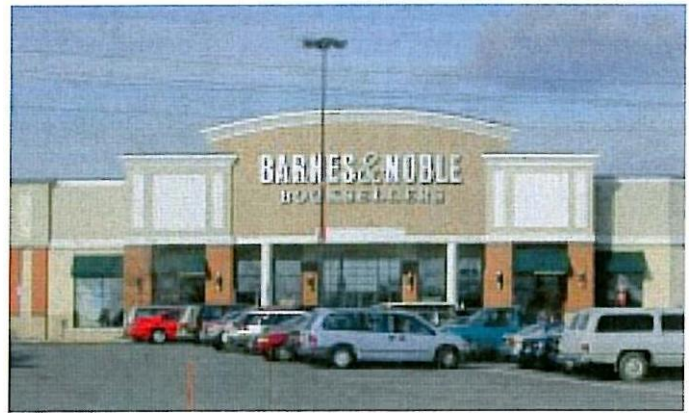
- Patio/seating area
- Pedestrian area with benches
- Window shopping walkway
- Outdoor playground area
- Kiosk area
- Water fountain
- Clock tower
- Other focal features or amenities that enhance the pedestrian environment.

Any such area shall have direct access to the public sidewalk. Such features shall be constructed of materials that are equivalent in quality to the building and landscape.

**Outdoor Sales and Storage.** Where allowable, areas for outdoor sales, storage, or service shall be designed as an integral part of the site and architectural plan, and shall meet the Service Areas standards (See Site Planning, *Service Areas*).

**Cart Storage.** Shopping carts must be stored inside the building, or in 'cart corrals', out of the way of pedestrian circulation. Cart storage areas shall meet the standards for accessory structures.

(See *General Architectural Principles*, p. 2)



*Examples of large retail buildings that have been effectively designed to avoid the appearance of a 'big box'.*



*This retail store, attached to a large grocery store, has been designed as a11 individual building, with a separate entrance and architectural detailing. A covered walkway connects all the storejw1ts.*



## OBJECTIVES

Linear commercial structures (e.g., strip shopping centers, multi-tenant offices, or commercial buildings) shall be designed with facade and roofline elements that reduce their scale and add architectural interest.

## DESIGN STANDARDS

**Design.** Buildings with multiple storefronts (e.g., strip shopping centers, one story office buildings) shall be visually unified through the use of complimentary architectural forms, similar materials and colors, consistent details, and coordinated signage. Variations in the front setbacks are strongly encouraged to add visual interest,

create spaces for common entries, outdoor eating / social spaces, and landscaped spaces.

**Scale.** Linear structures shall include architectural elements designed to provide shelter, encourage pedestrian movement, and visually unite the building. These can include covered walkways, open colonnades, arcades, and similar features.

**Entrances.** Pedestrian entrances to each building shall be clearly delineated to convey a sense of individuality. This can be accomplished by architectural detailing, roofline breaks, landscaping, lighting or a combination of these elements. Where covered walkways are used, they should extend the full length of the facade.

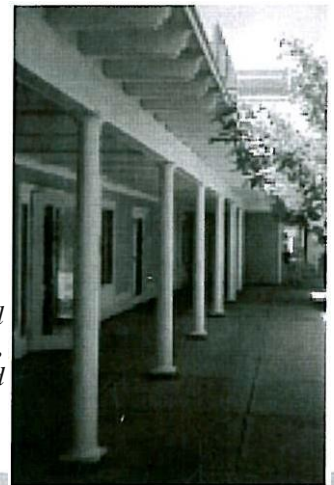


*Covered walkways add a shadow line which can reduce the scale of a long building and unify the facade.*

**Rooflines.** Variations in rooflines, detailing, and building heights shall be included to break up the scale of connected linear buildings.

**Focal Points.** Linear commercial buildings shall include a focal point \_such as raised entrance way, clock tower, or other architectural elements - to add visual interest and help reduce the scale of the building.

*Colonnades add visual interest to linear buildings, while providing scale and protection from the elements.*



*A commercial building that uses a clock tower as a focal point. Offset in the roofline helps to break up the mass of the building*



*A multi-tenant building with no variation in the roofline or facades to break up the scale.*



*A linear building that has been effectively scaled down by variations in the roofline and facade. Each storefront is treated as a separate entity. Variety in the use of materials adds visual interest to all facades. The covered walkway encourages pedestrian movement and window shopping.*



## OBJECTIVES

Service stations, car washes, and convenience stores shall be designed with facade and roofline elements that reduce their scale and add architectural interest.

## DESIGN STANDARDS

**Orientation.** Service stations, convenience stores, and similar uses shall be sited to face the street. Pump islands and canopies shall be located in the rear so the primary building is the major feature seen from the road.

**Architecture.** The architecture shall be designed so all four sides are in compliance with these design guidelines. Windows or other forms of fenestration shall be included on the facade facing the street which shall be treated as a front facade (see *Facade Design*, p. 6-7). The front facade shall include a pedestrian entrance from the street.

**Canopies.** Service station canopies shall be visually compatible with the main structure through consistency in roof pitch, architectural detailing, materials, and color. Pitched roofs and fascia trim are preferred for canopies. Bands of bold color on the canopy and backlighting inside the canopy are prohibited.

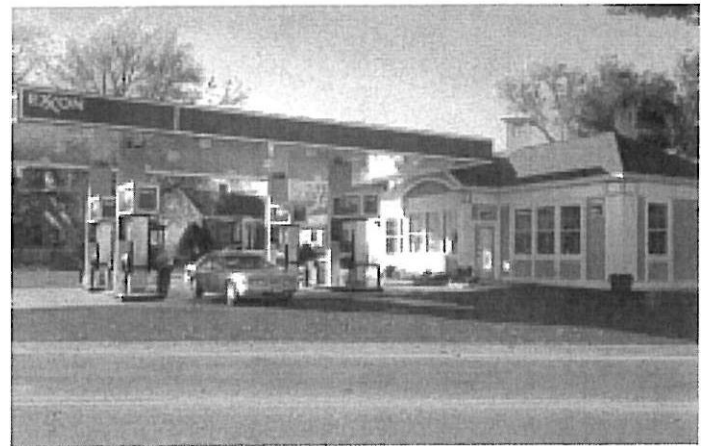
**Large Openings.** Openings for car washes or service bays must be integrated with the design of the building and sited so they are not directly visible from public roadways or adjacent residential areas.

**Site Design.** The site design must address the issues of off-site noise exposure, underground drainage systems to keep water off public streets (in the case of car washes), snow storage, circulation patterns, room for vehicle stacking, and other issues peculiar to these uses.

**Pedestrian Circulation.** Connections to the public sidewalk shall be included in the site plan to encourage pedestrian use. Access routes leading to or from service stations and convenience stores shall minimize conflicts with pedestrian circulation.



*This service station canopy is designed to be an extension of the building. The columns, roofline, details, and signage contribute to a sense of continuity in the architecture.*



*The flat-roofed canopy bears no design relationship to the well-detailed convenience store in terms of form, materials, or architectural style. The store was designed to fit into tire residential surroundings.*

## OBJECTIVES

In the HP, RH and BOR Districts, large scale, multi-story office, research and hi-tech buildings (40,000 square feet or greater) are allowed and encouraged. These buildings shall be designed as attractive pieces of commercial architecture that help define the Town of Scarborough. Given the context and type of development in the HP, RH and BOR Districts, the Planning Board may apply alternative design standards to large scale office, research and hi-tech buildings which vary from a few specific sections of the Design Standards. These alternative standards are outline below. Other than these alternatives, the remainder of the Design Standards for Scarborough's Commercial Districts shall apply.

## DESIGN STANDARDS

**Permitted Materials.** Metal panels and brushed aluminum are contemporary materials used in large scale office, research and hi-tech building construction. The Planning Board may allow non-reflective metal panels and brushed aluminum to be incorporated into the facade design of these structures. These materials shall be supplemented with the tradition, high quality building materials common to northern New England to maintain a regional vernacular and sense of identity throughout Scarborough.

**Roof Treatment.** Under the Flat Roofs Standard in the ROOFLINE Section (pp. 13), flat roofs are discouraged in most applications. In the HP, RH and BOR Districts, flat roofs are anticipated and acceptable on office, research and hi-tech buildings which are three or more stories in height. In these instances, changes in the roofline, pilasters, trim and other architectural detailing shall be used to vary and break up a flat roofline. Further, roof-mounted equipment must be screen from public view in accordance with the Roof-Mounted Equipment Standard on pp. 13.



*Examples of multi-story office, research and hi-tech buildings that have employed metal panels and brushed aluminum, coupled with brick and other traditional northern New England building materials.*



*Each of these buildings exhibit predominately flat roofs, but the roof lines vary with the introduction of different roofline elevations and screened rooftop equipment and mechanicals.*



## OBJECTIVES

Drive-throughs shall be subordinate to the design of the main building to maintain the pedestrian orientation of the structure. Architectural design and circulation planning for buildings with drive-throughs require careful consideration to integrate them into the Scarborough environment. Drive-through operations and other automobile-oriented facilities shall be designed with facade and roofline elements that reduce their scale and add architectural interest.

## DESIGN STANDARDS

**Drive-Throughs.** Where drive-through windows are allowed, they shall be incorporated into the design of the building through their scale, color, detailing, massing, and other architectural treatments.

**Location.** Drive-throughs shall avoid facing public or private roadways and shall generally be located at the side or rear of the building. Where drive-throughs are located at the rear, the site should be designed to ensure the safety of the employees and patrons.

**Canopies.** Drive-through canopies shall be visually compatible with the main structure. This can be accomplished through consistency in roof pitch, architectural detailing, materials, and color. Pitched roofs and fascia trim are preferred for canopies. Bands of bold color on the canopy and backlighting inside the canopy are prohibited.

**Pedestrian Circulation.** Access routes leading to or from drive-through facilities shall minimize conflicts with pedestrian circulation. Where walkways must cross driveways, motorists shall be made aware of pedestrians through signage, lighting, raised crosswalks, changes in paving, or other devices.



*These banks' drive-through windows have been designed as integral parts of the buildings. They repeat the rooflines, forms, and materials.*



## BACKGROUND

Landscaping shall be an integral part of all site plan developments. Trees, shrubs, and other landscape elements can be used to accentuate buildings, create a sense of identity, and provide human scale. The applicant shall carefully evaluate the physical characteristics of each site and each plant when making the final selection to ensure that the plantings will survive and thrive in their selected location.

A Scarborough Plant Materials List has been developed to encourage property owners to look at many options in both form and species (see pp. 9-10). The list shall be considered a starting point in selecting plants.

### Landscape Goals

- Reinforce the identity of Scarborough's commercial districts through the use of plant materials in scale with their surroundings.
- Enhance the attractiveness and scale of commercial development through the use of colorful plant materials with interesting forms and massing.
- Help define areas where pedestrians are safely separated from the road.
- Reinforce wayfinding by emphasizing entrances and circulation patterns.
- Increase the attractiveness of parking lots by reducing their scale, providing shade, and adding seasonal interest.
- Provide screening for less attractive parts of a site or incompatible land uses.

## Contents

General Landscape Principles	III-2
Parking Lot Landscaping	III-5
Tree Selection & Plantings	III-7
Shrubs & Ornamental Plantings	III-8
Landscape Maintenance	III-9
Scarborough Plant Materials List	III-10



*Landscaping is an integral part of site development. With proper planning, trees, shrubs, and other plantings can provide shade, emphasize entrances, screen undesirable views, and add yearlong color and interest.*

## OBJECTIVES

~~Landscaping shall be used to complement the architecture, enhance human scale, reinforce circulation paths, highlight entrances, provide shade, and add seasonal interest. Scarborough's commercial districts shall be unified by a rich variety of street trees, flowering shrubs, and masses of color.~~

## DESIGN STANDARDS

**Preparation.** ~~As part of the Site Plan application for site improvements involving parking lots with more than ten cars and/or more than 2,000-SF of building, a landscape plan shall be prepared by a landscape architect registered in Maine, or other qualified professional familiar with local growing conditions. The Planning Board, at their discretion, may require a peer review of landscape plans.~~

**Selection.** ~~The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. All plantings shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions, and hardy to Maine winters.~~

~~Plant material shall be selected with consideration to public health and safety. Plants to be avoided include those with poisonous fruits, large thorns, or invasive growth patterns, or shrubs that could provide hiding places along pathways or block the view of moving vehicles.~~

**Coordination with Utilities.** ~~The planting plan shall illustrate how plantings shall be coordinated with the location of underground and overhead utilities and lighting. The planting plan shall show screening for transformers, propane tanks, and similar utilitarian elements.~~

**Variety.** ~~A variety of plant materials that exhibit seasonal color and interesting texture is encouraged to create a distinctive, yet low maintenance environment. Plantings plans shall strike a balance between monoculture (the use of a single species) and too much variety. A list of suggested plant is included on pages 9-10.~~

**Simplicity.** ~~Planting design shall stress simplicity in form and limit the number of species. Shrubs, perennials, annuals, ornamental grasses, etc. used along the roadways should be planted in masses or 'drifts' that emphasize colors and textures, rather than used as single specimens.~~

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

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

**Boulevard Effect.** ~~Large spreading deciduous trees shall be planted in appropriate locations along Scarborough's roads to define the edge of the travel way, provide shade for pedestrians, clean the air, and add scale to commercial corridors.~~

**Existing Trees / Plants.** ~~Wherever practical, existing or unique trees or other significant plantings shall be preserved. The landscape plan shall illustrate which vegetation will be preserved and what protection measures will be taken during construction. Transplanting and reusing trees and other plantings is strongly encouraged.~~



*An example of a simple planting plan that features drifts of perennials and ornamental grasses to accentuate the front of a medical office building.*

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

**Rocks.** Large rocks shall be used as landscape elements very sparingly and only as accents in mass plantings. Where used, they shall be buried for at least half of their depth.

**Ground Cover.** Extensive areas of bark mulch shall not be used as a substitute for live ground cover. Where mulch is used, it shall consist of dark, decomposed shredded bark, with pieces less than 1" in any one dimension.

**Buffers & Screening.** Plant materials and other landscape elements shall be used to create suitable buffers between residential and commercial properties. The design of buffers shall consider the appearance from both commercial and residential viewpoints. Evergreen plantings are particularly effective for year round buffering.

**Minimum Plant Sizes.** Unless otherwise required by site conditions, plant materials shall meet the following minimum sizes:

Canopy Trees	2-1/2" caliper
Flowering Trees	2" caliper
Evergreen Trees	5-7' height
Deciduous Shrubs	24" height
Evergreen Shrubs	18" ht/spread
Perennials	2-year clumps
Ornamental Grasses	2-year clumps
Ground Covers	3" pots



*Existing trees were presented to maintain visual interest, provide shade, and retain site character.*

The Planning Board may require larger plants for special locations, such as within the Route One ROW and along Haigus Parkway. The use of bare root plant material shall be avoided.

**Guarantee Period.** All lawns and plant materials shall be guaranteed for a period of not less than 2 years. The developer shall submit a copy of a guarantee and a contract with the landscape contractor, indicating the terms of the guarantee period, or may obtain a letter of credit.

**Resources.** The following sources are recommended for additional information on the planting and care of trees:

Architectural Graphic Standards. Planting Details, James Urban, ASIA. pp. 178-182. 1998.

Principles and Practice of Planting Trees and Shrubs. International Society of Arboriculture. 1997.

American Standard for Nursery Stock: ANSI Z60.1-1996. American Association of Nurserymen. 1997.



*The entrance to this medical building is reinforced by plantings that provide seasonal interest.*





*Examples of landscape improvements for large office and warehouse buildings. The emphasis is on preservation of existing trees, simple plantings, and earth berms to help reduce the scale of the buildings.*



## OBJECTIVES

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

## DESIGN STANDARDS

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

**Undesirable Plant Materials.** Trees that may damage automobiles (dripping sap, messy fruit, or hard seeds such as acorns) are discouraged in or around parking lots.

**Location of Trees.** Trees in parking lots shall be planted in informal groups, straight rows, or irregular groupings as space permits, or concentrated in certain areas. Trees shall be planted a minimum of five feet from the end of parking lot islands.

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

**Safety.** Where trees abut pedestrian walkways or places where people will be walking in parking lots, their lower branches shall be pruned to at least eight feet above the paved surface to avoid becoming an obstacle. Shrubs in parking lot islands shall not exceed 3' in height to avoid blocking visibility.

**Parking Stall Separation.** Landscaped areas used for separation between banks of parking stalls shall be a minimum of nine feet in width.

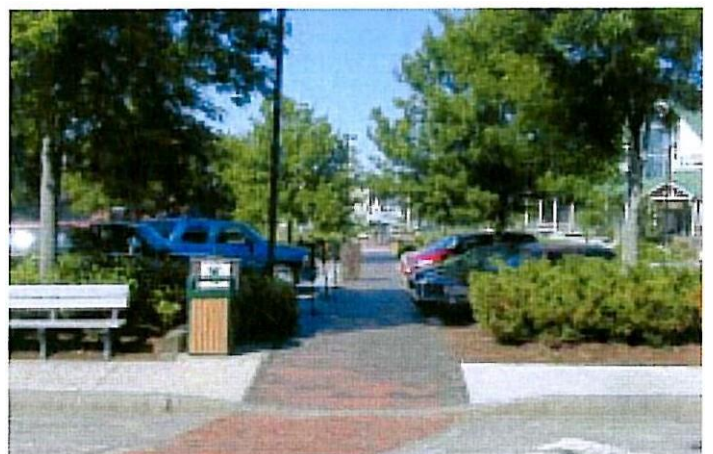
**Snow Storage.** Landscape materials surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during winter months. Delicate plant material shall not be used in areas where they are likely to be buried under snow.



*Plants selected for parking lots shall be able to withstand severe growing conditions and weather*



*A low earth berm effectively screens a parking lot of Ornamental trees or plantings added to the berm would provide a greater degree of attractiveness, as well as separation from the roadway.*



*These trees have been pruned so they minimize interference at*  
**Landscaping/5**







*Parking lot islands shall be large enough for frees to achieve full maturity and to prevent damage from car doors and snowplows.*



*This island of hostas adds a spot of color to the parking lot and can withstand harsh winter conditions.*



*Parking lot islands provide an opportunity to use a variety of plant species to break up the mass of pavement and introduce interesting textures.*



*Large groups of shrubs plus more trees would have screened the parking lot and resulted in a more attractive setting.*



## OBJECTIVES

Trees shall be used throughout Scarborough's commercial district, planted within the right of way, near buildings, and throughout parking lots. Trees shall be sited to achieve full maturity and display their natural form. Planting plans shall emphasize large shade trees within or near the rights of way in order to create a more unified streetscape.

## DESIGN STANDARDS

**Suitability.** Trees shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions. All plant material shall be suitable to Scarborough's growing conditions. A list of street trees for Scarborough is included in the Scarborough Plant Materials List, *pp.9-10*.

**Coordination with Route One Plans.** Planting plans for commercial properties along Route One shall be coordinated with the recommendations in Guiding Growth and Public Improvements on Route One, which was adopted as part of the Scarborough Comprehensive Plan, 1994.

**Coordination with Architecture.** Trees shall be carefully selected and located to complement the building elevation without blocking storefronts, signs, or lighting.

**Roadside Plantings.** Trees shall be planted a minimum of 5' from the edge of the roadway. Trees and other landscaping planted at intersections shall preserve an adequate sight triangle as determined by the traffic engineer.

**Pedestrian Movement.** The lower branches of trees planted near pathways and sidewalks shall be at least eight feet above the pavement to minimize interference with pedestrian movement throughout the year.

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



*Trees have been pruned to prevent interference with pedestrian movement. An adequate amount of room has been provided to accommodate root development.*



*Masses of trees can help tie buildings into the site and provide attractive patterns of light and shade.*



*These mature maples were carefully saved during the development of this shopping area. The trees add character, visual interest, and shade.*

## OBJECTIVES

A variety of appropriate shrubs and ornamental plantings shall be used throughout the commercial districts to add seasonal color, provide visual interest, help define spaces, screen undesirable elements, and emphasize circulation routes.

## DESIGN STANDARDS

**Variety in Plantings.** The use of flowering shrubs, evergreen shrubs, perennials, annuals, vines, ornamental grasses, and other plant material is highly recommended, in addition to street trees, evergreen trees, and ornamental trees. A listing of plantings that is suitable for Scarborough is provided at the end of this chapter. See **Scarborough Plant Materials List**, pp. 10-11.

**Selection.** The selection of plantings shall consider ultimate height and spread, maintenance, pest and disease tolerance and their nuisance potential (severe thorns, excessive leaf litter, etc.). Invasive species shall not be used.

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

**Accent Plantings.** The installation of special planting beds is encouraged in appropriate areas for visual accents in the landscape. These can include daylily beds, butterfly gardens, bog gardens, fragrant gardens, shade gardens, yellow foliage gardens, early blooming gardens, texture gardens, etc.



*Ornamental grasses can provide an effective, low maintenance way to add year round texture.*

**Mass Plantings.** Shrubs and perennials shall generally be planted in large masses or 'drifts,' rather than as individual specimens, to provide a pleasing effect for both motorists and pedestrians.

**Safety.** Plant material shall be selected with due consideration to public health and safety. Avoid plants with poisonous or messy fruits or leaves, large thorns, or overly aggressive growth patterns. Large shrubs which could provide hiding places along pathways or block the view of moving vehicles shall be avoided.



*Masses of daylilies (above) or groups of flowering shrubs (below) make a bright, colorful statement in front of these commercial buildings.*



## OBJECTIVES

The planting plans presented to the Planning Board shall anticipate a 3-8 year growing cycle to achieve maturity for shrubs, and ~~15-20~~ 20 years or more for trees. Proper maintenance shall be assured so the site continues to improve as the landscaping achieves maturity. The Site Plan shall be designed and plantings selected with due consideration for maintenance requirements.

## DESIGN STANDARDS

**Maintenance Plan.** As part of the Site Plan application for buildings > 2,000 SF, a written maintenance plan shall be provided for all landscape elements to be installed on the property.

**Details of Plan.** Topics to be addressed shall include (but not be limited to) initial installation, guarantee period, replacement policy, periodic and seasonal maintenance, special considerations, use of pesticides and fertilizers, irrigation, and seasonal displays.

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

**Low Maintenance Materials.** The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. Planting characteristics to be considered include: drought resistance (except where irrigated), tolerance to auto emissions, disease and insect resistance, lack of thorns that could trap debris, and relatively light leaf litter for ease of fall cleanups.

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



*Shrubs have been excessively pruned so their natural form is no longer apparent.*



*A mature shrub next to a driveway could cause problems with visibility for cars exiting the driveway.*



*Care must be taken to insure that trees are given room to achieve full maturity and natural form, illustrated at right. Tight planting pockets and installation too close to buildings may put stress on trees and plants and can present a problem when removing dead materials (below).*





## OBJECTIVES

The plants on this list have been derived from a number of sources to inspire a greater landscape variety in Scarborough. The final selection of materials shall consider the specific growing requirements and characteristics of each plant and the conditions present within the site.

## STREET TREES

Aesculus hippocastanum	Baumanii Horsechest.
Acer campestre	Hedge Maple
Acer ginnala	Amur Maple
Acer x. freemanii	Armstrong Maple
Acer x. freemanii	Autumn Blaze Maple
Acerrubrum	Red Maple
Acer saccharum	Sugar Maple
Acer tataricum	Tartarian Maple
Acer triflorum	Three-flower Maple
Amelanchier	Shadblow
Betula nigra	River Birch
Carpinus betula fastig.	Upright Hornbeam
Carpinus caroliniana	American Hornbeam
Cercidiphyllum japon.	Katsura Tree
Cladrastis lutea	Yellowwood
Corylus colurna	Turkish Filbert
Crataegus crusgalli	Cockspur Hawthorn
Fraxinus Americana	White Ash: 'Aut. Purp'
	'Aut. Applause'
Ginkgo biloba	Maidenhair Tree (m)
Gleditsia triacanthos	Thornless Honey Locust
Gymnocladus dioica	Kentucky Coffee Tree
Liriodendron tulipifera	Tulip Poplar tree
Magnolia acuminata	Cucumber tree
Prunus accolade	Accolade Cherry
Prunus maaekii	Amur Chokecherry
Pyrus calleryana	Cleveland Pear
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus palustris	Pin Oak
Quercus robur	Upright English Oak
Quercus rubra	Red Oak
Quercus shumardi	Shumard Red Oak
Sophora japonica	Regent Scholartree
Tilia cordata	Littleleaf Linden
Ulmus parvifolia	Lacebark Elm
Ulmus Americana	Princeton American
Elm; Frontier Elm	
Zelkova serrata	Greenvase Zelkova

## ORNAMENTAL TREES

Acer campestre	Hedge Maple
Acer ginnala	Amur Maple
Aesculus carnea	Red Horsechestnut
Amelanchier Canadensis	Serviceberry
Carpinus betulus	European Hornbeam
Carpinus carolinianum	American Hornbeam
Celtis occidentalis	Hackberry
Cornus kousa	Kousa Dogwood
Cornus mas	Cornealiancherry
	Dogwood
Cotinus obovatus	American Smoketree
Crataegus crus galli	Cockspur Hawthorne
inermis 'cruzam'	
Crataegus viridis	Winter King Hawthorn
Halesia Carolina	Carolina Silverbell
Maaeki amurensis	Maaekia
Magnolia loebneri	Loehner Magnolia
Magnolia stellata	Star Magnolia
Malus species	Crabapple
Nyssa sylvatica	Tupelo
Ostrya virginiana	Ironwood
Phellodendron arboretum	Amur Corktree
Prunus sargentii	Sargent Cherry
Prunus subhirtell	Higan Cherry
'Autumnal is'	
Pyrus calleryana	Bradford Pear
Sorbus alnifolia	Korean MountainAsh
Syringa reticulata	Tree Lilac 'Ivory Silk'



## EVERGREEN TREES

Abies concolor	White Fir
Abies fraseri	Fraser Fir
Picea abies	Norway Spruce

~~Picea glauca~~  
~~Picea omorika~~  
~~Picea pungens~~  
~~Pinus resinosa~~  
~~Pinus strobes~~  
~~Thuja occidentalis~~  
~~Tsuga Canadensis~~  
~~Tsuga caroliniana~~

~~White Spruce~~  
~~Serbian Spruce~~  
~~Colorado Spruce~~  
~~Red/Norway Pine~~  
~~Eastern White Pine~~  
~~American Arborvitae~~  
~~Candian Hemlock~~  
~~Carolina Hemlock~~



## FLOWERING AND ORNAMENTAL SHRUBS

~~Aesculus parviflora~~  
~~Aronia arbutifolia~~  
~~Berberis thunbergii~~  
~~'Crimson Pygmy'~~

~~Bottlebrush Buckeye~~  
~~Red Chokeberry~~  
~~Barberry~~

~~Cotinus coggygria~~  
~~Cotoneaster adpressa~~  
~~Cotoneaster divaricatus~~  
~~Cotoneaster horizontalis~~  
~~Deutzia gracilis~~  
~~Enkianthus campanulat.~~  
~~Eunymus alatus comp.~~  
~~Forsythia 'Sunrise'~~  
~~Hydrangea paniculata~~  
~~Ilex verticillata~~  
~~Myrica pensylvanica~~  
~~Potentilla fruticosa~~  
~~Prunus maritime~~  
~~Rhododendron species~~  
~~Rosa rugosa~~  
~~Viburnum prunifolium~~  
~~Viburnum sargentii~~  
~~Viburnum trilobum~~  
~~Xanthorhiza~~  
~~simplicissima~~

~~Common Smoketree~~  
~~Creeping cotoneaster~~  
~~Spreading cotoneaster~~  
~~Rockspray Cotoneaster~~  
~~Slender Deutzia~~  
~~Redveined Enkianthus~~  
~~Dwarf Burning Bush~~  
~~Sunrise Forsythia~~  
~~Panicle Hydrangea~~  
~~Winterberry~~  
~~Bayberry~~  
~~Bush Cinquefoil~~  
~~Beach Plum~~  
~~Rhododendron species~~  
~~Beach Rose~~  
~~Blackhaw Viburnum~~  
~~Sargent Viburnum~~  
~~Amer. Cranberrybush~~  
~~Yellowroot~~  
~~Deschampsia~~

## PERENNIALS

~~Achillea millefolium~~  
~~Aster x frikartii~~  
~~Astilbe varieties~~  
~~Coreopsis vertidillata~~  
~~Echinacea purpurea~~  
~~Hemerocallis species~~  
~~Liatris spicata~~  
~~Malva alcea 'Fastigiata'~~  
~~Perovskia atriplicifolia~~  
~~Rudbeckia 'Goldsturm'~~  
~~Sedum telephium~~

~~Yarrow~~  
~~New England Aster~~  
~~Astilbe~~  
~~Moonbeam Coreopsis~~  
~~Purple coneflower~~  
~~Daylilies~~  
~~Gayfeather~~  
~~Hollyhock Mallow~~  
~~Russian Sage~~  
~~Black Eyed Susan~~  
~~Autumn Joy Sedum~~



## ORNAMENTAL GRASSES

~~caespitosa Festuca~~  
~~ovina 'glauca'~~  
~~Miscanthus sinensis~~

~~Tufted Hair Grass~~  
~~Purple Silver Grass~~







## BACKGROUND

Signs play a central role in providing information, wayfinding, and setting the tone for Scarborough's commercial districts. They inform motorists and pedestrians, while having a direct effect on the overall appearance of the roadway.

### Signage Goals

- Provide basic, legible information about commercial establishments with attractive, highly legible signage.
- Encourage forethought in the design, size, placement, and graphic format of all signage used in the commercial areas of Scarborough.
- Create distinctive commercial corridors and nodes, where signage is compatible with quality architecture and site design.
- Reduce visual clutter along Scarborough's major roadways.
- Protect the investment of commercial interests throughout Scarborough by establishing a quality benchmark for future signage, in keeping with the design standards.

## Contents

Sign Design	V-2
Sign Content	V-6
Facade-Mounted Signs	V-7
Multi-Tenant Properties	V-8
Externally-Lit Signs	V-10
Internally-Lit Signs	V-11
Temporary Signs	V-12



*A simple, attractive sign that relates to the buildings style and materials.*

## OBJECTIVES

Commercial uses in Scarborough shall be identified by attractive, legible signs that serve the needs of the individual business, complement the site and the architecture, and are legible to both the motorist and pedestrian. All new and replacement signs erected within Scarborough's commercial districts shall be designed to meet these standards.

## DESIGN STANDARDS

**Signage Plan.** A Signage Plan shall be submitted as part of the Site Plan application. It shall be developed by design professionals experienced in commercial signage or environmental graphics. The applicant shall expect to resubmit the plan to the planning staff if the building's tenant is unknown at the time of application.

**Compatibility.** Sign shall be designed to achieve a high level of visual compatibility with the building(s) and its surroundings through the use of similar detailing, form, color, lighting, and materials.

**Design.** The shape of the sign shall complement the architectural features on the building. Simple geometric shapes are preferred for all signage. Signs shall be trimmed and detailed to complement the building.



*These discreet facade-mounted signs are well-integrated into their commercial buildings.*

**Lettering Size.** As a general rule, the minimum lettering size for identification signs shall be six inches in height. Smaller letters are generally unreadable at high speeds and may require motorists to slow down to read them, which could potentially be a safety hazard.

**Location.** Signs shall be mounted in locations that do not block motorists' line of sight or create a hazard for pedestrians or bicyclists. Roof mounted signs are strongly discouraged. Roof mounted signs that project above the roofline are prohibited.

**Street Numbers.** The principal site identification sign shall contain the street address shown in a prominent location to facilitate wayfinding and 911 emergency response.

**Advertising Features.** Objects other than signs designed primarily to attract public attention are prohibited in the commercial district because they distract motorists and contribute to visual clutter. Examples of prohibited advertising features include greater-than-life size models of food or other products, replicas of spokes-people associated with commercial products, rows of flags or banners, and internally-lit bands of color.

**Standard Note.** Any modifications to signage that has been approved by the Planning Board shall comply with the Standard Note. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.







*Highly legible signs near roadways characterized by simplicity in materials, forms, and letting.*



*Internally lit letters and logos are preferred over whole panels. Signage is scaled to the architectural elements that surrounds it.*

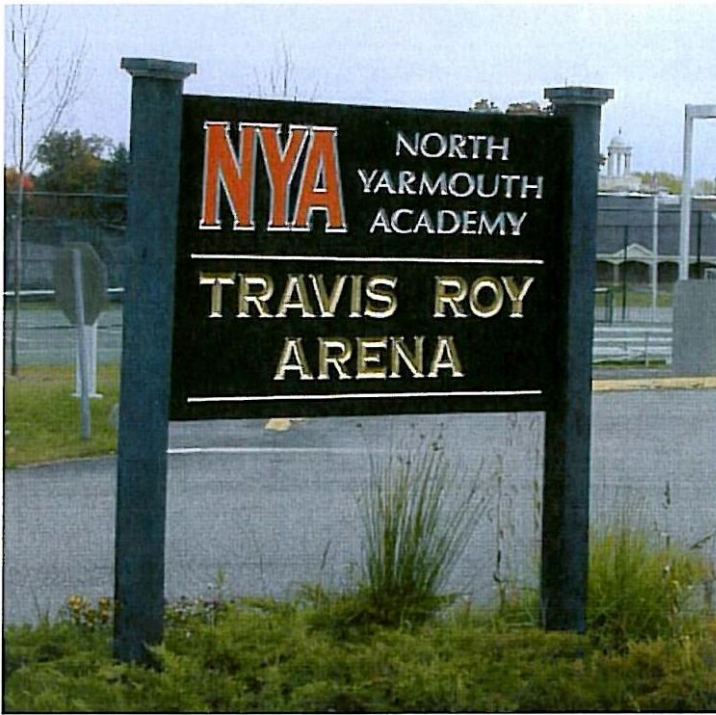


*This site directional clearly identifies destinations with a minimum of wording, allowing motorists to make decisions without having to stop.*



*The main sign provides enough information to orient people. The sign would be more legible without the lower panels.*





*These signs achieve compatibility through the repetition of form, detailing, and materials.*

S  
s  
e  
  
s  
  
e  
p

e

o  
n

o  
4





A tall, black signpost for 'SPEEDY GAS STOP' stands prominently. The top section features a red octagonal logo with 'SPEEDY' in white, 'GAS' in large white letters, and 'STOP' in white. Below the logo, a yellow sign displays 'REGULAR UNLEADED' in red, 'Cash Price' in black, and a large red '1.52' with a small 'per gallon' to the right. The next section shows 'UNLEADED PLUS' in black, 'Self Serve' in black, and a large black '1.60' with a small 'per gallon' to the right. Below that, it displays 'SUPER UNLEADED' in black, 'Self Serve' in black, and a large black '1.66' with a small 'per gallon' to the right. A red sign with white text reads 'FREE AIR'. At the bottom, a white sign with black text says 'CASH &amp; CREDIT' and 'Same Low Price'. To the left of the signpost are two green gas pumps with 'Speedy' branding. In the background, a red building, a white truck, and a sign for 'ARMY STORE' are visible.

**Signage/5**



## OBJECTIVES

Signs used to identify a business shall be kept simple and direct in message and content. They shall convey only the most essential information about the business. Motorists should not be distracted by signs containing excessive information.

## DESIGN STANDARDS

**Content.** Identification signs shall contain a maximum of either 30 letters or 7 bits of information. A bit can be a syllable or a symbol. Repetitious information between signs and buildings shall be avoided, regardless of the sign area allowed.

**Advertising.** The use of 'sponsor' logos, slogans, or other messages on a tenant sign to promote products or services other than the primary tenant, is strongly discouraged. If a sign is sponsored, the name of the sponsor and/or its logo shall not occupy more than 25% of the total face of the sign.

**Readerboards.** Readerboards, with stationary or electronic text, are strongly discouraged within Scarborough's commercial districts, and prohibited within the HPZ district. Where readerboards are part of a permanent sign, they shall contain no more than three lines of text. Lettering height shall be a maximum of 6". The readerboard shall be fully integrated into the overall sign design by virtue of its form, scale, color, and detailing. Readerboards will be considered part of the total signage area.



*Readerboards are strongly discouraged throughout the commercial districts.*



*A sign where the sponsor covers 75% of the sign area.*



*A typical sign treatment for a large retailer*



*National chains respond favorably to design standards.*



## OBJECTIVES

Facade mounted signs used to identify commercial properties shall provide the necessary information without overwhelming the building.

## DESIGN STANDARDS

**Design.** Facade mounted signs shall be designed as an integral element of the architecture. The shape and materials of the sign shall complement the architectural features on the building.

**Location.** Signs shall not be mounted in locations that obscure architectural details on the building. Signage shall be mounted on vertical surfaces without projecting above the fascia trim. In general, signs shall be located a minimum of 18" from the corner of the building.

**Hardware.** Signage shall be mounted with concealed hardware. Metal hardware shall be stainless steel or galvanized to prevent rust and corrosion that could stain or discolor the building. Where hardware will be painted to blend with the sign, rust inhibiting paint shall be used to prevent rust streaks.



*This sign is well integrated with the architecture, using only the essential information about the retailer.*



*For the same type of establishment, the sign in the lower example serves as a billboard, with extraneous information.*



*This facade-mounted sign integrates well with the building design. Its placement emphasizes the corner entrance.*



*Mounting hardware can emphasize a sign and greatly enhance the building's appearance.*

## OBJECTIVES

Multi-tenant commercial properties shall provide legible, attractive signs that help people identify the property without contributing to the visual clutter in the commercial district. Signage shall stress the identity of the place and de-emphasize individual tenants that occupy it.

## DESIGN STANDARDS

**Hierarchy of Signs.** A hierarchy of sign age shall be established to facilitate wayfinding and minimize site clutter. Multi-tenant properties shall be identified by a simple identification sign in a highly visible location.

**Identification Signs.** Multi-tenant buildings or multi-building sites shall have one identification sign conveying an overall identity for the property. This sign shall be located near the main entrance to reinforce circulation patterns and minimize visual clutter.

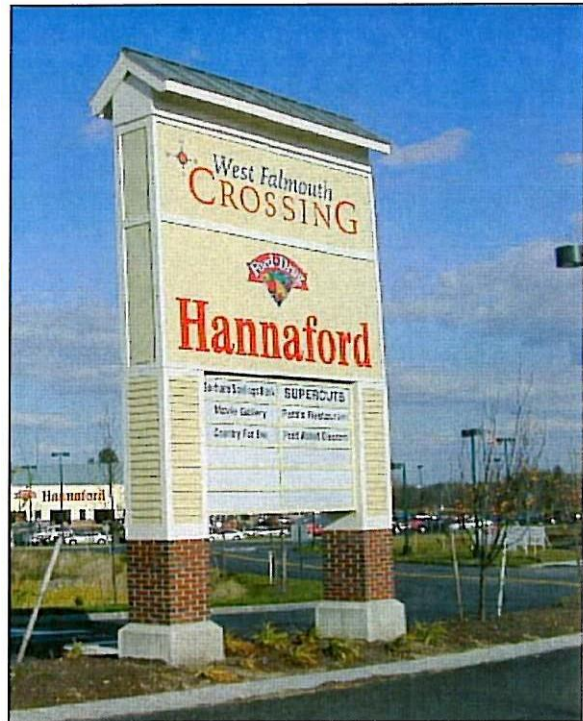
Identification signs that also list multiple tenants shall exhibit a logical hierarchy in the display of information (i.e., address, name of building/development, primary tenant, other tenants). Only essential information (the name of the tenant) shall be displayed on the main sign. Phone numbers, hours of operation, advertising slogans, etc. should not be listed.

**Street Numbers.** The main identification sign for multi-tenant properties shall incorporate the street address into the sign to facilitate wayfinding and 911 emergency response.

**Compatibility.** The design of multi-tenant signs shall be coordinated with the design of the principle building(s) in terms of color, materials, detailing, and style.

**Color Consistency.** Multi-tenant signs shall conform to a simple color and graphic palette in order to minimize the confusion and clutter of the sign. In general, multi-tenant signs shall have no more than three colors.

**Landscaping.** Landscaping surrounding signs for multi-tenant buildings shall be consistent with the landscape treatment for the entire property.



*Multi-tenant signs that establish a clear hierarchy within their shopping complexes. The detailing matches that found in the architecture. The lower sign is somewhat over scaled.*





The shopping center -c logo (at top) is overpowered by the individual signs below. There is too much information for a motorist to absorb while driving.



A multi-tenant sign with a clear hierarchy of information. The name of the plaza is at the top in bolder lettering. Individual tenants are listed on contrasting backgrounds for legibility.



The names of individual tenants on these signs (both above) compete for attention, making it easy difficult to read while driving by.



## OBJECTIVES

Lighting for externally-lit signs shall be designed as an integral part of the sign design. Lighting shall not create glare that would distract motorists or pedestrians, nor shall the degree of illumination disturb the surrounding residential areas or contribute to light pollution. See **Lighting Chapter** for additional information.

## DESIGN STANDARDS

**Light Level.** The illumination level on the vertical surface of the sign shall be bright enough to provide a noticeable contrast with the surrounding building or landscape without causing undue glare or reflection.

**Lighting.** Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lights shall not be aimed toward adjacent streets, sidewalks, or abutting properties. Ground-mounted lighting shall be screened or partially buried to minimize the view of the light source.

**Light Sources.** Top-mounted lighting fixtures shall be used if they are directed downward in a manner that hides the light source. Uplighting may be used if the fixture can be aimed to prevent spillage beyond the sign.

**Design.** Light fixtures and mounting devices shall be selected to complement the color and design of the sign and the architecture. Concealed light sources are strongly encouraged.



*In both examples above and below the top-mounted light fixtures are well-located, aimed, and shielded so that only the sign is lit*



*The lighting fixtures compliment the signs and the buildings*



*These top-mounted light fixtures are not well shielded nor integrated into the sign.*

## OBJECTIVES

Internally lit signs shall consist of light lettering and/or symbols on a dark background, and shall not act as light fixtures in their own right.

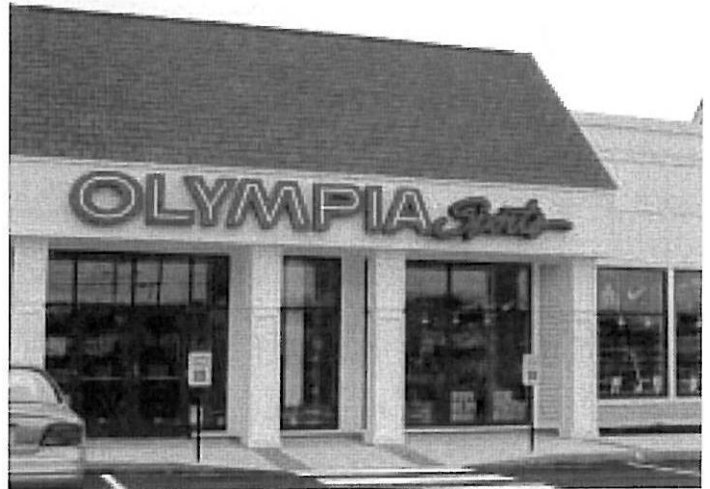
## DESIGN STANDARDS

**Design.** Internally-lit signs shall consist of light lettering and/or symbols set against a dark background to minimize the amount of light emanating from the sign. Internally-lit letters and symbols are preferred over whole panels that are internally lit. Letters and/or symbols on panels shall constitute no more than 40% of the sign's surface area.

**Mounting Systems.** Signs shall be mounted in a manner that provides adequate support for the weight of the sign. Mounting systems shall be designed to be compatible with the architecture in terms of color, forms, and style. Electrical connections, wiring, junction boxes, and other similar devices shall not be visible from pedestrian pathways or roadways.

**Intensity.** Internally-lit signs shall not act as light fixtures or cause glare on nearby pathways or roadways. Lighting levels shall not exceed 1 fc of illumination measured 10 feet from the base.

**Maintenance.** Signs shall be located where they can be easily maintained. Non-functioning bulbs shall be replaced immediately.



*An effective use of individual internally-lit letters to create a simple identity for a commercial building.*



*The sign's dark background and light lettering emphasize the bank's name while minimizing glare. Information occupies about 40% of the sign.*



*The white background of this sign will increase glow*

## OBJECTIVES

Most commercial uses in Scarborough's commercial districts rely upon temporary signs on occasion to convey specific information, alert the public to special events, or announce new businesses. The design and placement of temporary signs shall be closely related to existing sign systems, landscape improvements, and the building design to avoid visual clutter.

## DESIGN STANDARDS

**Content and Design.** The same standards established for the content and design of permanent signs shall be applied to temporary signage.

**Location.** Temporary signs shall be installed in locations that do not create a hazard for pedestrians or vehicles.

**Size.** The total size of temporary signs, regardless of function, shall not exceed 20% of the business' total signage area.

**Lighting.** Temporary signs shall not include any additional source of illumination, either internal or external.



*Examples of temporary signs that are prohibited.*



**Order No. 24-027, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 311: the Town of Scarborough Schedule of License, Permit and Application Fees regarding the proposed Annual Mooring Wait List Fee.**(Tabled from the March 20, 2024, Town Council meeting.) *[Town Staff]* The Town Clerk and Councilor Hamill, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the second reading on the proposed amendments to Chapter 311: the Town of Scarborough Schedule of License, Permit and Application Fees regarding the proposed Annual Mooring Wait List Fee; as follows:

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

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

<b>Chapter 1401 – Coastal Water and Harbor Fees</b> [amended 02-20-13]	<b>Fee</b>
<b>Annual Mooring &amp; Pier Use Fees</b>	
Recreational Pier Use - Resident and/or Taxpayer (amended 05/05/04; 12/20/17; 02/15/23)	\$250.00
Recreational Pier Use - Non-Resident (amended 05/05/04; amended 12/20/17; 02/15/23)	\$500.00
Commercial Pier User – Resident and/or Taxpayer (amended 12/20/17; 02/15/23)	\$450.00
Commercial Pier User – Non-Resident (amended 12/20/17; 02/15/23; 05/03/2023)	\$700.00
Recreational Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23; 05/03/2023)	\$300.00
Recreational Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$500.00
Commercial Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23; 05/03/2023)	\$500.00
Commercial Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$700.00
One Time Pier Use Fee Resident (adopted 02/15/23; amended 05/03/2023)	\$150.00
One Time Pier Use Fee Non-Resident (adopted 02/15/23)	\$350.00
<u>Mooring Wait List Annual Fee: Annual fee will be allied over the course of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only.</u>	<u>\$35.00</u>

Vote: 5 Yeas. Motion Passes.

### **OLD BUSINESS:**

**Order No. 24-042. Second reading on the request to repeal in its entirety Chapter 415A Scarborough Roadway Impact Fee Ordinance: Dunstan Corner Capital Improvement District; repeal in its entirety Chapter 415B Scarborough Roadway Impact Fee Ordinance: Haigis Parkway / Route One Capital Improvement District, repeal in its entirety Chapter 410 Scarborough Roadway Impact Fee Ordinance: Payne Road Area Capital Improvement Districts; and replace with amended Chapter 415 Impact Fee Ordinance with an effective date of July 1, 2024.** *[Planning Director, Town Engineer]* Chairman McGee noted that there was interest in tabling this Order. After a brief discussion the following motions were made.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the second reading on Order No. 24-042, as presented.

Motion by Councilor Anderson, seconded by Councilor Caterina, to move approval to table Order No. 24-042 to the July 17, 2024, Town Council to give staff a little more time to work on a few items.

Vote to table: 5 Yeas. Motion Passes.

**Order No. 24-048. Second reading, to extend the Town-wide Moratorium on Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities, that the Town Council approved on February 7, 2024.** *[Assistant Town Manager]* Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

The following individuals spoke on this Order:

- Mike Shannon of Snow Canning, spoke in opposition on this request.
- Jill Cohen, Attorney for Mr. Shannon and other cannabis owners, asked that the Town Council vote against this Moratorium.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval Second reading, to extend the Town-wide Moratorium on Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities, that the Town Council approved on February 7, 2024, as follows:

**TOWN OF SCARBOROUGH ORDINANCE EXTENDING THE MORATORIUM  
ON ADULT USE CANNABIS CULTIVATION FACILITIES AND  
MEDICAL CANNABIS CULTIVATION FACILITIES**

WHEREAS, on February 7, 2024, the Town Council adopted a 180-day moratorium on the acceptance, processing, or acting upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license or any other approval, relating to the establishment, operation, or expansion of a business or operation for a Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities (“the Moratorium”); and

WHEREAS, the Town Council is currently in the process of revising and developing appropriate land use regulations concerning Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities; and

WHEREAS, during the term of the Moratorium, the Town Council has continued to review and develop adequate regulations to prevent serious public harm from the development Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities in the Town;

WHEREAS, the Moratorium will expire on June 30, 2024;

WHEREAS, State law requires a moratorium to be of a definite term of not more than 180 days, which may be extended for additional 180 day periods, upon a finding that:

- A. The problem giving rise to the need for the moratorium still exists; and

- B. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium;

WHEREAS, the Town Council finds that the problem giving rise to the need for the Moratorium still exists; and

WHEREAS, during the term of the Moratorium the Town Council has made reasonable progress to alleviate the problem giving rise to the need for the Moratorium, and has held numerous workshops and meetings with stakeholders, but requires an additional amount to develop regulations governing the location and operation of Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities; and

WHEREAS during the period of this extension of the Moratorium, the Town will continue to diligently work to develop and adopt appropriate land use regulations concerning Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities; and

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

The Moratorium on Adult Use Cannabis Cultivation Facilities and Medical Cannabis Cultivation Facilities adopted by the Town Council on February 7, 2024, is hereby extended for an additional 120 days until October 24, 2024, unless earlier extended, repealed or modified by the Town Council.

Vote: 2 Yeas. 3 Nays [Councilors Anderson, Caterina and Cushing] Motion Fails.

#### **NEW BUSINESS:**

**Order No. 24-051. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1018 – the Town of Scarborough Cannabis Establishment Licensing Ordinance.** [Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order. The following individual spoke on this Order:

- Jill Cohen, Attorney for multiple cannabis owners, spoke with regards to complaints and to define verified complaints and the licensee have some protection

The following email was made part of the record:

*“Dear Councilors & Liam,*

*I'm reaching out via email as my husband & I are unable to attend the next probably few meetings on this issue due to personal reasons that can't be helped. But we do plan to follow.*



*I wanted to bring you up to date as of this evening. THANKFULLY there has been no cannabis smell (so far) this late spring/early summer. Fingers crossed.*

*That being said...leads us to believe that perhaps what Assistant Town Manager Liam Gallagher told us may be true. He noted that 3 Commercial Road had temporarily expanded cultivation operations into a space last year that was perhaps the culprit of the strong odor we were experiencing. That it was determined this space required a different license so as a result they ceased operations and vacated that space. He said that in his rough recollection; was that those times of increased odor appeared to possibly align with the operation of cultivation within those expanded spaces.*

*If indeed this is the case, we would strongly oppose any expansion into this space into the future and we would hope that Chris McNeil, the owner of Coastal Remedies (3 Commercial Road) would want to be a good neighbor and agree.*

*If this was not the source of the odor and we should detect a strong and I'm talking strong odor/s (like before) in the future; we would take the proper step required by filling out the odor complaint form. We would also email the entire town council as was requested by at least 3 members. And in fairness to the business owner, Chris McNeil, who also requested to be notified which we would do should we detect any odor in the future.*

*All that being said, I (Paula) listened to the Ordinance Committee Meeting last week and have to say that I think the entire Ordinance Committee and Liam had discussions that was very informative and are doing their very best to cover all the bases so to speak.*

*Councilor Anderson made some suggestions that I hope will be discussed and imagine they will be along with other discussion. One in particular that I/we hope is seriously considered and adopted is to 'in the future' make it so that no new businesses or expansions of current cannabis businesses be allowed within 1000' of residential properties. As you know these businesses aren't allowed within 1000' of any type of school and when children aren't in school, they're at home. So I really think this is not an unreasonable request as children are not the only ones affected in residential areas.*

*I/we want to thank you all for your time & careful consideration to all involved and really hope that all Cannabis Growers can somehow contain their odors so as not to infringe on normal everyday living for residents that we all so enjoy in our homes and yards. Thank You!*

*Paula Corbeau-O'Brien  
Pond View Drive"*

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the first reading on the first reading on the proposed amendments to Chapter 1018 – the Town of Scarborough Cannabis Establishment Licensing Ordinance and schedule a public hearing and second reading for Wednesday, July 17, 2024, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 1018 - the Town of Scarborough Cannabis Establishment Licensing Ordinance Amendments, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

**Chapter 1018  
Town of Scarborough  
Cannabis Establishments Licensing Ordinance**

## Section 1. Purpose.

The purpose of this Ordinance is to regulate and license Cannabis Establishments as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, and the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended, in order to promote the health, safety, and general welfare of the residents of Scarborough. [Amended 08/16/2023]

Persons or entities wishing to establish a Cannabis Establishment within the Town of Scarborough shall first obtain a license from the Scarborough Town Council (hereinafter “the Town Council”), be located in a Registered Cannabis Property, and shall be subject to the provisions of this Ordinance. [Amended 08/16/2023]

## Section 2. Authority.

This Ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. §401 *et seq.*, as may be amended, and 22 M.R.S.A. §2421 *et seq.*, as may be amended.

## Section 3. Definitions.

The following definitions shall apply to this Ordinance:

*Adult use cannabis* shall mean “adult use cannabis” as that term is defined in 28-B M.R.S.A. §102(1), as may be amended. [Amended 08/16/2023]

*Adult Use Cannabis Cultivation Facility* shall mean a “cultivation facility” as that term is defined in 28-B M.R.S.A. §102(13), as may be amended. [Amended 08/16/2023]

*Adult use cannabis product* shall mean “adult use cannabis product” as that term is defined in 28-B M.R.S.A. §102(2), as may be amended. [Amended 08/16/2023]

*Adult Use Cannabis Products Manufacturing Facility* shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S.A. §102(43), as may be amended. [Amended 08/16/2023]

*Adult Use Cannabis Testing Facility* shall mean a “testing facility” as that term is defined in 28-B M.R.S.A. §102(54), as may be amended. [Amended 08/16/2023]

*Applicant* shall mean a person that has submitted an application for licensure as a Cannabis Establishment pursuant to this Ordinance. [Amended 08/16/2023]

*Cannabis Odor Panel* shall mean the panel of municipal staff tasked with investigating odor complaints in sections 11; 3 and 11;4. The Odor Panel shall include three of the following positions; Assistant Town Manager, a representative of the Fire Department, a representative of the Police Department, the Zoning Administrator, and a Code Enforcement Officer. [Adopted 08/16/2023]

*Cannabis Property* shall mean a lot, building, or facility where licensed Cannabis Establishments are located.

*Cultivate* or *cultivation* shall mean the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of Cannabis for use or sale. It does not include manufacturing. [Amended 08/16/2023]

*De Minimis changes* shall mean minor changes to a submitted floor plan of less—~~that~~—than -50%, improvements to odor mitigation plans, enhancements to security plans, or changes to ownership interest or officers of not greater than 50%. [Adopted 08/18/2021]

*Licensed premises* shall mean the premises, or facility, specified in an application for a State or Local License pursuant to this Ordinance that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test adult use cannabis, adult use

~~Cannabis products~~-cannabis products, medical cannabis or medical cannabis products in accordance with the provisions of this Ordinance and the requirements of State law and regulations. [Amended 08/16/2023]

*Licensee* shall mean a person licensed pursuant to this Ordinance.

*Local License* shall mean any license required by and issued under the provisions of this Ordinance.

*Local Licensing Authority* shall mean the Town Council, as further specified in the provisions of this Ordinance.

*Manufacture or manufacturing* shall mean the production, blending, infusing, compounding or other preparation of cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. It does not include cultivation. [Amended 08/16/2023]

*Cannabis* shall mean “cannabis” as that term is defined in 28-B M.R.S.A. §102(27) as may be amended. [Amended 08/16/2023]

*Cannabis concentrate* shall mean the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis to prepare a cannabis product may not be included. [Amended 08/16/2023]

*Cannabis Establishment* shall mean an Adult Use Cannabis Cultivation Facility, an Adult Use Cannabis Products Manufacturing Facility, an Adult Use Cannabis Testing Facility, a Medical Cannabis Dispensary, a Medical Cannabis Testing Facility, a Medical Cannabis Manufacturing Product Facility, and a Medical Cannabis Cultivation Facility. A Cannabis Establishment does not include an Adult Use Cannabis Store or a Medical Cannabis Caregiver Retail Store, which are not permitted in the Town of Scarborough. [Amended 08/16/2023]

*Medical Cannabis* shall mean the medical use of cannabis, with the term “medical use” as defined in 22 M.R.S. §2422(5), as amended. [Amended 08/16/2023]

*Medical Cannabis caregiver* shall mean a “caregiver” as that term is defined in 22 M.R.S.A. §2422(8-A), as may be amended. [Amended 08/16/2023]

*Medical Cannabis Caregiver Retail Store* shall mean “caregiver retail store” as that term is defined in 22 M.R.S.A. §2422(1-F) as may be amended.

*Medical Cannabis cultivation area* shall mean a “cultivation area” as that term is defined in 22 M.R.S.A. §2422(3), as may be amended. [Amended 08/16/2023]

*Medical Cannabis Cultivation Facility* shall mean a medical cannabis cultivation area used or occupied by one or more medical cannabis registered caregivers and a facility licensed under this ordinance to cultivate, prepare and package medical cannabis at a location that is not the residence of the Registered Caregiver or Qualifying Patient. [Amended 08/16/2023]

*Medical Cannabis Dispensary* shall mean a “registered dispensary” as that term is defined in 22 M.R.S.A. §2422(6), as may be amended. [Amended 08/16/2023]

*Medical Cannabis product* shall mean a “cannabis product” as that term is defined in 22 M.R.S.A. §2442(4-L), as may be amended. [Amended 08/16/2023]

*Medical Cannabis Products Manufacturing Facility* shall mean a “manufacturing facility” as that term is defined in 22 M.R.S.A. §2422(4-R), as may be amended. [Amended 08/16/2023]

*Medical cannabis qualifying patient* shall mean a “qualifying patient” as that term is defined in 22 M.R.S.A. §2422(9), as may be amended. [Amended 08/16/2023]



*Medical cannabis registered caregiver* shall mean a “registered caregiver” as that term is defined in 22 M.R.S.A. §2422(11), as may be amended. [Amended 08/16/2023]

*Medical Cannabis Testing Facility* shall mean a “cannabis testing facility” as that term is defined in 22 M.R.S.A. §2422(5-C), as may be amended. [Amended 08/16/2023]

*Plant Canopy* shall mean “Plant canopy” as that term is defined in 28-B M.R.S.A. §102(41), as may be amended.

*Owner* shall mean a person whose beneficial interest in a Cannabis Establishment is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Cannabis Establishment and/or has a controlling interest in a Cannabis Establishment. [Amended 08/16/2023]

*Person* shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

*State License* shall mean any license, registration or certification issued by the State Licensing Authority.

*State Licensing Application* shall mean the application form and supporting materials required by the State for the purpose of a person obtaining a State license, registration or certification for the cultivation, manufacture, distribution, testing and sale of adult use Cannabis, adult use Cannabis products, medical Cannabis and/or medical Cannabis products in this State. [Amended 08/16/2023]

*State Licensing Authority* shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of adult use Cannabis, adult use Cannabis products, medical Cannabis and/or medical Cannabis products in this State. [Amended 08/16/2023]

#### **Section 4. License Required.**

No person may establish, operate or maintain a Cannabis Establishment without first obtaining a license from the Town Council.

Any grandfathered use pursuant to Section 10.5.A of this Licensing Ordinance shall obtain a license from Town Council within 6 months of the adoption of this Ordinance; however, the standards of Section 10.A.(2, 3, 4) are not applicable to licensing process of these grandfathered activities.

#### **Section 5. License Application.** [Amended 08/16/2023]

An application for a license must be made on a form provided by the Town. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

The application for a Cannabis Establishment license shall contain the following information:

##### **A. Name of Applicant.**

1. If the applicant is an individual: The individual shall state their legal name and any aliases and submit proof that they are at least twenty- one (21) years of age.
2. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

3. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
  4. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
  5. If the applicant intends to operate the Cannabis Establishment under a name other than that of the applicant, they must state the Cannabis Establishment's name and submit the required registration documents.
- B. The applicant's mailing address and residential address.
- C. Recent passport-style photograph(s) of the applicant(s) or government issued photo identification  
~~The applicant's driver's license.~~
- E. A sketch showing the configuration of the subject premises, including building footprint, plant canopy square footage calculations, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
- F. The location of the proposed Cannabis Establishment, including a legal description of the property, street address, and telephone number. The applicant must also demonstrate that the property meets the zoning requirements for the proposed use. [Amended 08/16/2023]
- G. If the applicant has had a previous license under this Ordinance or other similar Cannabis Establishment license applications in another town in Maine, in the Town of Scarborough, or in another state denied, suspended or revoked, they must list the name and location of the Cannabis Establishment for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Cannabis Establishment for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation. [Amended 08/16/2023]
- H. If the applicant holds any other permits/licenses under this Ordinance or other similar Cannabis Establishment license from another town, the Town of Scarborough, or state the applicant shall provide the names and locations of such other permitted/licensed businesses, including the current status of the license or permit and whether the license or permit has been revoked. [Amended 08/16/2023]
- I. The type of Cannabis Establishment for which the applicant is seeking a license and a general description of the business including hours of operation.
- J. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Cannabis Establishment pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises. The applicant must also submit documentation that the Cannabis

Establishment will be located in a Registered Cannabis Property, either through proof of registration or of a pending application for registration.

- K. A copy of a Town Tax Map depicting the property lines of any public or preexisting private ~~school within~~ school within one thousand (1000) feet of the subject property. ~~For the~~ For purposes ~~the purposes~~ of this Ordinance, "school" includes a public school, private school, or public preschool program all as defined in 20-A M.R.S.A. §~~1, or 1, or~~ any other educational facility that serves children from prekindergarten to grade 12, as well as any preschool or daycare facility licensed by the Maine Department of Health and Human Services.
- L. Evidence of all required state authorizations, including evidence of a caregiver registration in good standing, a conditional license pursuant to Title 28-B, food license, and any other required state authorizations.
- M. A copy of the security plan as required by Section 10(A)(6) of this Ordinance.
- N. A copy of the odor and ventilation mitigation plan as required by Section 10(A)(7) of this Ordinance.
- O. A copy of the operations plan, as required by Section 10(A)(8) of this Ordinance.
- P. Consent for the right to access the property as required by Section 10(B) of this Ordinance.
- Q. Evidence of insurance as required by Section 10(C)(1) of this Ordinance.
- R. Medical cannabis registered caregivers and other applicants submitting applications and supporting information that is confidential under 22 M.R.S.A. §2425-A(12), as may be amended, and the Maine Freedom of Access Act, 1 M.R.S.A. §402(3)(F), shall mark such information as confidential. [Amended 08/16/2023]

**Section 6. License Application and License Fees. [Amended 08/18/2021; 08/16/2023]**

- A. Applicant Fee. An applicant must pay a \$350 application fee upon submission. Applicants are also responsible for the Town's expenses associated with the review of an application, including the cost of any third-party review if necessary.
- B. License Fee. Local License fees are set forth below and shall be paid annually:
  - 1. Adult Use Cannabis Cultivation Facility:
    - (a) Tier 1: 0 to 500 SF of plant canopy: \$750.
    - (b) Tier 2: 501-2,000 SF of plant canopy: \$3,000.
    - (c) Tier 3: 2,001-7,000 SF of plant canopy: \$7,500.
    - (d) Tier 4: greater than 7,000SF of plant canopy: \$10,000
  - 2. Adult Use or Medical Cannabis Testing Facility: \$1,000
  - 3. Adult Use or Medical Cannabis Products Manufacturing Facility: \$2,500
  - 4. Medical Cannabis Cultivation Facility: \$750
- C. Application Change Fee: License holders seeking to make de minimum changes to an existing license: \$150. [Adopted 08/18/2021]



## **Section 7. Licensing Authority and Procedure. [Amended 08/18/2021]**

- A. The initial application for a license shall be processed by the Town Clerk and reviewed and approved by the Town Council.
- B. Complete application. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.
- C. Public hearing.
  - 1. A public hearing by the Town Council on an application for a license shall be scheduled after receipt of a completed application. The Town Clerk shall publish public notice of the hearing not less than ten (10) days prior to the hearing in a newspaper of general circulation in Cumberland County.
  - 2. When an application is determined to be complete, the Town Clerk shall, at the applicant's expense, give written notification to all abutting property owners within five-hundred (500) feet of the parcel on which the proposed license is sought of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least ten (10) days prior to the first meeting at which the complete application is to be reviewed. Failure ~~of any of any~~ property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For purposes of this section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough.
- D. A renewal application shall be subject to the same application and review standards as applied to the initial issuance of the license. Renewal applications from applicants in good standing, with no change, or de minimis, to the original application, may be approved by the Town Manager or their designee, so long as all other criteria and requirements as outlined in this Section and Section 10, have been met. The Town as part of the renewal process, shall consider compliance from prior years, and based upon that review, may recommend conditions to any future license to correct, abate, or limit past problems to forward to the Town Council for action. [Amended 08/18/2021]
- E. Responsibilities and review authority.
  - 1. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance. The Town Clerk shall consult with other Town Departments and any appropriate State Licensing Authority as part of this investigation.
  - 2. No Local License shall be granted by the Town Council until the Police Chief, the Fire Chief, and the Code Enforcement Officer have all made the determination that the Applicant complies with this and all other local ordinance and state laws and provides a written recommendation to the Town Clerk. Where an agent of the Town determines that is necessary for the Town to consult with a third-party expert consultation to the applicant. Before doing so, however, the Town shall give reasonable notice to the applicant of its determination of need, including the basis for the determination; the third-party that the Town propose to engage; and then estimated fee for the third-party consultation. The applicant shall have the opportunity respond for up to (10) business days from receipt of the Town's notice before the Town engages the third-party. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the Applicant or licensee, or the person in charge of the premises to be inspected, to admit any

officer, official, or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

3. The Town Council shall have the authority to approve license and renewal applications, subject to the exception outlined in 7(D) above, and impose any conditions on a license that may be necessary to insure compliance with the requirements of this Chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license. [Amended 08/18/2021]
4. The Town Manager, or designee, with the endorsement of the Council Chair, shall have the authority to approve de minimis changes to an existing license subject to continued compliance with this Section and Section 10 below. [Adopted 08/18/2021]

#### **Section 8. License Expiration and Renewal. [Amended 08/18/2021; 08/16/2023]**

- A. A new license, when granted, shall be valid until August 31<sup>st</sup>, immediately following said granting of said license, except that new licenses granted during July and August shall be valid until August 31<sup>st</sup> of the following calendar year. [Amended 08/16/2023]
- B. Renewal applications must be submitted at least 45 days prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application.
- C. Licenses issued under this Ordinance are not transferable to a new owner. A transfer in ownership interest, change in the officers of an owner, of greater than 50% of the ownership interest or officer shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new Local License for that location. [Amended 08/18/2021]

#### **Section 9. Denial, Suspension or Revocation of License or Registration.**

- A. A Local License under this Ordinance shall be denied to the following persons:
  1. A person who fails to meet the requirements of this Ordinance. Where an Applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.
  2. A person who has had a license for a Cannabis Establishment revoked by the Town or by the State or a Cannabis Property Registration revoked by the Town. [Amended 08/16/2023]
  3. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License or registrations, as applicable.
- B. The Town may suspend or revoke a license or registration for any violation of this Chapter, Chapter 1000a, Chapter 405, or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a State License for a Cannabis Establishment suspended or revoked by the State. The Licensee or Registrant shall be entitled to notice and a hearing prior to any suspension or revocation, except where the reason for suspension or revocation could reasonably threaten health, safety, or welfare, as long as notice and a hearing is provided as soon as practicable. [Amended 08/16/2023]

#### **Section 10. Performance Standards for License [amended 08/18/2021]**

##### **A. General.**

1. All Cannabis Establishments shall comply with applicable state and local laws and regulations. [Amended 08/16/2023]

2. Cannabis Establishments shall only be located within the zoning districts permitted in the Scarborough Zoning Ordinance. [Amended 08/16/2023]
3. Cannabis Establishments may not be located on property within 1,000 feet of the property line of a preexisting school as required and defined in Section 5(K) of this Ordinance. [Amended 08/16/2023]
4. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Cannabis Establishment is located. If the Cannabis Establishment is located within a commercial subdivision, the required setback shall be measured from the closest portion of a building that is used for the Cannabis Establishment to the property line of the school. Presence of a town, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section. [Amended 08/16/2023]
5. Pursuant to 22 M.R.S.A. §2429-D(3), Caregiver Retail Stores, Medical Cannabis Dispensaries, Medical Cannabis Testing Facilities, Medical Cannabis Manufacturing Facilities and Medical Cannabis Cultivation Facilities that were operating with Town approval prior to December 13, 2018, are grandfathered in their current location and current use and shall be treated as legally non-conforming uses in accordance with Article III of the Scarborough Zoning Ordinance, provided, however, that said Cannabis Establishments shall apply for and obtain a license. If any non-conforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by the Zoning Ordinance for the district in which such land is located. [Amended 08/16/2023]
6. Security measures at all Cannabis Establishment premises shall include, at a minimum, the following:
  - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
  - b. Door and window combination video and motion detector intrusion system and contact sensors with audible alarm and remotely accessible smart-phone-monitoring, maintained in good working condition; and
  - c. A mounted and non-removable locking safe or locked room with a security door and contact alarm permanently affixed to the premises that is suitable for storage of all cannabis, cannabis products, and currency cash—stored overnight on the licensed premises; and [Amended 08/16/2023]
  - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the Town of Scarborough Zoning Ordinance and the Good Neighbor Ordinance; and
  - e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars or equipped with monitored glass-break sensors; and
  - f. Methods to ensure that no person under the age of twenty-one (21) shall have access to cannabis and cannabis products. [Amended 08/16/2023]



7. Odor and Ventilation. All Cannabis Establishments shall have odor mitigation systems to ensure that the smell of Cannabis shall not be detectable beyond the property boundary, subject to the enforcement process outlined in Section 11. A Cannabis Establishment, and property owner, are responsible for taking any and all measures necessary to ensure this standard is met. Cannabis Cultivation Facilities, or other Cannabis Establishments with increased probability to emit odors, will be subject to the following stipulations:

- a. Install an activated carbon, or equivalent, odor mitigation system with a minimum air exchange rate of fifteen (15) air changes per hour in the following areas:
  1. mature flower rooms
  2. cure rooms
  3. trim rooms and packaging rooms
  4. hallways adjacent to the mature flower rooms
  5. other areas with high odor potential

Alternative odor control technologies may be considered with documentation of efficacy.

- b. Replace activated Carbon Media or other filters used to mitigate odor in accordance with the manufacturer's specifications but not less than an annual basis. Carbon Media includes but is not limited to carbon filters, carbon canister filters and pre-filters.
- c. All odor mitigation equipment used by an applicant or License holder shall always be in operation unless (1) the interruption is caused by a power outage or power failure; (2) the interruption is caused by routine maintenance, as recommended by the manufacturer, or emergency maintenance, to the odor mitigation equipment; or (3) the Town, in writing, permits otherwise. In the event there is a power outage or power failure, the License shall do whatever is reasonably necessary (e.g., informing Central Maine Power of any power disruption) to ensure power is restored to its facility as soon as reasonably practicable. For any disruption due to maintenance, the License holder shall ensure the odor mitigation equipment is returned to service or replaced as soon as reasonably practicable.
- d. No exterior venting of cannabis odor unless the applicant or License holder: (1) notifies the Town; (2) provides evidence of the cannabis odor being properly treated before exhausted outside; and (3) Town approves of the exterior venting of the cannabis odor. The Town shall not deny an applicant or License holder from venting odor outside unless either fails to provide sufficient evidence that the odor will be properly treated before its exhausted outside, or the License holder has been fined more than once by the Town for an odor violation.
- e. No window air conditioning units or window fans are permitted.
- f. All windows must always remain closed.
- g. Maintenance Records for all odor mitigation equipment shall be maintained for a period of two (2) years from the date of maintenance. Maintenance Records means records of purchases of replacement carbon filters or other odor mitigation equipment, performed maintenance tracking, documentation and notification of malfunctions or power outages, scheduled and performed training sessions, and monitoring of administrative controls. All Maintenance Records shall be made available for review, upon request from the Town.
- h. Submit an Odor Mitigation Plan at the initial application stage of seeking a License. A License holder shall not be required to re-submit an Odor Mitigation Plan upon renewing the License unless there have been changes to the facility floor plan or system design as described in the existing Odor Mitigation Plan. The Odor Mitigation Plan must, at a minimum, includes the following information:

## 1. FACILITY ODOR EMISSIONS INFORMATION

- Facility floor plan. *This section should include a facility floor plan, with locations of odor-emitting activity(ies) and emissions specified. Relevant information may include, but is not limited to, the location of doors, windows, ventilation systems, and odor sources. If a facility has already provided the locations of specific odor-emitting activities and emissions in its business license application floor plan, it may instead reference the facility's business file number(s) and the relevant sections within such application where the floor plan is located.*
- System design. *The system design should describe the odor control technologies that are installed and operational at the facility (e.g., carbon filtration) and to which odor-emitting activities, sources, and locations they are applied (e.g., bud room exhaust).*
- Specific odor-emitting activity(ies). *This section should describe the odor-emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room).*
- Phases (timing, length, etc.) of odor-emitting activities. *This section should describe the phases of the odor-emitting activities that take place at the facility (e.g., harvesting), with what frequency they take place (e.g., every two weeks on Tuesdays), and for how long they last (e.g., 48 hours).*
- Odor Mitigation Specification Template. *Form can be found on the Town's Cannabis Establishment License webpage.*

## 2. ADMINISTRATIVE CONTROLS

- Procedural Activities. *This section should describe activities such as building management responsibilities (e.g., isolating odor-emitting activities from other areas of the buildings through closing doors and windows).*
- Staff training procedures *This section should describe the organizational responsibility(ies) and the role/title(s) of the staff members who will be trained about odor control; the specific administrative and engineering activities that the training will encompass; and the frequency, duration, and format of the training (e.g., 60 minute in-person training of X staff, including the importance of closing doors and windows and ensuring exhaust and filtration systems are running as required).*
- Recordkeeping systems and forms *This section should include a description of the records that will be maintained (e.g., records of purchases of replacement carbon filter, performed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative controls). Any examples of facility recordkeeping forms should be included as appendices to the Plan.*

8. Cannabis Waste and Disposal. No cannabis, cannabis products, cannabis plants, or other cannabis waste may be stored outside, other than in secured, locked containers. Any wastewater shall be treated such that it will not create excessive odors, contamination, or pollution. [amended 08/16/2023]

9. Signs. In addition to the sign regulations contained in Chapter 405, Zoning Ordinance, signage must comply with the requirements in 22 M.R.S.A. §2429-B and 28-B M.R.S.A. §702.

### B. Right of Access /Inspection.

1. Every Cannabis Establishment shall allow the Scarborough Code Enforcement Officer (“CEO”), Fire Department, and Police Department to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.
2. All Cannabis Establishments shall agree to be inspected annually by the Scarborough Fire Department and have a Knox Box installed at the structure's exterior entrance for emergency access. Knox Boxes shall be obtained and installed in coordination with the Scarborough Fire Department.

C. Insurance and Indemnification.

1. Each Cannabis ~~establishment~~ Establishment shall procure and maintain commercial general liability coverage in the minimum amount of \$1,000,000 per occurrence for bodily injury, death, and property damage.
2. By accepting a license issued pursuant to this Ordinance, the licensee knowingly and voluntarily waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Cannabis Establishment owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.
3. By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed Cannabis Establishment.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Cannabis or Cannabis products, the additional or stricter regulation shall control the establishment or operation of any Cannabis Establishment in Scarborough.

Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

**Section 11. Odor Observation and Enforcement** [Adopted 08/16/2023]

Per Section 10(7), odor of cannabis by a Licensee shall not be detectable beyond the property boundary. Cannabis odor observation shall be undertaken to arrive at a determination that a cannabis odor exists beyond the property line. All cannabis odor observations made by the Town shall be made in writing. This Section ~~only~~ applies to Licensed Cannabis Establishments and Registered Cannabis Properties.

- A. This section of the Ordinance may be enforced by any Code Enforcement Officer, Law Enforcement officer, or their designee.
- B. No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty.
- C. Violations of this Ordinance shall be prosecuted in the same manner as other civil violations enforced under the provisions in Section 12 of this Ordinance; provided, however, that for an initial violation of this Ordinance, a written notice of violation may be given to the alleged violating owner of the Licensed premises Cannabis Establishment which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice of violation. If the cause of the violation is not abated or fully corrected within the



time period specified in the written notice of violation, or if the licensee commits a subsequent violation of the same provision or provisions of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation. If, due to a multi-tenant situation or other the reasons, the alleged violating licensee cannot be identified in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violating licensee at her/his last known address or at the to the owner of the place licensed premises Registered Cannabis Property where the violation occurred, and shall be posted in a conspicuous location at that premises, in which event the specified time period for abating or appealing the violation shall commence at the date of the day following the mailing of such notice. All complaints provided to the Town regarding the same premises by individual residents within a twenty-four hour period, if a violation has been verified within that period, will count as one violation.

---

After the fifth (5<sup>th</sup>) violation within the license or registration period, the licensee(s) or registrations shall have their approval referred to the Town Council for a suspension or revocation hearing within thirty (30) days of the complaint being verified. All complaints and any related documentation associated with the investigation of the cannabis odor complaints shall be made available to the Licensee or Registrant within fourteen (14) days of the hearing. The Council may only suspend or revoke a license or registration with a by super-majority vote of five members of the Council. In the event the Council determines to revoke the license or registration, the licensee or registrant will have sixty (60) days to cease operations supported by the license or registration. During this time period, the license holder or registrant will continue to be subject to civil violations for further verified violations.

~~A cannabis odor complaint shall be defined as a receiving four (4) or more written cannabis complaints, from a minimum of two (2) parties, one of which must be from a residence or business within 750 feet of the suspected licensed premises emitting the odor. The four (4) complaints must be reported within four (4) days of each other.~~

- ~~1. Within forty eight (48) hours of receiving a cannabis odor complaint, as defined above, a Code Enforcement Officer shall investigate the complaint and notify the Licensee(s) and Landlord of the licensed premises that a cannabis odor complaint has been received. The Code Enforcement Officer's investigation shall include an initial inspection and, if odor is not detected, a second inspection of the abutting properties to investigate whether the cannabis odor is present. If odor is not detected at either of the two inspections, the complaint will be recorded as unconfirmed and Licensee(s) and Landlord will be notified of this finding. If cannabis odor is detected, the Licensee(s) and Landlord will be notified that the complaint has been verified and the CEO shall provide verbal notice of violation and instruct the Licensee or Landlord to comply with this Ordinance. The Licensee or Landlord will be required to notify the Code Enforcement Department, in writing, of corrective action taken to resolve the violation within ten business days of receiving the verbal notice of violation. Failure of the Licensee and/or Landlord to provide written notification of corrective action taken within 10 business days of the verbal notice will result in penalties assessed for each day thereafter until written notice of corrective action taken is received.~~
- ~~2. If a second cannabis odor complaint, as defined above, attributed to the same Licensee or Licensed Premises is received, the process outlined in one (1) above, will be followed.~~
- ~~3. If a third cannabis odor complaint, as defined above, attributable to the same Licensee or Licensed Premises is received, the Cannabis Odor Panel ("Odor Panel") will be convened to investigate the cannabis odor complaint. The Licensee (if known) and the Landlord must be notified of the date and time when the Odor Panel will meet, and be permitted to witness the Odor Panel's investigation. The Licensee and/or Landlord may send a representative to meet the Odor Panel on their behalf.~~

~~The investigation of the complaint shall include an initial inspection and, if odor is not detected, a second inspection shall be conducted by a minimum of three (3) Odor Panel members within four (4) days of receiving the third complaint. If odor is not detected at either of the two inspections, the complaint will be recorded as unconfirmed and Licensee(s) and Landlord will be notified of this finding. If cannabis odor is detected at either inspection, the Licensee(s) and Landlord will be notified and subject to the following:~~

- ~~a. Notify the Licensee of the third violation in writing;~~
- ~~b. Assess a fine for the violation, and;~~
- ~~c. Require the Licensee to submit a written report from a mechanical engineer or odor management specialist with recommendations for modification/improvement of the odor mitigation system within thirty(30) days of receipt of notice of violation, and;~~
- ~~d. Require implementation of recommendations within sixty (60) days.~~
- ~~e. Unless an extension to submit the report and/or notice of compliance is granted by the Code Enforcement Department, failure of the Licensee to meet the deadlines for steps c. or d. shall result in an immediate suspension of the Local License until the report or notice of compliance is submitted to the Code Enforcement Department.~~

- ~~4. If, after completing the process outlined in step three (3) above, a fourth complaint is received, the Cannabis Odor Panel will be convened to investigate the cannabis odor complaint. The Licensee (if known) and the Landlord must be notified of the date and time when the Odor Panel will meet, and be permitted to witness the Odor Panel's investigation. The Licensee and/or Landlord may send a representative to meet the Odor Panel on their behalf. The investigation of the complaint shall include an initial inspection and, if odor is not detected, a second inspection shall be conducted by a minimum of three (3) Odor Panel members within four (4) days of receiving the third complaint. If odor is not detected at either of the two inspections, the complaint will be recorded as unconfirmed and Licensee(s) and Landlord will be notified of this finding. If cannabis odor is detected at either inspection, the Licensee(s) and Landlord will be notified and the applicable licenses will be subject to a revocation hearing by the Town Council within 30 days of the complaint being verified.~~

~~While a licensee or landlord is within the administrative enforcement process, which shall be defined as the period between being notified a complaint has been verified and the required follow up action or communication, complaints will continue to be verified by the CEO but they will not be subject to subsequent notices of violation or penalties.~~

~~All complaints and any related documentation associated with the investigation of the cannabis odor complaints shall be made available to the Licensee or Landlord, at no cost, within ten business days of the Town Council meeting to consider the Licensee's Local License or the Landlord's property.~~

~~In the event the Town Council suspends or revokes a Licensee's Local License, the Town Council shall give the Licensee, if permitted under State law, a reasonable period to remove all Cannabis from the Licensee's Licensed Premise. All odor mitigation equipment must remain in operation and in compliance with this Ordinance until the Cannabis is removed from the Licensed Premises. In the event the Town Council suspends and/or revokes the Licensee's Local License and the Licensee is operating as an Adult Use Cannabis Establishment, the Town shall notify the Office of Cannabis Policy of the suspension or revocation.~~

~~At any point the CEO or Odor Panel is unable to verify the odor complaints, the violation process reverts back to the previous completed step of the enforcement process as described herein. If a Landlord or Licensee has not received any verbal or written notice of violation under this Section for one year from the~~

~~date of the last verbal or written notice of violation, the violation process reverts to the beginning of the violation process as described herein.~~

## **Section 12. Violations and Penalties.**

This Ordinance shall be enforced by the Code Enforcement Officer or her/his designees, who may institute any and all actions to be brought in the name of the Town.

- A. Any violation of this Ordinance, including the operation of a Cannabis Establishment or Cannabis Property without a valid Local License or registration and failure and failure to comply with any condition, shall be enforced under the provisions in 30-A M.R.S. § 4452 and subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500. Every day a violation exists constitutes a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to penalties, and shall be entitled to recover its costs of enforcement, including its attorney's fees.
- B. In addition to any other remedies provided by this Ordinance, the Town may take all necessary steps to immediately shut down any Cannabis business and post the business and the space that it occupies against occupancy for the following violations: operating a Cannabis business without a Local License or State License; failure to allow entrance and inspection to any Town official on official business after a reasonable request; and any other violation that the Town determines as the potential to threaten the health and/or safety of the public, including significant fire and life safety violations.
- C. The Town Manager shall inform members of the Town Council before instituting action in court, but need not obtain the consent of the Town Council, and the Town Manager may institute an action for injunctive relief without first informing members of the Town Council in circumstances where immediate relief is needed to prevent a serious public harm. In addition, the Town Manager may enter into administrative consent agreements in the name of the Town for the purposes of eliminating violations and recovering penalties without court action.

## **Section 13. Appeals.**

- A. Any appeal of a decision of the Town Council to issue, issue with conditions, deny, or revoke a license shall be to the Superior Court in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.
- B. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this ordinance by the CEO or Police Chief is appealable to the Zoning Board of Appeals.

## **Section 14. Severability.**

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

## **Section 15. Other Laws.**

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Medical Use of Cannabis Act, 22 M.R.S.A. Chapter 558-C, as may be amended and the Cannabis Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Chapter and the provisions of the above laws or any other applicable State or local law or regulation, the more restrictive provision shall control.

**Section 16. Cannabis Properties. Licensed Cannabis Establishments must be located in a registered Cannabis Property.**



A. Application. An application for a Cannabis Property registration shall contain the following information:

1. Name of Applicant/Owner of Record of the Cannabis Property.

- a. If the applicant is an individual: The individual shall state their legal name and any aliases.
- b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any.
- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process.

2. The applicant's mailing address and residential address.

3. The location of the proposed Cannabis Property, including a legal description of the property, street address, and telephone number. The applicant must also demonstrate that the property meets the zoning requirements for the proposed use.

4. A copy of a Town Tax Map depicting the property lines of any public or preexisting private school within one thousand (1000) feet of the subject property. For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program all as defined in 20-A M.R.S.A. §1, or any other educational facility that serves children from prekindergarten to grade 12, as well as any preschool or daycare facility licensed by the Maine Department of Health and Human Services.

5. Consent for the right to access the property as required by Section 10(B) of this Ordinance.

6. Security Measures. The applicant agrees to be duly accountable and ensure all licensed Cannabis Establishments within their property adhere to the standards outlined in Section 10(A)(6);~~6~~ above.

7. Odor Mitigation and Ventilation. The applicant agrees to be duly accountable and ensure all licensed Cannabis Establishments within their property adhere to the standards outlined in Section 10(A)(7);~~7~~ above.

B. Fee. An applicant must pay a \$100 registration fee upon submission. Applicants are also responsible for the Town's expenses associated with the review of an application, including the cost of any third-party review if necessary.

C. Duration of Registration. ~~[Will need to decide whether registrations are annual or a one-time registration]~~The registration will be valid from September 1 through August 31 and be subject to annual renewals pursuant to the provisions in Section 8

D. The Town Clerk shall have the authority to issue Cannabis Property Registrations. If the Clerk finds complaints against an applicant or premises, the Clerk shall refer the application to the Town Council for review a dissuance or denial under this subsection. ~~[Note for Committee will need to add additional~~

~~requirements if desired, including the review and public hearing provisions under Section 7, renewals if annual registration required, etc.]~~

Vote: 5 Yeas. Motion Passes.

**Order No. 24-052. Act on the request for a Mass Gathering Permit from Maine Vintage Race Car Association, located at 70 Holmes Road, on Sunday, July 28, 2024.** *[Applicant]* Fire Chief Kindelan gave an overview on this request and responded to questions from the Town Council. Mr. Walker explained what a vintage car is.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the request for a Mass Gathering Permit from Maine Vintage Race Car Association, located at 70 Holmes Road, on Sunday, July 28, 2024.

Vote: 5 Yeas. Motion Passes.

**Order No. 24-053. Act on the request from the Town Clerk to Certify the June 11<sup>th</sup> Election Results for the School Budget Validation Referendum Election and the Board of Education Election.** *[Town Clerk]* The Town Clerk gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the request from the Town Clerk to Certify the June 11<sup>th</sup> Election Results for the School Budget Validation Referendum Election and the Board of Education Election, as follows:

Presented for certification by the Town Council, are the election results for the School Budget Referendum Election and Board of Education Election that were held on Tuesday, June 11, 2024:

**QUESTION 1:  
SCHOOL BUDGET VALIDATION REFERENDUM ELECTION**

1,725 YES\*

1,276 NO

109 BLANKS

**BOARD OF EDUCATION – TERM TO EXPIRE IN 2027**

2,320 LINDSTROM, MARY SHANNON

2,248 PETERSON, ALISSA K.

1,652 BLANKS

There are approximately 17,410 active voters on our voter registration list for this Election [does not include same day registration]. There were 3,110 voters who cast ballots in the June 11<sup>th</sup> School Budget Validation Referendum Election and the Board of Education, of which 1,257 were absentee ballots. The percentage for overall voter turnout for this Election was 18%.

Vote: 5 Yeas. Motion Passes.

**Order No. 24-054. Act on the request to replace Councilor Anderson with Councilor Cushing as the Liaison to the Chamber of Commerce.** *[Council Chair]* Chairman McGee gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval to replace Councilor Anderson with Councilor Cushing as the Liaison to the Chamber of Commerce.

Vote: 5 Yeas. Motion Passes.

**Item 9. Non-Action Item.** None at this time.

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

- Councilor Anderson gave updates on the Finance Committee and the Transportation Committee.
- Councilor Hamill noted that the Rules & Policies Committee would be meeting next month, date to be determined.
- Chairman McGee noted that the Board of Education has invited the Town Council to their meeting tomorrow night for the presentation from the School Building Committee. Check on Council Goals in July.
- Discussion around the executive session and whether the Council would still like to meet. They agreed to hold the executive session.

**Item 11. Council Member Comments.**

- Councilor Caterina thanked the voters for their votes. She noted that she would have to resign from the Town Council before taking office.
- Councilor Anderson congratulated the 11 Year All Star Baseball Team and wished them luck at the States. He went on to comment on how he feels blessed to live in Scarborough.

**Order No. 24-055. Act on the request for an executive session pursuant to M.R.S.A. Title 1, §405(6)(D) regarding labor negotiations between the Town of Scarborough and the Scarborough Police Benevolent Association; the Scarborough Professional Dispatchers Unit of Scarborough Firefighter Association - IAFF #3894; the Scarborough Professional Firefighter Association IAFF Local #3894 and the Public Works Teamsters Union Local #340. [Assistant Town Manager]** Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the executive session as noted in Order No. 24-055, to come back to public session to adjourn the meeting.

Vote: 5 Yeas. Motion Passes.

Meeting recessed to executive session at 9:36 p.m. Chairman McGee reconvened the meeting at 10:38 p.m.

**Item 12. Adjournment.** Motion by Councilor Anderson, seconded by Councilor Caterina, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 5 Yeas. Motion Passes.

Meeting adjourned at 10:38 p.m.

Respectfully submitted,

Yolande P. Justice  
Town Clerk