

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2024
HYBRID REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman McGee called the regular meeting to order at 7:17 p.m. The delay in the start time of the Town Council meeting was due to the workshop prior to the meeting running longer than expected.

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	Councilor Jean-Marie Caterina
Councilor Donald W. Cushing, Jr.	Councilor Donald R. Hamill
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson
Chairman Nicholas S. McGee	

Item 4. General Public Comments.

- Randi Hogan, Chair of Conservation Commission, spoke on behalf of the Commission in support of the Land Bond Referendum moving forward.
- Denise Hamilton of Two Rod Road, voiced her concerns regarding a zone change to Light Industrial in the area she lives and wondered how this happened. She went on to request the Council to investigate these changes and what the process had been.
- Stanus Moody Robert of County Road, spoke on the Gorham Connector and went to speak on the Land Bond and noted that if the connector does not go through his property he would donate the 8 acres to conservation.
- Crescie Maurer a former member of Scarborough Marsh Board and a current member of Scarborough Land Trust as a Marsh PR Coordinator and serves on the Open Space Committee and the Vulnerable Assessment Committee, spoke in support of the Land Bond Referendum.
- Paula Coyle of New Road voiced her concerns regarding the Gorham Connector and future traffic concerns. She went on to speak in favor of the Land Bond.
- James Hebert of Victory Lane, spoke in support of the proposed amendments to the Impact Fee Ordinance and asked the Council to vote in favor of the recommendations to support the best financial return to the town in order to capture as much of these costs needed to support new infrastructure improvements that are desperately needed.
- Senator Stacey Brenner of Broadturn Road, spoke in favor of the Land Bond and why this referendum should be brought forward to the voters. Land conservation benefits can offer a community and a state protection of open space and farmland is one tool that a community has to secure a future for farming locally.
- Mike Shannon, business owner at Snow Canning Road, spoke on the Gorham Connector and the land band referendum.
- Susan Hamill of Bay Street, stated that she supports the Land Trust and went on to speak on the model of the funding process. She did not support the Land Bond Referendum.
- Scott Townsend of Scarborough spoke in support of the Land Bond Referendum and how conservation of land improves the value throughout the town.
- Tim Lambert of Iris Drive, spoke of the maintenance of Eastern Trail and went on to voice his concerns regarding the process on the Gorham Connector and did not support it.
- Jim Pritchard of Maple Avenue, spoke on the School Advisory Board and the process to get a referendum on the ballot. He thought this was urgent and it felt like the Board and Council were not on the same page. Will former members be reappointed to the next round?

Item 5. Minutes: June 26, 2024 - Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the minutes from the June 26, 2024, regular Town Council meeting.

Vote: 7 Yeas. Motion Passes.

Item 6. Adjustment to the Agenda. None at this time.

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

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

- **Plan Updates**
 - Open Space Plan- July 25, 2024 - public meeting
 - Vulnerability Plan - August 7, 2024 - public meeting
 - Transportation Plan - draft report in process - fall public meeting expected
- **Collective Bargaining Agreements**
 - 2 Tentative Agreements/2 In-Process
 - Request Executive Session to update Town Council
- **Maple Avenue Traffic Calming**
 - Temporary speed table installed
 - Speed studies conducted - before and after
 - Notable speed reduction
 - Traffic Calming Committee meeting this week
 - Majority of neighborhood required for permanent installation
- **Eastern Trail - Close The Gap**
 - Agreement with CSX on Aerial Easement and Construction Agreement
 - legal description submitted for review and approval
 - Discussion regarding monetary compensation
 - Application Fees paid to MDEP and Army Corps of Engineers
- **Gorham Connector** - Scarborough Public Meeting TBD
- **Nomination Papers** – Available August 7, 2024 and due back September 4, 2024
 - Town Council - 2 three-year terms/1 special election to fill remainder of existing term
 - Sanitary District - 2 three-year seat open
 - Board of Education – 1 special election to fill remainder of existing term
- **Special Meeting** - August 7, 2024
 - Mid-year Town Council Goals Review
 - Executive Session to review CBA negotiations
 - Council Corner Live to follow - Land Bond
- **Quarterly Financial Report** - Norman Kildow, Finance Director, presented the Quarter Financial Report for the period ending June 30, 2024 (unaudited). He then went over the revenues. He then responded to questions from the Town Council.
- **Rate of Growth Annual Report** - Autumn Speer, Director of Planning, presented the first Rate of Growth Annual Report and went to give an overview of the three areas and Workforce Housing. She then responded to questions from the Town Council.

Order No. 24-051, 7:00 p.m. 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. Chairman McGee opened the public hearing. The following individuals spoke on this Order:

- Jill Cohen, Attorney to a number of Cannabis businesses, voiced her concerns regarding the proposed amendments.
- Mike Shannon of Snow Canning, spoke on his actions at the last meeting and voiced his concerns relating to the proposed amendments.
- David Rabideau of Bickford Street, spoke in support of the proposed amendments be offered.
- Chris McNeil of Coastal Remedies thanked the Council for voting down the Moratorium and supported the comments made by Ms. Cohen. He went on to speak regarding the 1,000 foot setback that was being proposed another Order that would be before the Council this evening.
- *The following email was received and requested that it be made part of the record:*

“I was unable to attend the last Council meeting, but found the Council’s decision to repeal the cannabis moratorium quite stunning. Appalling really.

Having been engaged in this conversation as long as Councilors Caterina and Hamill have, and having served on the Moratorium Committee, all we are doing here is creating uncertainty by kicking the can down the road for impacted homeowners who have the right to the peaceful enjoyment of their homes. I agree with Chairman McGee that lifting the moratorium without a solution only adds to the problem. As a taxpayer, I don’t think putting the enforcement responsibility on SPD is the best use of their resources and valuable time, and assume (hope) responding to odor complaints would be low on the police department’s list of priorities. I don’t see how this provides a solution.

As I have previously said, Scarborough didn’t have to opt in to cannabis licensing at all. While a previous Council might have created the problem, this Council has failed to uphold the ordinance performance standards and has added to the problem by failing to find a workable solution. Requiring a supermajority vote to repeal an establishment license or property registration is just another example of the Council’s unwillingness to address this ongoing public nuisance problem for Scarborough residents.

*Respectfully, Alyson Bristol
Bayview Avenue”*

There being no further comments either for or against, the hearing was closed at 8:36 p.m.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading on the proposed amendments to Chapter 1018 – the Town of Scarborough Cannabis Establishment Licensing Ordinance.

Motion by Councilor Cushing, seconded by Councilor Sither, to amend the main motion to strike “or their designee” from Section 11(A).

Vote 1 Yeas. 6 Nays [Chairman McGee, Councilors Anderson, Caterina, Cushing, Hamill and Shupe].
Motion Fails.

Motion by Chairman McGee, seconded by Councilor Caterina, to move approval to amend the main motion in Section 11(A) to add “or their Municipal designee.

Vote: 7 Yeas. Motion Passes.

Motion by Chairman McGee, seconded by Councilor Sither, to move approval to amend the main motion as amended to add the “verified” before the complaint throughout the Ordinance.

Vote on Amendment: 6 Yeas 1 Nay [Councilor Anderson]

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 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 minimis 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 31st, immediately following said granting of said license, except that new licenses granted during July and August shall be valid until August 31st 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, include 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 Municipal 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 eOrdinance 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 eOrdinance, 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 verified 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 verified 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 (5th) 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 verified complaint being verified. All verified complaints and any related documentation associated with the investigation of the cannabis odor verified 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 verified 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: 7 Yeas. Motion Passes.

Order No. 24-056, 7:00 p.m. Public hearing and action on the following new requests for a Massage Therapist License from Natasha McCanne and Emily Duplisea at Oasis Wellness Partners, located at 443 US Route One and a new Combined Massage Establishment/Massage Therapist Licenses from Kimberly Harder, located at 560 US Route One. [Town Clerk] Yolande P. Justice, Town Clerk, gave a brief overview on this Order. Chairman McGee opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:51 p.m.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the following new requests for a Massage Therapist License from Natasha McCanne and Emily Duplisea at Oasis Wellness Partners, located at 443 US Route One and a new Combined Massage Establishment/Massage Therapist Licenses from Kimberly Harder, located at 560 US Route One.

Vote: 7 Yeas. Motion Passes.

Order No. 24-057, 7:00 p.m. Public hearing and action on the new request for a Refuse Hauling License from Allagash Waste Services, LLC, to conduct business in Scarborough. [Town Clerk] Yolande P. Justice, Town Clerk, gave a brief overview on this Order. Chairman McGee opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:52 p.m.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the following new request for a Refuse Hauling License from Allagash Waste Services, LLC, to conduct business in Scarborough.

Vote: 7 Yeas. Motion Passes.

Chairman McGee called for a five-minute recess 8:51 p.m. The meeting was reconvened at 8:58 p.m.

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. (Tabled from the June 26, 2024, Town Council meeting.) [Planning Director, Town Engineer] Angela Blanchette, Town Engineer, gave an overview on this Order and responded to questions from the Council. Autumn Speer, Planning Director, also responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the 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.

Motion by Chairman McGee, seconded by Councilor Anderson, to move approval to amend the main motion 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 415 - the Town of Scarborough Impact Fee Ordinance Amendments, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

Amendment 1. Section III. Recreation Impact Fees, as follows:

SECTION III. RECREATION IMPACT FEES

D. Waiver of Impact Fees.

The ~~Town Council~~ **Planning Board** may, by formal vote following a public hearing, waive the payment of a required Recreation Impact fee, in whole or in part, if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct an improvement for which the impact fee would be collected, or an equivalent improvement approved by the ~~Town Council~~ **Planning Board**.
2. The developer of a subdivision offers to dedicate and/or improve public lands or recreational amenities and the ~~Town Council~~ **Planning Board** finds these public lands or recreational amenities to be of town-wide benefit.

Amendment 2. Section V. Roadway, as follows:

ROADWAY IMPACT FEES

E. Roadway Impact Fee Payment **and Credits**

Payments. The roadway impact fee amount, as determined in accordance with the specific roadway impact fee district of this ordinance, shall be paid to the Town according to the payment schedule established under Section V(D), except as follows:

1. For an extractive industry project, the impact fee amount shall be paid prior to the release of the attested final plan to the developer for recording at the Cumberland County Registry of Deeds.

Payments shall be tendered to the Town Engineer. Upon determining that the payment is the correct amount, the Town Engineer shall issue a receipt for the payment and deliver the payment to the Town Treasurer.

Credits. The roadway impact fee amount, as determined in accordance with the specific roadway impact fee district of this ordinance and concept plan designs, may be eligible for credits as follows:

1. Credit for the dedication of land for rights of way shall be valued at the most recent assessed value by the Town Assessor or by fair market value established by private appraisers acceptable to the Town. Credit for the dedication of land shall be provided when property has been conveyed at no charge to, and accepted by, the Town in a manner satisfactory to the Town Council.
2. Credit for construction of capital improvements shall be given only where:
 - a. the Town and applicant agree in writing that it would be more cost effective or expeditious for the applicant to construct improvements authorized for funding under this Ordinance, or
 - b. for the cost of constructing capital improvements as a condition of Planning Board approval under the Site Plan or subdivision ordinance of the Town, provided such capital improvements would be eligible for designation by the Town Council for funding under this Ordinance. In such cases, the applicant shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Town Engineer which shall determine credit for construction. The credit shall be based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates, if the Town Engineer determines that estimates submitted by the applicant are either unreliable or inaccurate. Upon final determination of all credits, the Town shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Town before credit will be given. The failure of the applicant to sign, date and return such document with the balance of the impact fees and building permit fees within 60 days shall nullify the credit.
3. Except as otherwise provided in Section 3 below, credit against impact fees otherwise due will remain provisional until:
 - a. construction is completed and accepted by the Town or the State, whichever is applicable, and
 - b. a suitable maintenance and performance guarantee is received and approved by the Town Engineer, were applicable.
4. Security shall be given for provisional credit in the form of an irrevocable letter of credit or escrow agreement posted with and approved by the Town Manager and Town Attorney in an amount determined by the Town Manager. If the Project will not be constructed within two years of the acceptance of the offer by the Town, the amount of the security shall be increased by 10% compounded for each year of life of the security. If the construction project is not to be completed within five years of the date of the developer's offer, the offer is deemed null and void and the developer shall be required to pay the original or current Traffic Impact Fee(s), whichever is greater. This date and/or time period may be extended by the Town for good cause shown conditioned upon extension of the security.
5. Any claim for credit must be made prior to the time for payment of impact fees.

6. Credits shall not be transferred from one project or development to another without the approval of the Town Council.
7. Determination pursuant to this Paragraph may be appealed to the Town Council by filing a written request through the Town Manager within 30 days of the determination

Amendment 3. Section K Roadway Impact Fee District – Payne Road/Ginn Road District; as follows:

K. Roadway Impact Fee District – Payne Road / Ginn Road District

4. **Payne Road / Ginn Road District Fee.** The fee determination shall be based on the following:
 - a. The Town cost of the master plan for roadway infrastructure improvements in the Payne Road / Ginn Road District will amount to \$9,832,898, which is to be funded from this impact fee ordinance.
 - b. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 1,766 trip ends in the P.M. peak commuter hour of traffic.
 - c. Each additional trip generated by new development will benefit from the 1,766 trip ends of capacity and will utilize one trip end of that additional capacity.
 - d. The total fee per trip, therefore, shall be \$5,568. The developer portion for the fee per trip shall be ~~5~~ 40% of the total per trip cost or ~~\$2,227~~ 2,784.

Amendment 4. Section L. Roadway Impact Fee District – Payne Road/Nonesuch River District, as follows:

L. Roadway Impact Fee District – Payne Road / Nonesuch River District

4. **Payne Road / Nonesuch River District Fee.** The fee determination shall be based on the following:
 - a. The Town cost of the master plan for roadway infrastructure improvements in the Payne Road / Nonesuch River District will amount to \$23,913,345, which is to be funded from this impact fee ordinance.
 - b. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 3,337 trip ends in the P.M. peak commuter hour of traffic.
 - c. Each additional trip generated by new development will benefit from the 3,337 trip ends of capacity and will utilize one trip end of that additional capacity.
 - d. The total fee per trip, therefore, shall be \$7,166. The developer portion for the fee per trip shall be ~~5~~ 40% of the total per trip cost or ~~\$2,866~~ 3,583.

Vote on Amendments: 7 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 415 Town of Scarborough Impact Fee Ordinance is amended as

recommended by the Planning Director, as follows (additions are underlined; deletions are struck through):

CHAPTER 415
TOWN OF SCARBOROUGH
IMPACT FEE ORDINANCE
ADOPTED JANUARY 02, 2002; EFFECTIVE JANUARY 03, 2002
AMENDED MARCH 3, 2003; UPDATED FEBRUARY 01, 2020
UPDATED xx, 2024

CHAPTER I – General Provisions	1
1. Authority.	1
2. Purpose.	1
3. Definitions.	1
4. Use of Impact Fees.	1
5. Segregation of Impact Fees from General Revenues.	1
6. Collection of Impact Fees.	2
a. Payment of Impact Fees	2
b. Deferral of Impact Fees	2
7. Refund of Unused Impact Fees.	2
8. Amendment of Fees.	2
8. A. Inflation Adjustment.	3
9. Impact Fee Not Required for Replacement Dwelling Units.	3
10. Severability.	3
CHAPTER II – School Impact Fees	4
1. Use of School Impact Fees.	4
2. Calculation and Collection of School Impact Fees.	4
3. Exemptions.	4
4. Impact Fees to Terminate Upon Completion of Projects.	4

CHAPTER 415
TOWN OF SCARBOROUGH
DEVELOPMENT IMPACT FEE ORDINANCE

SECTION 1. IMPACT FEE GENERAL PROVISIONS~~CHAPTER I – General Provisions~~

A. Authority.

This ordinance is enacted pursuant to the authority of 30-A M.R.S.A. § 4354 and 30-A M.R.S.A. § 3001.

B. Purpose.

The Scarborough Town Council, ~~having commissioned and reviewed an Impact Fee Feasibility Analysis dated September 2001,~~ has determined that new development creates demands on municipal government to provide new public facilities and to expand, improve or replace existing public facilities. The Town

Council concludes that in order to provide an equitable source of funding for such new, expanded, improved or replacement facilities, it is appropriate to establish a program of development impact fees and to charge a proportionate share of the costs of new, expanded, improved or replacement facilities to the developers and/or occupants of the developments which make the new, expanded, improved or replacement infrastructure necessary.

C. Definitions.

Unless otherwise defined in this ordinance, terms used in this ordinance shall have the same meanings as defined terms in Chapter 405, Zoning Ordinance of the Town of Scarborough, Maine. ~~(“Zoning Ordinance”). The following terms shall have the following meanings:~~

~~**Affordable Housing Unit:** A dwelling unit developed by a governmental agency or by a non profit housing corporation (as defined in 30 A.M.R.S.A. § 5002) which is permanently restricted by recorded deed restriction or covenant and/or regulatory restriction to occupancy only by lower income households, as that term is defined in 30 A.M.R.S.A. § 5002.~~

D. Use of Impact Fees.

Impact fees collected by the Town pursuant to this ordinance may be used only for financing facility improvements which the Town Council has determined are made necessary by new development. The Town Council has determined that fees imposed by schedules in subsequent ~~chapters~~ sections of this ordinance are reasonably related to the demands created by new development and are reasonably related to the portion or percentage of existing infrastructure used by new development. Impact fees collected pursuant to this ordinance shall be used exclusively for capital improvements, and shall not be used for operational expenses. The Town of Scarborough shall expend funds collected from impact fees solely for the purposes for which they were collected.

E. Segregation of Impact Fees from General Revenues.

Impact fees collected pursuant to this ordinance shall be maintained by the Town Treasurer in a separate impact fee account and shall be segregated from the Town’s general revenues. The Town Treasurer shall deposit impact fees in special non-lapsing accounts dedicated for funding of the improvements for which the fee is collected.

F. Collection of Impact Fees.

a. — Payment of Impact Fees

The Code Enforcement Officer of the Town of Scarborough shall not issue any building permit required under the Zoning Ordinance until the applicant has paid any impact fees required by this ordinance ~~or has recorded an agreement for deferral of impact fees pursuant to Chapter 1, Section 6, Subsection (b) below.~~ Upon collecting such impact fee, the Code Enforcement Officer shall remit the funds to the Town Treasurer who shall deposit the funds as required in Section E5 above. The Code Enforcement Officer shall make a record of the name and mailing address of the applicant paying the impact fee, the tax map and lot numbers of the property for which the impact fee is collected, the amount collected, and the date the impact fee is received, and shall maintain such record in the files relating to the property for which the impact fee was paid.

~~**b. — Deferral of Impact Fees**~~

~~Where the applicant for a building permit is over 55 years of age, has owned and occupied an existing single family dwelling in Scarborough at any time during the previous 12 months and seeks the building permit in order to construct a new single family dwelling which the applicant will own and~~

~~occupy in place of the existing dwelling, the Town treasurer may enter into an agreement to defer collection of all or part of the impact fees imposed by this ordinance until such time as ownership of the new dwelling is transferred to any person except a person who is a surviving joint tenant or heir of the applicant and is both over 55 years of age and a resident of the dwelling at the time of the transfer. Such agreement shall be in writing, shall be joined by all owners of the property, including mortgagees and lien holders of record at the time of execution of the agreement, shall by its terms create a consensual lien on the property, shall be binding on the applicant's heirs, successors and assigns, and shall be recorded in the Cumberland County Registry of Deeds by the applicant prior to the issuance of the building permit.~~

G. Refund of Unused Impact Fees.

Impact fees collected pursuant to this ordinance shall be utilized by the Town according to the schedules specified in subsequent ~~sections~~ ~~chapters~~ of this ordinance for the completion of specific capital improvements, but in no event later than ten years after the date upon which the impact fee was collected. Any impact fees which are not so utilized and any impact fees collected which exceed the Town's actual costs of implementing the infrastructure improvements for which such fees were collected ~~may~~ shall be refunded. ~~The process for requesting refunds is outlined in each subsequent impact fee section. Refunds shall be paid to the owner of record of the property for which the impact fee was collected, determined as of the date the refund is made.~~

H. Amendment of Fees.

The impact fees established in this ordinance are based upon the Town Council's best estimates of the costs of the construction of the facilities for which the fees are collected and, where appropriate, upon estimates of state and/or federal funding contributions. The Council may, by amendments to this ordinance, change the amounts of the impact fees from time to time as warranted by new information or changed circumstances.

5.I.A. Inflation Adjustment.

The School and Recreation impact fees established by the Town Council in this ordinance shall be adjusted annually by the Town Treasurer to account for inflation. Commencing on February 1, 2003 and on each February 1st thereafter, the Treasurer shall increase each impact fee by the dollar amount (rounded to the nearest ten dollar increment) obtained by multiplying the amount of the fee then-in-effect by the inflation rate. As used in this paragraph, the term "inflation rate" means the percentage increase, if any, during the previous calendar year in the Consumer Price Index – All Urban Consumers, Northeast Urban Area, All Items, base period 1982-84 = 100 (not seasonally adjusted) published by the United States Department of Labor Bureau of Labor Statistics. If there has been no such increase, there shall be no adjustment under this paragraph. Each year on February 1st, the Treasurer shall publish a schedule of impact fees adjusted pursuant to this paragraph (the "adjusted impact fees") and provide a copy of such schedule to the Code Enforcement Officer. The adjusted impact fees shall apply to all building permits issued on or after March 5 in the calendar year 2003 and on or after February 1st of each calendar year thereafter, whether or not the applications for building permits were filed prior to such dates. ~~[March 3, 2003].~~

J. Impact Fee Not Required for Replacement Dwelling Units.

An impact fee shall not be required for:

1. the placement or construction on a lot of a dwelling unit which replaces a dwelling unit which was located on the same lot at any time between January 3, 2000 and January 3, 2002;
2. the placement on a mobile home park site of a mobile home which replaces a mobile home which was located on the same site at any time between January 3, 2000 and January 3, 2002;

3. the placement or construction on a lot of a dwelling unit which replaces a dwelling unit which is or was located on the same lot and for which an impact fee has already been paid under this ordinance; or
4. the placement on a mobile home park site of a mobile home which replaces an existing mobile home which is or was located on the same site and for which an impact fee has already been paid under this ordinance.

K. Schedule of Fees.

All impact fee and charges established herein shall be specified in Chapter 311 Schedule of License, Permit and Application Fees established by the Town Council.

L. Severability.

Should any section or provision of this ordinance be determined in a court to be unconstitutional, invalid or unenforceable, such determination shall not affect the validity of any other portion of the ordinance or of the remainder of the ordinance as a whole.

SECTION II. SCHOOL IMPACT FEES

CHAPTER II--School Impact Fees

8.A. Use of School Impact Fees.

The fees collected under this ~~section chapter~~ of this ordinance shall be used to fund one or more of those projects identified in the major capital improvement applications submitted to the Maine Department of Education, dated July 26, 2001, for the Scarborough Middle School, the Scarborough High School, the Wentworth Intermediate School and the primary schools, the Town Council having determined that a portion of the costs of such school projects is made necessary by the projected increases in enrollment due to anticipated new residential housing construction. Those improvements are scheduled to be completed by January 3, 2012, unless the completion dates are extended by order of the Town Council.

Calculation and Collection of School Impact Fees. [Updated 02/26/2020]

Prior to the issuance of a building permit for any new dwelling unit, the Code Enforcement Officer shall collect a school impact fee according to the following schedule:

Type of Dwelling	Amount
Single family dwelling	\$4,630
Two-family dwelling	\$1,770 per unit
Multiplex	\$1,150 per unit
Mobile home in a mobile home park	\$1,150
Affordable housing unit	\$2,330

Exemptions.

A school impact fee is not required for a dwelling unit within a development consisting of three or more dwelling units all of which are permanently restricted by recorded deed restriction or covenant and/or regulatory restriction to occupancy by elderly households only. For this purpose, "elderly household"

means a household which includes at least one person aged 55 or older and no occupant less than 55 years of age other than a full-time caregiver to or a spouse or companion of the elderly person(s).

Impact Fees to Terminate Upon Completion of Projects.

When the school projects identified in Chapter 415H, Section II-4-above have been completed and all debt incurred in connection therewith has been repaid, the Town Council shall amend this ordinance either by repeal of this chapter, or by amendment of this chapter if circumstances at the time warrant the continuation of school impact fees.

SECTION III. RECREATION IMPACT FEES

A. Use of Recreation Impact Fees.

Impact fees collected under the provisions of this ordinance shall only be used to pay for the expansion or replacement of existing infrastructure facilities and the construction of new infrastructure facilities as identified in the Parks and Facilities Master Plan accepted March 1, 2023, by the Scarborough Town Council. Those improvements are scheduled to be completed by June 30, 2034, unless the completion dates are extended by order of the Town Council. No portion of the fee shall be used for routine maintenance or operation activities.

B. Applicability.

This Ordinance shall apply to the issuance of any building permit for a new residential structure within the Town of Scarborough with the following exceptions:

1. This Ordinance shall not apply to the issuance of a building permit for the repair, replacement or reconstruction of a residential structure that was unintentionally damaged or destroyed by fire, flood or other natural disaster, provided the number of dwelling units is not increased.
2. This Ordinance shall not apply to additions to residential structures existing at the time of the adoption of this ordinance.

C. Calculation and Collection of Recreation Impact Fees.

The amount of the recreation impact must be reasonably related to the development's share of the cost of infrastructure improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the development.

The recreation impact shall be based upon the number of bedrooms per residential unit, and shall be based upon the Town's impact fee calculation methodology. This methodology has been adopted by the Town Council and is on file and available for review in the Town Planner's office.

Prior to the issuance of a building permit for any new dwelling unit, the Code Enforcement Officer shall collect a recreation impact fee according to the following schedule:

<u>Type of Dwelling</u>	<u>Amount</u>
<u>Single Family Dwelling</u>	<u>\$400 per bedroom, not to exceed \$1,600</u>
<u>Two-Family Dwelling</u>	<u>\$400 per bedroom, per unit</u>
<u>Multifamily</u>	<u>\$400 per bedroom</u>

Senior Housing Unit \$400 per bedroom

Affordable Housing Unit \$400 per bedroom

D. Waiver of Impact Fees.

The ~~Town Council~~ Planning Board may, by formal vote following a public hearing, waive the payment of a required Recreation Impact fee, in whole or in part, if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct an improvement for which the impact fee would be collected, or an equivalent improvement approved by the ~~Town Council~~ Planning Board.
2. The developer of a subdivision offers to dedicate and/or improve public lands or recreational amenities and the ~~Town Council~~ Planning Board finds these public lands or recreational amenities to be of town-wide benefit.

E. Refund of Fees.

1. If a building permit or other relevant permit is surrendered or expires without commencement of construction, the developer shall be entitled to a refund, without interest, of the impact fee paid as a condition of its issuance. A request for a refund shall be made in writing to the Town Planner, and shall occur within ninety (90) days of the expiration of the permit.
2. If the funds collected annually are not expended or obligated by contract for their intended purpose by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid, the prorated share of the funds shall be returned to the current owner of the property for which the fee was paid, provided that a request is made in writing to the Town Planner within one hundred eighty (180) days of the expiration of the ten (10) year period.

SECTION IV. RESERVED

SECTION V. ROADWAY IMPACT FEES

F. Roadway Impact Fee Applicability

This ordinance shall apply to all new development seeking subdivision or site plan approval, the expansion of previously approved subdivisions or site plans, all new extractive industry operations, and to any change in use requiring site plan approval, when the proposed development, whether located within or outside of a designated Roadway Impact Fee District generates additional traffic within said district.

G. Roadway Impact Fee Exemptions

The following development and construction shall be exempt from this ordinance:

1. Alterations or expansions of an existing building which do not result in the generation of additional vehicle trips.
2. Construction of accessory buildings or structures which do not generate additional vehicle trips.
3. The replacement of a building or structure destroyed or damaged by fire, flood or natural disaster with a new building or structure of the same size or use which does not generate additional vehicle trips.

H. Roadway Impact Fee Procedures

1. Any person who seeks a permit or approval for any development, activity or use described in Section V(A) of this Ordinance is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance.
2. Preliminary determinations regarding whether a proposed development will generate traffic within a designated Roadway Impact Fee District shall be made by the Town Planner and the Town's consulting traffic engineer. Actual traffic generation, impacts, and the corresponding fee, shall be determined through a traffic analysis in accordance with Section V(D) of this ordinance, which may accompany a more comprehensive traffic impact study depending on the scope of the development, prepared by a Registered Professional Engineer with significant experience in traffic engineering and to be paid for by the developer. This traffic analysis shall be reviewed and approved by the Town's consulting engineer and shall be incorporated into the review and approval of a development project by the Planning Board, or the Planning and Code Enforcement Department when applicable.

I. Roadway Impact Fee Calculations

A roadway impact fee shall be applied to development projects located in whole or in part within the Town of Scarborough that generate additional traffic within a designated Roadway Impact Fee District. Impact fees are structured to be in proportion to the development project's share of infrastructure costs necessitated by the development and as enabled by Title 30-A M.R.S.A., §4354. The process for impact fee calculation is as follows:

1. As per Section V(C) above, a traffic analysis shall be conducted by a Registered Professional Engineer with significant experience in traffic engineering in order to determine the traffic impact, and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through a designated Roadway Impact Fee District in the P.M. peak commuter hour.
2. The impact fee calculation for individual development projects shall use generally accepted standards, such as the most current Institute of Transportation Engineers "Trip Generation" Handbook of traffic generation data or estimates from field measurements or data collected at similar development types, and shall be based on the P.M. peak commuter hour of traffic (between 3:00 and 6:00 PM on a weekday).
3. The costs assigned to trips shall be based upon a fee per new trip (a.k.a. primary trip) to be generated by a development project that passes through a designated Roadway Impact Fee District within the P.M. peak commuter hour. All new trips that pass through a designated Roadway Impact Fee District, regardless of whether they pass through the specific intersections, shall be counted as new trips. Other types of traffic associated with a development project, such as the capture of trips passing a site (a.k.a. pass-by trips) or trips in the area that are rerouted (a.k.a. diverted trips) shall not be utilized in the assessment.
4. For any development requiring subdivision review, site plan review or other Planning Board review, the Planning Board shall determine the total impact fee for the development calculated pursuant to the specific roadway impact fee district, and then shall establish a payment schedule which apportions the impact fee to component parts of the development based on the estimated trip generation for each component part. Depending on the nature of the development, a component part may be a lot, a building, a dwelling unit (as defined in the Scarborough Zoning Ordinance), a unit of occupancy (as defined in the Scarborough Zoning Ordinance), or some combination thereof. The payment schedule shall specify the portion of the impact fee attributable

to each component part and the point during the construction of the development at which the impact fee for each component part must be paid. The payment schedule shall be incorporated into the Planning Board's written approval document and endorsed on any final plan for the development.

5. For any development not requiring Planning Board review but requiring the payment of an impact fee under this ordinance, the Town Engineer shall determine the impact fee and payment schedule, pursuant to the specific roadway impact fee district.
6. If, after a development has been approved, changes are proposed which would change the trip generation for the development or a component part of the development, then, on the initiative of the Town or the developer, the impact fee and payment schedule may be recalculated, and such recalculated impact fee and payment schedule shall apply to all subsequent permits issued within the development.

J. Roadway Impact Fee Payment and Credits

Payments. The roadway impact fee amount, as determined in accordance with the specific roadway impact fee district of this ordinance, shall be paid to the Town according to the payment schedule established under Section V(D), except as follows:

1. For an extractive industry project, the impact fee amount shall be paid prior to the release of the attested final plan to the developer for recording at the Cumberland County Registry of Deeds.

Payments shall be tendered to the Town Engineer. Upon determining that the payment is the correct amount, the Town Engineer shall issue a receipt for the payment and deliver the payment to the Town Treasurer.

Credits. The roadway impact fee amount, as determined in accordance with the specific roadway impact fee district of this ordinance and concept plan designs, may be eligible for credits as follows:

1. Credit for the dedication of land for rights of way shall be valued at the most recent assessed value by the Town Assessor or by fair market value established by private appraisers acceptable to the Town. Credit for the dedication of land shall be provided when property has been conveyed at no charge to, and accepted by, the Town in a manner satisfactory to the Town Council.
2. Credit for construction of capital improvements shall be given only where:
 - a. the Town and applicant agree in writing that it would be more cost effective or expeditious for the applicant to construct improvements authorized for funding under this Ordinance, or
 - b. for the cost of constructing capital improvements as a condition of Planning Board approval under the Site Plan or subdivision ordinance of the Town, provided such capital improvements would be eligible for designation by the Town Council for funding under this Ordinance. In such cases, the applicant shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Town Engineer which shall determine credit for construction. The credit shall be based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates, if the Town Engineer determines that estimates submitted by the applicant are either unreliable or inaccurate. Upon final determination of all credits, the Town shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Town before credit

will be given. The failure of the applicant to sign, date and return such document with the balance of the impact fees and building permit fees within 60 days shall nullify the credit.

3. Except as otherwise provided in Section 3 below, credit against impact fees otherwise due will remain provisional until:
 - a. construction is completed and accepted by the Town or the State, whichever is applicable, and
 - b. a suitable maintenance and performance guarantee is received and approved by the Town Engineer, were applicable.
4. Security shall be given for provisional credit in the form of an irrevocable letter of credit or escrow agreement posted with and approved by the Town Manager and Town Attorney in an amount determined by the Town Manager. If the Project will not be constructed within two years of the acceptance of the offer by the Town, the amount of the security shall be increased by 10% compounded for each year of life of the security. If the construction project is not to be completed within five years of the date of the developer's offer, the offer is deemed null and void and the developer shall be required to pay the original or current Traffic Impact Fee(s), whichever is greater. This date and/or time period may be extended by the Town for good cause shown conditioned upon extension of the security.
5. Any claim for credit must be made prior to the time for payment of impact fees.
6. Credits shall not be transferred from one project or development to another without the approval of the Town Council.
7. Determination pursuant to this Paragraph may be appealed to the Town Council by filing a written request through the Town Manager within 30 days of the determination

K. Use of Roadway Impact Fee Funds

1. Funds generated by this ordinance will be used for the purpose of completing the capital improvements identified in the specific master plan for roadway infrastructure improvements within each Roadway Impact Fee District.
2. No funds shall be used for periodic or routine maintenance.
3. In the event that bonds or similar debt instruments are issued for advanced provision of capital improvements for which roadway impact fees may be expended, impact fee funds may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are a component of the master plan for roadway infrastructure improvements, as per Section V(F.1) of this ordinance.
4. Funds may be used to provide refunds in accordance with Section V(G) below.
5. Funds shall not be used to pay for any site specific geometry improvements at a developments entrance, etc., that are required of a development project that is proposed and constructed within a public right-of-way or on any lot abutting a roadway section within a designated Roadway Impact Fee District. Such project and site specific improvements shall be the responsibility of the developer.

L. Refund of Roadway Impact Fees

1. If a building permit, site plan, subdivision plan, private way or extractive industries plan is surrendered or expires without commencement of construction; or a subdivision plan or extractive industries approval expires without recordation of the plan at the registry of deeds, the developer

shall be entitled to a refund, without interest, of the specific roadway impact fee paid as required by this ordinance. The developer must submit a formal application request for such a refund to the Town Engineer not later than fifteen (15) days after the expiration of the building permit, site plan, subdivision plan, private way or extractive industries approval.

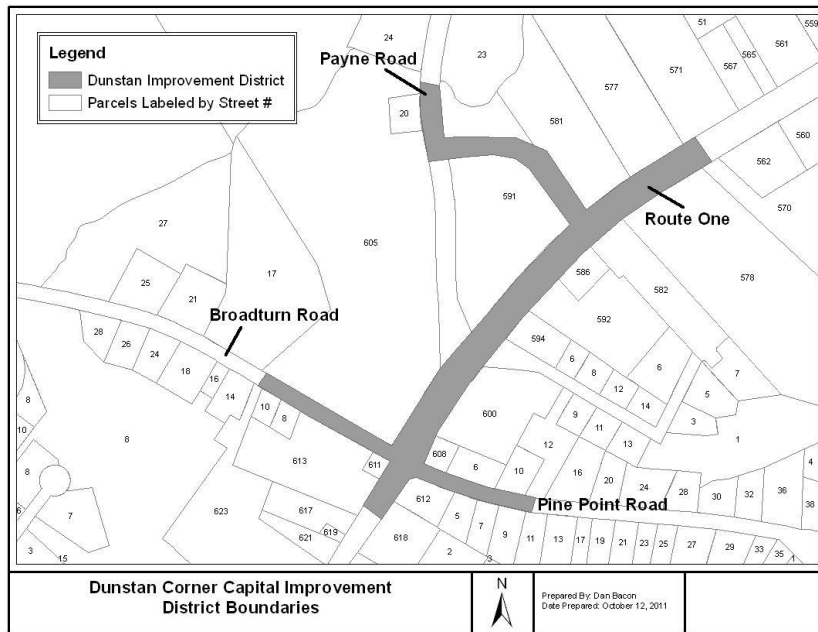
2. Any funds not expended or obligated by contract by the end of the calendar quarter immediately following twenty (20) years from the date the fee was paid shall, upon application for a refund by the developer, be returned to the developer without interest, provided that the developer submits an application for a refund to the Town Engineer within 180 days after expiration of the twenty (20) year period.

M. Roadway Impact Fee District - Dunstan Corner District

1. **Purpose.** Dunstan Corner is one of Scarborough's town centers within which four locally and regionally significant roads intersect. The capacity of Route One, and it's intersections with Pine Point Road (Route 9), Broadturn Road and Payne Road, are critical to the mobility of regional vehicular traffic through Dunstan Corner and the access of local vehicular traffic to destinations within Dunstan Corner. In order for Dunstan Corner to continue to serve and evolve as a town center, while also maintaining and increasing vehicular mobility and access, the area was in need of adequate roadway infrastructure to support future development and the accompanying traffic generation and demands.
2. **Master Plan.** The Town has completed a master plan for roadway infrastructure improvements that accommodates the traffic growth projected through 2026 which established the additional vehicular capacity and adequate levels of service necessary to serve, accommodate and benefit new development. The purpose of the Dunstan Corner District is to procure the Town's share of the cost of implementing these roadway infrastructure improvements from future development projects that are benefiting from the increased capacity. The remaining roadway infrastructure improvement costs were funded through cost sharing between PACTS (Portland Area Comprehensive Transportation System) and the Maine Department of Transportation.

As per Section V(F1) of this ordinance, the funds generated by this ordinance will be used to accomplish the improvements identified in the following master plan:

- a. Dunstan Corner, Scarborough, Maine, PIN 17343.00, September 28, 2011, Preliminary Design Scale 1" - 40', HNTB Corporation. (amended 11/16/2011)
- b. The above cited plans may be amended by the Town Council, in accordance with Chapter 302, Scarborough Town Council Rules, Policies and Procedures Manual, if the amendments to the master plan are consistent with and further the purpose of this ordinance.
3. **Dunstan Corner District Boundaries.** The Dunstan Corner District is depicted on the map below and encompasses the following sections of roadway:
 - a. Route 1 beginning 550 feet south of Broadturn Road extending northerly 2000 feet.
 - b. Pine Point Road beginning at its intersection with Route 1 extending easterly 850 feet.
 - c. Payne Road beginning at its proposed relocated intersection with Route 1 extending 1550 feet to align with the existing Payne Road.
 - d. A proposed roadway beginning at Route 1 opposite the relocated Payne Road, westerly to Higgins Street.
 - e. All of Harlow Street and Higgins Street.



4. **Dunstan Corner District Fee.** The Dunstan Corner District fee determination shall be based on the following:
 - a. The Town cost of the master plan for roadway infrastructure improvements in the Dunstan Corner District will amount to \$1,430,000, which is to be funded from this impact fee ordinance. (amended 02/07/2007)(amended 11/16/2011)
 - b. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 1020 trip ends in the P.M. peak commuter hour of traffic.
 - c. Each additional trip generated by new development will benefit from the 1020 trip ends of capacity and will utilize one trip end of that additional capacity.
 - d. The fee per trip, therefore, shall be \$1,402. This fee per trip equals \$1,430,000 / 1020 trip ends. (amended 02/07/2007)(amended 11/16/2011)
5. **Impact Fee Trust Funds.** There is hereby established a Dunstan Corner District Trust Fund to segregate the impact fee revenue generated by this ordinance from the Town's general revenues. Funds withdrawn from this trust fund account shall be used in accordance with Section V(F) of this ordinance.

N. Roadway Impact Fee District – Haigis Parkway / Route One District

1. **Purpose.** The Haigis Parkway / Route One / Lincoln Avenue intersection is one of the most significant intersections in the Town of Scarborough and is critical to the current and future mobility of local and regional motorists. This intersection currently serves local and regional travel on Route One, the Haigis Parkway, and Lincoln Avenue and provides important connections to Payne Road, the Maine Turnpike and the Scarborough industrial park. In addition, this intersection is an important facility for managing future traffic demands, both to provide an alternative to the high traffic volumes on Payne Road as well as to accommodate the future growth and development that is planned for land accessible from the Haigis Parkway and Route One.

In order for the Haigis Parkway / Route One / Lincoln Avenue intersection to continue to adequately serve local and regional transportation needs, while also providing additional capacity to support future development and the accompanying traffic generation and demands, roadway

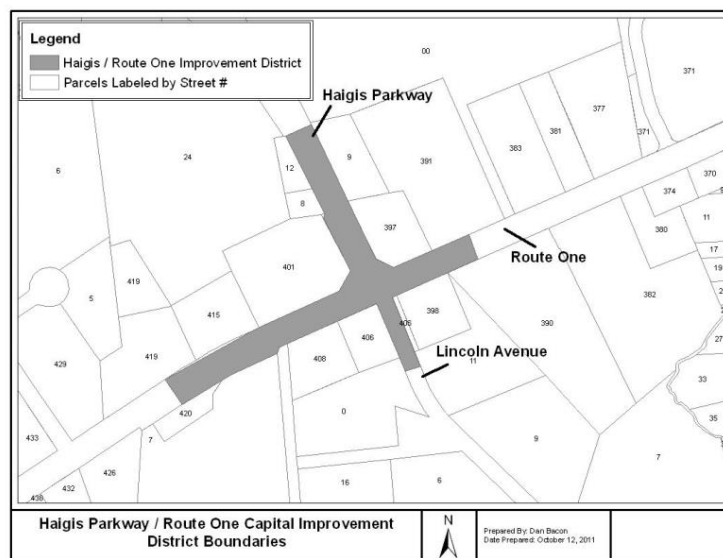
infrastructure improvements were warranted. These improvements are highlighted in the Town-Wide Transportation Study and in the Transportation Policy Objectives of the Town's Comprehensive Plan.

2. **Master Plan.** To that end the Town has completed a master plan for roadway infrastructure improvements that accommodates the traffic growth projected through 2026 and which established the additional vehicular capacity and adequate levels of service necessary to serve, accommodate, and benefit new development. These roadway infrastructure improvements also include provisions for pedestrians in order to enhance the walk-ability and pedestrian safety of this section of Route One. The purpose of the Haigis Parkway / Route One District is to reimburse the portion of the Town's cost of constructing these roadway infrastructure improvements that benefit new development by providing additional vehicular capacity.

As per Section V(F1) of this ordinance, the funds generated by this ordinance will be used to accomplish the improvements identified in the following master plan:

- a. Drawing Name: "Intersection Improvements Route 1 & Haigis Parkway, Scarborough, Maine, Cumberland County" dated August 2010 and prepared by Gorrill-Palmer Consulting Engineers, Inc.

3. **Haigis Parkway / Route One District Boundaries.** The Haigis Parkway / Route One District is depicted on the map below:



4. **Haigis Parkway / Route One District Fee.** The fee determination shall be based on the following:

- a. The Town cost of the master plan for roadway infrastructure improvements in the Haigis Parkway / Route One District amounts to \$1,005,000, which is to be funded from this impact fee ordinance. *(This cost total is less than the total project cost for the Fiscal Year 2010 CIP Project because the improvements associated with the Dunstan Corner intersection plan, the Southgate intersection plan, landscaping enhancements, and the Haigis/Scottow Hill Rd. and Route One/Enterprise Dr. improvements were not included).
- b. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 1015 trip ends in the P.M. peak commuter hour of traffic.
- c. Each additional trip generated by new development will benefit from the 1,015 trip ends of capacity and will utilize one trip end of that additional capacity.

d. The fee per trip, therefore, shall be \$990.00. This fee per trip equals \$1,005,000 / 1,015 trip ends.

5. **Impact Fee Trust Funds.** There is hereby established a Haigis Parkway / Route One District Trust Fund to segregate the impact fee revenue generated by this ordinance from the Town's general revenues. Funds withdrawn from this trust fund account shall be used in accordance with Section V(F) of this ordinance.

O. Roadway Impact Fee District – Payne Road District 5

1. **Purpose.** The Town must expand and maximize the efficiencies of its road system in order to provide adequate levels of service in the Payne Road Area of the Town so that new development in the Payne Road, Gorham Road, and County Road Area and elsewhere that affects traffic in the Payne Road Area is to be accommodated safely and without decreasing current levels of service. This must be done to promote and protect the public health, safety and welfare.
2. **Master Plan.** The report entitled “Scarborough, Maine Road Computation Procedure-Payne Road Area Impact Fee”, dated September 11, 1990, sets forth in more detail a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional rights-of-way, road construction and road improvements, and traffic signal upgrades in the Town. Further refinement of the District scope of work has taken place through public engagement, as well as with State and Regional Agencies, which is incorporated into the preliminary design included in the “North Scarborough Three Intersection Design, Draft Preliminary Design” dated August 2019, which alleviates constraints on the Gorham Rd and ultimately on the Payne Rd District. A portion of the improvements are being paid for by a private developer through their individual Traffic Movement Permit requirements with the Maine Department of Transportation.
3. **Payne Road District 5 Boundaries.** The Payne Road District 5 encompasses the following sections of roadway:
 - a. **District 5** - Route 114, between Maine Turnpike and Beech Ridge Road, which are directly impacted by the two County Road intersections at Saco St and Gorham Rd.
4. **Payne Road District 5 Fee.** At the option of the developer, the amount of the road impact fee may be determined by a fee schedule established by the Town Council. The provisions of this paragraph shall govern the setting of the impact fee schedule by the Town Council and the computation of impact fees by the Town, except as expressly provided elsewhere in this Ordinance.
 - a. The amount of the impact fee to be paid shall be determined in accordance with the schedule of fees approved by order of the Town Council.
 - b. Where a development involves a mixed use, the fees shall be determined in accordance with the applicable schedule by apportioning space to uses specified on the applicable schedule.
 - c. Where a development involves an activity not specified on the applicable fee schedule, the Town shall use the fee applicable to the most nearly comparable type of land use on the fee schedule.
 - d. Where an extension is sought for a building permit, the amount of the fee shall be the difference between the fee applicable at the time of the extension and any amount previously paid pursuant to this ordinance.

e. Impact fees for change of use, redevelopment, or expansion or modification of an existing use which has previously paid an impact fee or which did not require payment of an impact fee when originally approved and which requires the issuance of a building permit shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

5. **Impact Fee Trust Funds.** There is hereby established a Payne Road District 5 Trust Fund to segregate the impact fee revenue generated by this ordinance from the Town's general revenues. Funds withdrawn from this trust fund account shall be used in accordance with Section V(F) of this ordinance.

P. Roadway Impact Fee District – Payne Road / Ginn Road District

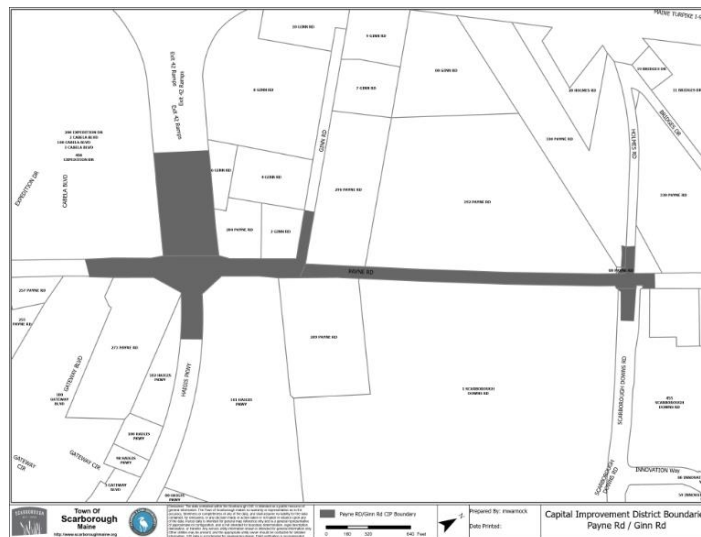
1. **Purpose.** The intersection of Payne Road at Ginn Road is a critical intersection along the Payne Road corridor for future roadway improvements. Payne Road is an important North/South corridor in the Town, and is particularly valuable as an alternative corridor to Route 1 and mitigating traffic on the Route 1 corridor. It is also important to the future development of the Scarborough Downs neighborhood and in connecting Haigis Parkway and Exit 42 from the Maine Turnpike to Scarborough Downs and the Maine Mall area.

In order to accommodate future development and pedestrian, cyclist, and traffic growth needs in the Town of Scarborough, the intersection of Payne Road and Ginn Road will need to be improved to support multimodal traffic along this corridor. The proposed improvements are included in the 2024 Town Wide Transportation Study.

2. **Master Plan.** To that end the Town has finalized a Master Plan for roadway infrastructure improvements that will accommodate future traffic growth and will provide space for pedestrians and cyclists to safely travel along Payne Road. These improvements will benefit new development on and around the Payne Road corridor, as well as alleviating some of the congestion on Route 1.

As per Section V (F1) of this ordinance, the funds generated by this ordinance will be used to accomplish the improvements identified in the “Payne Road Conceptual Plan” prepared by Barton & Loguidice, dated December 2023, which following master plan: sets forth in more detail a reasonable methodology and analysis for the determination of the impact of new development on the need for costs of additional rights-of-way, road construction and road improvements in the Town.

3. **Payne Road / Ginn Road District Boundaries.** The Payne Road / Ginn Road District Boundary is depicted on the map below:



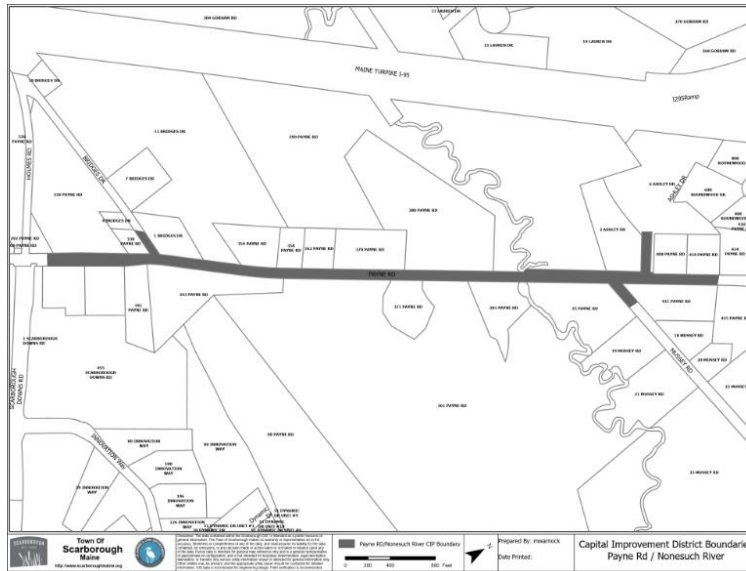
4. **Payne Road / Ginn Road District Fee.** The fee determination shall be based on the following:
- The Town cost of the master plan for roadway infrastructure improvements in the Payne Road / Ginn Road District will amount to \$9,832,898, which is to be funded from this impact fee ordinance.
 - The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 1,766 trip ends in the P.M. peak commuter hour of traffic.
 - Each additional trip generated by new development will benefit from the 1,766 trip ends of capacity and will utilize one trip end of that additional capacity.
 - The total fee per trip, therefore, shall be \$5,568. The developer portion for the fee per trip shall be ~~540%~~ of the total per trip cost or ~~\$2,227~~ 2,784.
5. **Impact Fee Trust Funds.** There is hereby established a Payne Road / Ginn Road District Trust Fund to segregate the impact fee revenue generated by this ordinance from the Town's general revenues. Funds withdrawn from this trust fund account shall be used in accordance with Section V(F) of this ordinance.

Q. Roadway Impact Fee District – Payne Road / Nonesuch River District

1. **Purpose.** Libby Bridge on Payne Road over the Nonesuch River, and the associated approaches to the bridge, is a critical segment of the Payne Road corridor for future roadway improvements. Payne Road is an important North/South corridor in the Town, and is particularly valuable as an alternative corridor to Route 1 and mitigating traffic on the Route 1 corridor. It is also important to the future development of the Scarborough Downs neighborhood and in connecting Haigis Parkway and Exit 42 from the Maine Turnpike to Scarborough Downs and the Maine Mall area.

In order to accommodate future development and pedestrian, cyclist, and traffic growth needs in the Town of Scarborough, Libby Bridge and the approaches to Libby Bridge will need to be improved to support multimodal traffic along this corridor. The proposed improvements are included in the 2024 Town Wide Transportation Study.
2. **Master Plan.** To that end the Town has completed a Master Plan for roadway infrastructure improvements that will accommodate future traffic growth and will provide space for pedestrians and cyclists to safely travel along Payne Road. These improvements will benefit new development on and around the Payne Road corridor, as well as alleviating some of the congestion on Route 1.

As per Section V(F1) of this ordinance, the funds generated by this ordinance will be used to accomplish the improvements identified in the "Payne Road Conceptual Plan" prepared by Barton & Loguidice, dated December 2023, which sets forth in more detail a reasonable methodology and analysis for the determination of the impact of new development on the need for costs of additional rights-of-way, road construction and road improvements in the Town.
3. **Payne Road / Nonesuch River District Boundaries.** The Payne Road / Nonesuch River District Boundary is depicted on the map below:



4. Payne Road / Nonesuch River District Fee. The fee determination shall be based on the following:

- a. The Town cost of the master plan for roadway infrastructure improvements in the Payne Road / Nonesuch River District will amount to \$23,913,345, which is to be funded from this impact fee ordinance.
- b. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 3,337 trip ends in the P.M. peak commuter hour of traffic.
- c. Each additional trip generated by new development will benefit from the 3,337 trip ends of capacity and will utilize one trip end of that additional capacity.
- d. The total fee per trip, therefore, shall be \$7,166. The developer portion for the fee per trip shall be 540% of the total per trip cost or \$2,8663,583.

5. Impact Fee Trust Funds. There is hereby established a Payne Road / Ginn Road District Trust Fund to segregate the impact fee revenue generated by this ordinance from the Town's general revenues. Funds withdrawn from this trust fund account shall be used in accordance with Section V(F) of this ordinance.

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following Chapter 410 Town of Scarborough Roadway Impact Fee Ordinance: Payne Road Area Capital Improvement Districts is hereby repealed in its entirety and is replaced with amendments to Chapter 415 Town of Scarborough Impact Fee Ordinance as recommended by the Planning Director.

CHAPTER 410

TOWN OF SCARBOROUGH

SCARBOROUGH ROADWAY IMPACT FEE ORDINANCE:

PAYNE ROAD AREA CAPITAL IMPROVEMENT DISTRICTS

**ADOPTED OCTOBER 17, 1990
AMENDED SEPTEMBER 6, 1995
AMENDED DECEMBER 7, 2011
AMENDED NOVEMBER 1, 2017**

Table of Contents

Section One: Purpose	39
Section Two: Legislative Findings	40
Section Three: Title, Authority, and Applicability	40
A. Title.	40
B. Authority.	40
C. Applicability.	40
Section Four: Definitions	40
A. “Developer”	40
B. “Capital improvement”	40
C. “Development”	41
D. “Expansion of road capacity”	41
E. “Roads”	41
F. “Site-related improvements”	41
G. “Independent Fee Calculation Study”	41
H. “Mandatory or Required right-of-way dedications and/or roadway improvements”	41
I. “Payne Road Area”	41
Section Five: Imposition of Road Impact Fee	41
Section Six: Computation of Road Impact Fee	42
Section Seven: Payment of Fee	42
Section Eight: Road Impact Fee Districts	43
Section Nine: Road Impact Fee Trust Funds Established	43
Section Ten: Use of Funds	37
Section Eleven: Refund of Fees	43
Section Twelve: Exemptions	44
Section Thirteen: Credits	44

CHAPTER 410 TOWN OF SCARBOROUGH ROAD IMPACT FEE ORDINANCE

**BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SCARBOROUGH,
MAINE, IN TOWN COUNCIL ASSEMBLED:**

Section One: Purpose

This Ordinance imposes an impact fee on land development requiring review under the Town’s subdivision or site plan regulations for providing new roads and related facilities necessitated by new development that impacts traffic in the Payne Road Area of the Town as defined herein. It also provides for the placement of impact fee revenues into road impact fee trust funds established for that purpose and for the administration of the impact fee ordinance, including the expenditure of funds derived from road impact fees and the refunds of unexpended funds.

Section Two: Legislative Findings

The Town Council of Scarborough, Maine finds, determines and declares as follows:

A. The Town must expand its road system in order to provide adequate levels of service in the Payne Road Area of the Town if new development in the Payne Road Area and elsewhere that affects traffic in the Payne Road Area is to be accommodated safely and without decreasing current levels of service. This must be done to promote and protect the public health, safety and welfare;

B. The State of Maine has authorized municipalities to adopt impact fees for various purposes, including the construction of off-site capital improvements, such as roads and traffic control devices pursuant to 30-A M.R.S.A. 4354;

C. The imposition of impact fees is a preferred method of insuring that new development bears a proportionate share of the cost of capital investments necessary to accommodate such development. Appropriate locations for new development in the Town and the capital improvements necessary to accommodate such development are identified in the Town's Comprehensive Plan and capital improvements program.

D. New development generates additional traffic, necessitating the acquisition of rights-of-way, road construction and road improvements;

E. The fees established by Section Six hereof are derived from, are based upon, and do not exceed the costs of providing additional rights-of-way, road construction and road improvements necessitated by the new developments for which the fees are levied.

F. The report entitled "Scarborough, Maine Road Computation Procedure-Payne Road Area Impact Fee", dated September 11, 1990, sets forth in more detail a reasonable methodology and analysis for the determination of the impact of new development on the need for an costs of additional rights-of-way, road construction and road improvements in the Town.

Section Three: Title, Authority, and Applicability

A. Title.

This Ordinance shall be known and may be cited as the "Scarborough Road Impact Fee Ordinance".

B. Authority.

The Town Council of the Town of Scarborough, has the authority to enact this ordinance pursuant to 30-A M.R.S.A. 4354, and its statutory and constitutional home rule powers.

C. Applicability.

This ordinance shall apply to all new development seeking subdivision or site plan approval or the extension of previously approved subdivisions or site plans or to any change in use when the proposed development impacts traffic in the "Payne Road Area" if a building permit is issued on or after the date this Ordinance is enacted.

Section Four: Definitions

A. "Developer"

Is a person commencing a land development activity which generates or attracts traffic in the Payne Road Area and which requires subdivision or site plan approval from the Town of Scarborough.

B. "Capital improvement"

Includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project, including but not limited to:

- (1) construction of new through lanes

- (2) construction of new turn lanes
- (3) construction of new bridges
- (4) construction of new drainage facilities in conjunction with new roadway construction
- (5) purchase and installation of traffic signalization (including new and upgraded signalization)
- (6) construction of curbs, medians, and shoulders
- (7) relocating utilities to accommodate new roadway construction

Capital improvements do not include site-related improvements defined herein.

C. “Development”

Means any change in land use or any construction of buildings or structures or any change in the use of any structure that procedures vehicle trips within the Payne Road Area.

D. “Expansion of road capacity”

Means all road and intersection capacity enhancements, including but not limited to: extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.

E. “Roads”

Means and includes arterial streets and transportation facilities associated with the arterial and state-aid highway network within the Payne Road Area of the Town and under the jurisdiction of the Town or the State of Maine.

F. “Site-related improvements”

Are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to the following:

- (1) access roads leading to the development
- (2) driveways and roads within the development
- (3) acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways
- (4) traffic control measures for those roads and driveways

G. “Independent Fee Calculation Study”

Means the traffic engineering and/or economic documentation prepared by a developer to allow the determination of the impact fee other than by the use of the methodology outlined in Section Six of this Ordinance.

H. “Mandatory or Required right-of-way dedications and/or roadway improvements”

Means such non-compensated dedications and/or roadway improvements required by the Town during subdivision or site plan review.

I. “Payne Road Area”

Means the area of Scarborough, including Payne Road and State Route 114 as follows:

District 1 - Payne Road, South Portland line to I-295 Bridge

District 2 - Payne Road, I-295 Bridge through Route 114 intersection

District 3 - Payne Road, South of Route 114 to Holmes Road

District 4 - This District was repealed by the Scarborough Town Council on December 7, 2011, because the improvements in this district were accomplished.

District 5 - Route 114, between Maine Turnpike and Beech Ridge Road

Section Five: Imposition of Road Impact Fee

A. Any person who, after the effective date of this ordinance, seeks to develop land by applying for subdivision or site plan approval, or for an extension of subdivision or site plan approval issued prior

to the effective date hereof, to make an improvement to land or to change the use of any land or building which will generate additional traffic in the Payne Road Area, regardless of whether the development itself is located within the Payne Road Area is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance. Preliminary determinations regarding whether a proposed development will generate traffic in the Payne Road Area shall be made by the Town Planner and the Town's consulting traffic engineer. Actual impacts shall be determined by a traffic study prepared by a traffic engineer at the developer's expense and approved by the Town's consulting engineer, unless the developer agrees with the Town's determination.

B. No new building permit for any activity requiring payment of an impact fee pursuant to this Ordinance shall be issued or renewed unless and until the road impact fee hereby required has been paid.

C. No extension of a building permit issued prior to the effective date of this ordinance, for any activity requiring payment of an impact fee pursuant to this Ordinance shall be granted unless and until the road impact fee hereby required has been paid.

Section Six: Computation of Road Impact Fee

A. At the option of the developer, the amount of the road impact fee may be determined by a fee schedule established by the Town Council. The provisions of this paragraph shall govern the setting of the impact fee schedule by the Town Council and the computation of impact fees by the Town, except as expressly provided elsewhere in this Ordinance.

(1) The amount of the impact fee to be paid shall be determined in accordance with the schedule of fees approved by order of the Town Council.

(2) Where a development involves a mixed use, the fees shall be determined in accordance with the applicable schedule by apportioning space to uses specified on the applicable schedule.

(3) Where a development involves an activity not specified on the applicable fee schedule, the Town shall use the fee applicable to the most nearly comparable type of land use on the fee schedule.

(4) Where an extension is sought for a building permit, the amount of the fee shall be the difference between the fee applicable at the time of the extension and any amount previously paid pursuant to this ordinance.

(5) Impact fees for change of use, redevelopment, or expansion or modification of an existing use which has previously paid an impact fee or which did not require payment of an impact fee when originally approved and which requires the issuance of a building permit shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

B. Alternative method for computation of fees

A developer may prepare and submit an independent fee calculation study for the land development activity. The independent fee calculation shall be prepared and presented by professionals and shall establish to a reasonable certainty that the impact of the proposed activity differs substantially from other land use activity for which fees have been established. The documentation submitted shall show the basis upon which the independent fee calculation was made. The Town shall consider the documentation submitted by the developer but is not required to accept any documentation which it deems to be inaccurate or unreliable and may require the developer to submit additional or different documentation for consideration. If the independent fee calculation study is approved, the Town shall adjust the fee in accordance with that calculation. Appeals of action of the Town pursuant to this section may be taken to the Town Manager by filing a written request within 10 days of final determination.

Section Seven: Payment of Fee

A. The developer shall pay the road impact fee required by this ordinance to the Building Inspector or her/his designee prior to the issuance of a building permit. [amended 11/01/17]

B. All funds collected shall be properly identified by road impact fee district and promptly transferred for deposit in the appropriate Road Impact Fee Trust Fund to be held in separate accounts as determined in Section Nine of this Ordinance and used solely for the purposes specified in this Ordinance.

Section Eight: Road Impact Fee Districts

A. There are hereby established four (4) road impact fee districts as defined in Section 4(I) of this Ordinance.

Section Nine: Road Impact Fee Trust Funds Established

A. There are hereby established four (4) separate Road Impact Fee Trust Funds, one for each road impact fee district established by Section Eight of this Ordinance.

B. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Ten of this Ordinance.

Section Ten: Use of Funds

A. Funds collected from road impact fees shall be used for the purpose of capital improvements to and expansion of transportation facilities associated with the Payne Road Area.

B. No funds shall be used for periodic or routine maintenance.

C. Funds shall be used exclusively for capital improvements or expansion within the road impact fee district, including district boundary roads, as identified in the Report entitled Computation Procedure, from which the funds were collected or for projects in other road impact districts which are of benefit to the road impact district from which the funds were collected. Funds shall be expended in the order in which they are collected.

D. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which road impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in paragraph A of this section and are located within the appropriate impact fee districts created by this Ordinance or as provided in paragraph C of this section.

E. At least once each fiscal period the Town Manager shall present to the Town Council a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the several Road Impact Fee Trust Funds to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Road Impact Fee Trust Funds until the next fiscal period except as provided by the refund provisions of this Ordinance.

F. Funds may be used to provide refunds as described in Section Eleven.

Section Eleven: Refund of Fees

A. If a building permit is surrendered or expires without commencement of construction, the developer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the Town shall retain three (3) percent of the impact fee paid to offset a portion of the costs of collection. The developer must submit an application for such a refund to the Code Enforcement Officer not later than fifteen (15) days after the expiration of the permit.

B. Any funds not expended or obligated by contract by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall, upon application of the developer, be returned to the developer, provided that the developer submits an application for a refund to the Code Enforcement Officer within 180 days of the ten (10) year period.

Section Twelve: Exemptions

A. Alterations or expansions of an existing building which do not result in the generation of additional vehicle trips shall be exempt from payment of the traffic impact fee.

B. Construction of accessory buildings or structures which do not generate additional vehicle trips shall be exempt from the payment of traffic impact fees.

C. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use shall be exempt from the payment of the impact fee.

Any claim of exemption shall be made prior to the time for payment of the impact fee. Any claim not so made shall be deemed waived.

Section Thirteen: Credits

A. Credit for the dedication of land for rights of way shall be valued at the most recent assessed value by the Town Assessor or by fair market value established by private appraisers acceptable to the Town. Credit for the dedication of land shall be provided when property has been conveyed at no charge to, and accepted by, the Town in a manner satisfactory to the Town Council.

B. Credit for construction of capital improvements shall be given only where:

(1) the Town and applicant agree in writing that it would be more cost effective or expeditious for the applicant to construct improvements authorized for funding under this Ordinance, or

(2) for the cost of constructing capital improvements as a condition of Planning Board approval under the Site Plan or subdivision ordinance of the Town, provided such capital improvements would be eligible for designation by the Town Council for funding under this Ordinance. In such cases, the applicant shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Town which shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates, if the Town determines that estimates submitted by the applicant are either unreliable or inaccurate. Upon final determination of all credits, the Town shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Town before credit will be given. The failure of the applicant to sign, date and return such document with the balance of the impact fees and building permit fees within 60 days shall nullify the credit.

C. Except as otherwise provided in subparagraph D, credit against impact fees otherwise due will remain provisional until:

(1) construction is completed and accepted by the Town or the State, whichever is applicable, and

(2) a suitable maintenance and warranty bond is received and approved by the Town, where applicable.

D. Security shall be given for provisional credit in the form of a performance bond, irrevocable letter of credit or escrow agreement posted with and approved by the Town Manager and Town Attorney in an amount determined by the Town Manager. If the Project will not be constructed within two years of the acceptance of the offer by the Town, the amount of the security shall be increased by 10% compounded for each year of life of the security. If the construction project is not to be completed within five years of the date of the developer's offer, the Town Council must approve the construction project and its scheduled completion date prior to the acceptance of the offer by the Town. The security or replacement shall state the date for commencement of the project and the time period for estimated

completion. This date and/or time period may be extended by the Town for good cause shown conditioned upon extension of the security.

E. Credit may also be given for the costs of constructing capital improvements required as a condition of Planning Board subdivision approval or a Department of Environmental Protection Site Location of Development License if the development was approved prior to enactment of this ordinance but building permits are issued after enactment. Credit shall be in an amount determined by the Planning Board, based upon the scope of the development approved by the Planning Board and/or DEP and the value of the capital improvements actually constructed. Credit shall be given only to the extent that the traffic impact of the proposed development, as determined at the time of construction, does not exceed the impacts anticipated by the subdivision or site location of development approval. The developer shall have the burden of establishing the cost of capital improvements constructed.

F. Any claim for credit must be made prior to the time for payment of impact fees. Any claim not so made shall be deemed waived.

G. Credits shall not be transferred from one project or development to another without the approval of the Town Council.

H. Determination pursuant to this Paragraph may be appealed to the Town manager by filing a written request with the Town Manager within 30 days of the determination

**ORDER SETTING IMPACT FEES
AND DESIGNATING APPROVED PROJECTS**

BE IT ORDERED by the Scarborough Town Council that pursuant to the Town of Scarborough Road Impact Fee Ordinance, the fees and charges shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council for development from the Highway Impact Fee Trust Fund.

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following Chapter 415A Town of Scarborough Roadway Impact Fee Ordinance: Dunstan Corner Capital Improvement Districts is hereby repealed in its entirety and is replaced with amendments to Chapter 415 Town of Scarborough Impact Fee Ordinance as recommended by the Planning Director.

**CHAPTER 415A
TOWN OF SCARBOROUGH
SCARBOROUGH ROADWAY IMPACT FEE ORDINANCE:
DUNSTAN CORNER CAPITAL IMPROVEMENT DISTRICT**

**ADOPTED AUGUST 16, 2006
AMENDED FEBRUARY 7, 2007
AMENDED NOVEMBER 16, 2011**

TABLE OF CONTENTS

Section I. Title	1
Section II. Purpose	1
Section III. Applicability	1
Section IV. Impact Fee Procedures	2
Section V. Impact Fee Calculations	2
Section VI. Impact Fee Payment	4
Section VII. Dunstan Corner Capital Improvement District Boundaries	4
Section VIII. Impact Fee Trust Fund	4
Section IX. Use of Impact Fee Funds	4
Section X. Refund of Impact Fees	5
Section XI. Master Plan for Roadway Infrastructure Improvements	5

ROADWAY IMPACT FEE ORDINANCE: DUNSTAN CORNER CAPITAL IMPROVEMENT DISTRICT TOWN OF SCARBOROUGH

Section I. Title

This Ordinance shall be known and may be cited as the “Scarborough Roadway Impact Fee Ordinance: Dunstan Corner Capital Improvement District”. It is adopted under the authority of Title 30-A M.R.S.A., § 4354, and the Town’s statutory and constitutional home rule powers.

Section II. Purpose

Dunstan Corner is one of Scarborough’s town centers within which four locally and regionally significant roads intersect. The capacity of Route One, and it’s intersections with Pine Point Road (Route 9), Broadturn Road and Payne Road, are critical to the mobility of regional vehicular traffic through Dunstan Corner and the access of local vehicular traffic to destinations within Dunstan Corner. In order for Dunstan Corner to continue to serve and evolve as a town center, while also maintaining and increasing vehicular mobility and access, the area is in need of adequate roadway infrastructure to support future development and the accompanying traffic generation and demands.

The Town has completed a master plan for roadway infrastructure improvements that will accommodate the traffic growth projected for the next twenty years and will establish the additional vehicular capacity and adequate levels of service necessary to serve, accommodate and benefit new development. The purpose of the Dunstan Corner Capital Improvement District is to procure the Town’s share of the cost of implementing these roadway infrastructure improvements from future development projects. The remaining roadway infrastructure improvement costs will be funded through cost sharing between PACTS (Portland Area Comprehensive Transportation System) and the Maine Department of Transportation. (amended 02/07/2007)(amended 11/16/2011)

Section III. Applicability

A. This ordinance shall apply to all new development seeking subdivision or site plan approval, the expansion of previously approved subdivisions or site plans, all new extractive industry operations, and to any change in use requiring site plan approval when the proposed development, whether located within or without the Dunstan Corner Capital Improvement District, generates additional traffic within the Dunstan Corner Capital Improvement District. (amended 02/07/2007)

B. The following development and construction shall be exempt from this ordinance:

1. Alterations or expansions of an existing building which do not result in the generation of additional vehicle trips.
2. Construction of accessory buildings or structures which do not generate additional vehicle trips.
3. The replacement of a building or structure destroyed or damaged by fire, flood or natural disaster with a new building or structure of the same size or use which does not generate additional vehicle trips.

Section IV. Impact Fee Procedures

- A. Any person who seeks a permit or approval for any development, activity or use described in Section III(A) of this Ordinance is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance. (amended 02/07/2007)
- B. Preliminary determinations regarding whether a proposed development will generate traffic within the Dunstan Corner Capital Improvement District shall be made by the Town Planner and the Town's consulting traffic engineer. Actual traffic generation, impacts, and the corresponding fee, shall be determined through a traffic analysis (in accordance with Section V of this ordinance), which may accompany a more comprehensive traffic impact study depending on the scope of the development, prepared by a Registered Professional Engineer with significant experience in traffic engineering and to be paid for by the developer. This traffic analysis shall be reviewed and approved by the Town's consulting engineer and shall be incorporated into the review and approval of a development project by the Planning Board, or the Planning and Code Enforcement Department when applicable.

Section V. Impact Fee Calculations

An impact fee shall be applied to development projects located in whole or in part within the Town of Scarborough that generate additional traffic within the Dunstan Corner Capital Improvement District. This impact fee is structured to be in proportion to the development project's share of infrastructure costs necessitated by the development and as enabled by Title 30-A M.R.S.A., §4354. The process for this impact fee calculation is as follows:

- A. As per Section IV(B) above, a traffic analysis shall be conducted by a Registered Professional Engineer with significant experience in traffic engineering in order to determine the traffic impact, and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the Dunstan Corner Capital Improvement District in the P.M. peak commuter hour.
- B. The impact fee calculation for individual development projects shall use generally accepted standards, such as the most current Institute of Transportation Engineers "Trip Generation" Handbook of traffic generation data or estimates from field measurements or data collected at similar development types, and shall be based on the P.M. peak commuter hour of traffic (between 3:00 and 6:00 PM on a weekday).
- C. The costs assigned to trips shall be based upon a fee per new trip (a.k.a. primary trip) to be generated by a development project that passes through the Dunstan Corner Capital Improvement District within the P.M. peak commuter hour. All new trips that pass through the District, regardless of whether they pass through the Dunstan Corner or Payne Road/Route One intersections, shall be counted as new trips. Other types of traffic associated with a development project, such as the capture of trips passing a site (a.k.a. pass-by trips) or trips in the area that are rerouted (a.k.a. diverted trips) shall not be utilized in the assessment.
- D. The fee determination shall be based on the following:

1. The Town cost of the master plan for roadway infrastructure improvements in the Dunstan Corner Capital Improvement District will amount to \$1,430,000, which is to be funded from this impact fee ordinance. (amended 02/07/2007)(amended 11/16/2011)
 2. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 1020 trip ends in the P.M. peak commuter hour of traffic.
 3. Each additional trip generated by new development will benefit from the 1020 trip ends of capacity and will utilize one trip end of that additional capacity.
 4. The fee per trip, therefore, shall be \$1,402. This fee per trip equals \$1,430,000 / 1020 trip ends. (amended 02/07/2007)(amended 11/16/2011)
- E. For any development requiring subdivision review, site plan review or other Planning Board review, the Planning Board shall determine the total impact fee for the development calculated pursuant to Section V, subsections A through D above, and then shall establish a payment schedule which apportions the impact fee to component parts of the development based on the estimated trip generation for each component part. Depending on the nature of the development, a component part may be a lot, a building, a dwelling unit (as defined in the Scarborough Zoning Ordinance), a unit of occupancy (as defined in the Scarborough Zoning Ordinance), or some combination thereof. The payment schedule shall specify the portion of the impact fee attributable to each component part and the point during the construction of the development at which the impact fee for each component part must be paid. The payment schedule shall be incorporated into the Planning Board's written approval document and endorsed on any final plan for the development.
- F. For any development not requiring Planning Board review but requiring the payment of an impact fee under this ordinance, the Town Engineer shall determine the impact fee and payment schedule, pursuant to Section V, subsections A through E above.
- G. If, after a development has been approved, changes are proposed which would change the trip generation for the development or a component part of the development, then, on the initiative of the Town or the developer, the impact fee and payment schedule may be recalculated, and such recalculated impact fee and payment schedule shall apply to all subsequent permits issued within the development.

Section VI. Impact Fee Payment (amended 02/07/2007)

The impact fee amount, as determined in accordance with Sections IV and V of this ordinance, shall be paid to the Town according to the payment schedule established under Section V, except as follows:

- A. For an extractive industry project, the impact fee amount shall be paid prior to the release of the attested final plan to the developer for recording at the Cumberland County Registry of Deeds.

Payments shall be tendered to the Town Engineer. Upon determining that the payment is in the correct amount, the Town Engineer shall issue a receipt for the payment and deliver the payment to the Town Treasurer.

Section VII. Dunstan Corner Capital Improvement District Boundaries

The Dunstan Corner Capital Improvement District is depicted on the map attached to this Ordinance as Appendix A and encompasses the following sections of roadway:

- Route 1 beginning 550 feet south of Broadturn Road extending northerly 2000 feet.
- Pine Point Road beginning at its intersection with Route 1 extending easterly 850 feet.

- Payne Road beginning at its proposed relocated intersection with Route 1 extending 1550 feet to align with the existing Payne Road.
- A proposed roadway beginning at Route 1 opposite the relocated Payne Road, westerly to Higgins Street.
- All of Harlow Street and Higgins Street.

Section VIII. Impact Fee Trust Fund

- A. There is hereby established a Dunstan Corner Capital Improvement District Trust Fund to segregate the impact fee revenue generated by this ordinance from the Town's general revenues.
- B. Funds withdrawn from this trust fund account shall be used in accordance with Section IX of this ordinance.

Section IX. Use of Impact Fee Funds

- A. Funds generated by this ordinance will be used for the purpose of completing the capital improvements identified in the master plan for roadway infrastructure improvements within Dunstan Corner Capital Improvement District.
- B. No funds shall be used for periodic or routine maintenance.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital improvements for which road impact fees may be expended, impact fee funds may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are a component of the master plan for roadway infrastructure improvements, as per Section IX(A) of this ordinance.
- D. Funds may be used to provide refunds in accordance with Section X.
- E. Funds shall not be used to pay for any site specific road improvements, such as right-turn entry lanes, site driveway islands, etc., that are required of a development project that is proposed and constructed on any lot abutting a roadway section within the Dunstan Corner Capital Improvement District. Such project and site specific improvements shall be the responsibility of the developer.

Section X. Refund of Impact Fees

- A. If a building permit or site plan is surrendered or expires without commencement of construction; or a subdivision plan or extractive industries approval expires without recordation of the plan at the registry of deeds, the developer shall be entitled to a refund, without interest, of the impact fee paid as required by this ordinance. The developer must submit an application for such a refund to the Town Engineer not later than fifteen (15) days after the expiration of the building permit, site plan, subdivision plan or extractive industries approval.
- B. Any funds not expended or obligated by contract by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall, upon application for a refund by the developer, be returned to the developer without interest, provided that the developer submits an application for a refund to the Town Engineer within 180 days after expiration of the ten (10) year period.

Section XI. Master Plan for Roadway Infrastructure Improvements

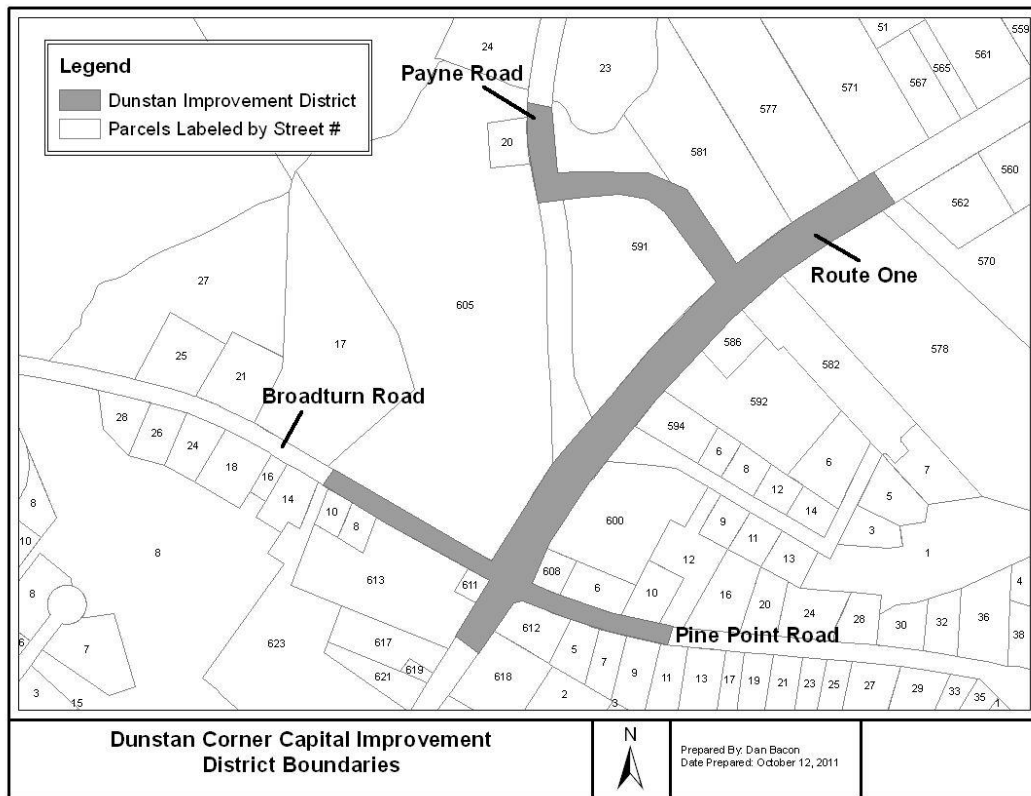
- A. As per Section IX(A) of this ordinance, the funds generated by this ordinance will be used to accomplish the improvements identified in the following master plan:

Dunstan Corner, Scarborough, Maine, PIN 17343.00, September 28, 2011, Preliminary Design Scale 1" - 40', HNTB Corporation. (amended 11/16/2011)

- B. The above cited plans may be amended by the Town Council, in accordance with Chapter 302, Scarborough Town Council Rules, Policies and Procedures Manual, if the amendments to the master plan are consistent with and further the purpose of this ordinance.

Appendix A.

BE IT



HEREBY

ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following Chapter 415B Town of Scarborough Roadway Impact Fee Ordinance: Haigis Parkway / Route One Capital Improvement Districts is hereby repealed in its entirety and is replaced with amendments to Chapter 415 Town of Scarborough Impact Fee Ordinance as recommended by the Planning Director.

CHAPTER 415B
TOWN OF SCARBOROUGH
SCARBOROUGH ROADWAY IMPACT FEE ORDINANCE:
HAIGIS PARKWAY / ROUTE ONE CAPITAL
IMPROVEMENT DISTRICT

ADOPTED November 2, 2011

Table of Contents

Section I. Title	1
Section II. Purpose	1
Section III. Applicability	1
Section IV. Impact Fee Procedures	2
Section V. Impact Fee Calculations	2
Section VI. Impact Fee Payment	4
Section VII. Dunstan Corner Capital Improvement District Boundaries	5
Section VIII. Impact Fee Trust Fund	5
Section IX. Use of Impact Fee Funds	5
Section X. Refund of Impact Fees	6
Section XI. Master Plan for Roadway Infrastructure Improvements	6

HAIGIS PARKWAY / ROUTE ONE CAPITAL IMPROVEMENT DISTRICT TOWN OF SCARBOROUGH

Section I. Title

This Ordinance shall be known and may be cited as the “Scarborough Roadway Impact Fee Ordinance: Haigis Parkway / Route One Capital Improvement District”. It is adopted under the authority of Title 30-A M.R.S.A., § 4354, and the Town’s statutory and constitutional home rule powers.

Section II. Purpose

The Haigis Parkway / Route One / Lincoln Avenue intersection is one of the most significant intersections in the Town of Scarborough and is critical to the current and future mobility of local and regional motorists. This intersection currently serves local and regional travel on Route One, the Haigis Parkway, and Lincoln Avenue and provides important connections to Payne Road, the Maine Turnpike and the Scarborough industrial park. In addition, this intersection is an important facility for managing future traffic demands, both to provide an alternative to the high traffic volumes on Payne Road as well as to accommodate the future growth and development that is planned for land accessible from the Haigis Parkway and Route One.

In order for the Haigis Parkway / Route One / Lincoln Avenue intersection to continue to adequately serve local and regional transportation needs, while also providing additional capacity to support future development and the accompanying traffic generation and demands, roadway infrastructure improvements are warranted. These improvements are highlighted in the Town-Wide Transportation Study and in the Transportation Policy Objectives of the Town’s Comprehensive Plan.

To that end the Town has completed a master plan for roadway infrastructure improvements that will accommodate the traffic growth projected for the next fifteen years and will establish the additional vehicular capacity and adequate levels of service necessary to serve, accommodate, and benefit new development. These roadway infrastructure improvements also include provisions for pedestrians in order to enhance the walk-ability and pedestrian safety of this section of Route One. The purpose of the Haigis Parkway / Route One Capital Improvement District is to reimburse the portion of the Town’s cost of constructing these roadway infrastructure improvements that benefit new development by providing additional vehicular capacity.

Section III. Applicability

- A. This Ordinance shall apply to all new development seeking subdivision or site plan approval, the expansion of previously approved subdivisions or site plans, new development enabled by land divisions exempted from subdivision review as per Title 30-A M.R.S.A. §4401(4), all new

extractive industry operations, and to any change in use when the proposed development, whether located within or outside the Haigis Parkway / Route One Capital Improvement District, generates additional traffic within the Haigis Parkway / Route One Capital Improvement District.

- B. The following development and construction shall be exempt from this ordinance:
 - 1. Alterations or expansions of an existing building which do not result in the generation of additional vehicle trips.
 - 2. Construction of accessory buildings or structures which do not generate additional vehicle trips.
 - 3. The replacement of a building or structure destroyed or damaged by fire, flood or natural disaster with a new building or structure of the same size or use which does not generate additional vehicle trips.

Section IV. Impact Fee Procedures

- A. Any person who seeks a permit or approval for any development, activity or use described in Section III.A of this Ordinance is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance.
- B. Preliminary determinations regarding whether a proposed development will generate traffic within the Haigis Parkway / Route One Capital Improvement District shall be made by the Town Planner and the Town's consulting traffic engineer. Actual traffic generation, impacts, and the corresponding fee, shall be determined through a traffic analysis (in accordance with Section V. of this ordinance), which may accompany a more comprehensive traffic impact study depending on the scope of the development, prepared by a Registered Professional Engineer with significant experience in traffic engineering and to be paid for by the developer. This traffic analysis shall be reviewed and approved by the Town's consulting engineer and shall be incorporated into the review and approval of a development project by the Planning Board, or the Planning and Code Enforcement Department when applicable.

Section V. Impact Fee Calculations

An impact fee shall be applied to development projects located in whole or in part within the Town of Scarborough that generate additional traffic within the Haigis Parkway / Route One Capital Improvement District. This impact fee is structured to be in proportion to the development project's share of infrastructure costs necessitated by the development and as enabled by Title 30-A M.R.S.A., §4354. The process for this impact fee calculation is as follows:

- A. As per Section IV(B) above, a traffic analysis shall be conducted by a Registered Professional Engineer with significant experience in traffic engineering in order to determine the traffic impact, and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the Haigis Parkway / Route One Capital Improvement District in the P.M. peak commuter hour.
- B. The impact fee calculation for individual development projects shall use generally accepted standards, such as the most current Institute of Transportation Engineers "Trip Generation" Handbook of traffic generation data or estimates from field measurements or data collected at similar development types, and shall be based on the P.M. peak commuter hour of traffic (between 3:00 and 6:00 PM on a weekday).
- C. The costs assigned to trips shall be based upon a fee per new trip (a.k.a. primary trip) to be generated by a development project that passes through the Haigis Parkway / Route One Capital Improvement District within the P.M. peak commuter hour. All new trips that pass through the District shall be counted as new trips. Other types of traffic associated with a development project,

such as the capture of trips passing a site (a.k.a. pass-by trips) or trips in the area that are rerouted (a.k.a. diverted trips) shall not be utilized in the assessment.

D. The fee determination shall be based on the following:

1. The Town cost of the master plan for roadway infrastructure improvements in the Haigis Parkway / Route One Capital Improvement District amounts to \$1,005,000, which is to be funded from this impact fee ordinance.

*(This cost total is less than the total project cost for the Fiscal Year 2010 CIP Project because the improvements associated with the Dunstan Corner intersection plan, the Southgate intersection plan, landscaping enhancements, and the Haigis/Scottow Hill Rd. and Route One/Enterprise Dr. improvements were not included).

2. The total additional (bi-directional) vehicular capacity to be fostered by the roadway infrastructure improvements will equal approximately 1015 trip ends in the P.M. peak commuter hour of traffic.
3. Each additional trip generated by new development will benefit from the 1015 trip ends of capacity and will utilize one trip end of that additional capacity.
4. The fee per trip, therefore, shall be \$990.00. This fee per trip equals \$1,005,000 / 1015 trip ends.

E. For any development requiring subdivision review, site plan review or other Planning Board review, the Planning Board shall determine the total impact fee for the development calculated pursuant to Section V, subsections A through D above, and then shall establish a payment schedule which apportions the impact fee to component parts of the development based on the estimated trip generation for each component part. Depending on the nature of the development, a component part may be a lot, a building, a dwelling unit (as defined in the Scarborough Zoning Ordinance), a unit of occupancy (as defined in the Scarborough Zoning Ordinance), or some combination thereof. The payment schedule shall specify the portion of the impact fee attributable to each component part and the point during the construction of the development at which the impact fee for each component part must be paid. The payment schedule shall be incorporated into the Planning Board's written approval document and endorsed on any final plan for the development.

F. For any development not requiring Planning Board review but requiring the payment of an impact fee under this Ordinance, the Town Engineer shall determine the impact fee and payment schedule, pursuant to Section V, subsections A through E above.

G. If, after a development has been approved, changes are proposed which would change the trip generation for the development or a component part of the development, then, on the initiative of the Town or the developer, the impact fee and payment schedule may be recalculated, and such recalculated impact fee and payment schedule shall apply to all subsequent permits issued within the development.

Section VI. Impact Fee Payment

The impact fee amount, as determined in accordance with Sections IV and V of this Ordinance, shall be paid to the Town according to the payment schedule established under Section V, except as follows:

- A.** For an extractive industry project, the impact fee amount shall be paid prior to the release of the attested final plan to the developer for recording at the Cumberland County Registry of Deeds.

- B.** For a new residential dwelling(s) proposed on a lot(s) created by a land division(s) exempted from subdivision review as per Title 30-A M.R.S.A. §4401(4), the impact fee amount shall be paid prior to the issuance of a building permit for construction.

Payments shall be tendered to the Town Engineer. Upon determining that the payment is in the correct amount, the Town Engineer shall issue a receipt for the payment and deliver the payment to the Town Treasurer.

Section VII. Haigis Parkway / Route One Capital Improvement District Boundaries

The Haigis Parkway / Route One Capital Improvement District is depicted on the map attached to this Ordinance as Appendix A.

Section VIII. Impact Fee Trust Fund

- A.** There is hereby established a Haigis Parkway / Route One Capital Improvement District Trust Fund to segregate the impact fee revenue generated by this Ordinance from the Town's general revenues.
- B.** Funds withdrawn from this trust fund account shall be used in accordance with Section IX. of this ordinance.

Section IX. Use of Impact Fee Funds

- A.** Funds generated by this ordinance will be used for the purpose of financing the capital improvements identified in the master plan for roadway infrastructure improvements within the Haigis Parkway / Route One Capital Improvement District.
- B.** No funds shall be used for periodic or routine maintenance.
- C.** Given that bonds may be issued to finance the implementation of the capital improvements identified in the master plan for roadway infrastructure improvements within the Haigis Parkway / Route One Capital Improvement District, impact fee funds may be used to pay debt service on such bonds to the extent that the improvements provided are a component of the master plan for roadway infrastructure improvements, as per Section IX. A. of this ordinance.
- D.** Funds may be used to provide refunds in accordance with Section X.
- E.** Funds shall not be used to pay for any site specific road improvements, such as right-turn entry lanes, site driveway islands, etc., that are required of a development project that is proposed and constructed on any lot abutting a roadway section within the Haigis Parkway / Route One Capital Improvement District. Such project and site specific improvements shall be the responsibility of the developer.

Section X. Refund of Impact Fees

- A.** If a building permit or site plan is surrendered or expires without commencement of construction; or a subdivision plan or extractive industries approval expires without recordation of the plan at the registry of deeds, the developer shall be entitled to a refund, without interest, of the impact fee paid as required by this ordinance. The developer must submit an application for such a refund to the Town Engineer not later than fifteen (15) days after the expiration of the building permit, site plan, subdivision plan or extractive industries approval.
- B.** Any funds not expended or obligated by contract by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall, upon application for a refund by the developer, be returned to the developer without interest, provided that the developer submits an application for a refund to the Town Engineer within 180 days after expiration of the ten (10) year period.

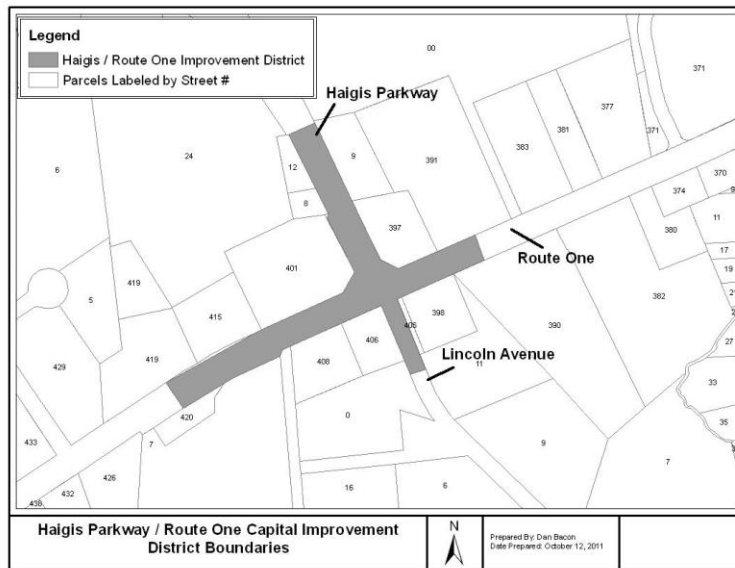
Section XI. Master Plan for Roadway Infrastructure Improvements

- A. As per Section IX. A. of this ordinance, the funds generated by this ordinance will be used to accomplish the improvements identified in the following master plan:

Drawing Name: "Intersection Improvements Route 1 & Haigis Parkway, Scarborough, Maine, Cumberland County" dated August 2010 and prepared by Gorrill-Palmer Consulting Engineers, Inc.

- B. The above cited plans may be amended by the Town Council, in accordance with Chapter 302, Scarborough Town Council Rules, Policies and Procedures Manual, if the amendments to the master plan are consistent with and further the purpose of this ordinance.

Appendix A.



Vote 7 Yeas. Motion Passes.

NEW BUSINESS:

Order No. 24-058. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 405B Site Plan Review, IV Performance and Design Standards, A. Site Utilization and Layout; B. Site Access; C. Internal Vehicular Circulation; D. Parking Areas; E. Pedestrian Ways, Space and Alternative Transportation; I. Architecture and Signage; and repeal in its entirety Chapter 405B-1 Design Standards for Commercial Districts. [Planning Director] Autumn Speer, Planning Director, gave an overview on this Order and responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading on the proposed amendments to Chapter 405B Site Plan Review, IV Performance and Design Standards, A. Site Utilization and Layout; B. Site Access; C. Internal Vehicular Circulation; D. Parking Areas; E. Pedestrian Ways, Space and Alternative Transportation; I. Architecture and Signage; and repeal in its entirety Chapter 405B-1 Design Standards for Commercial Districts and schedule a public hearing and second reading for Wednesday, August 21, 2024; as follows:

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, as follows (additions are underlined; deletions are struck through):

IV. Performance & Design Standards [amended 04/21/2021; 07/19/2023] [06/26/2024] [xx/xx/2024]

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.

POSTED SPEED IN M.P.H.	SEPARATION IN FEET
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, then 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.~~

LAND USE	ONE-WAY WIDTH (FEET)	TWO-WAY WIDTH (FEET)
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.~~

- ~~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.~~

TOTAL SPACES	TOTAL ACCESSIBLE SPACES REQUIRED COLUMN A	SPACES WITH 60" WIDE ACCESSIBLE AISLE	VAN ACCESSIBLE SPACES WITH 96" WIDE ACCESSIBLE AISLE
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 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.~~

~~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.~~
- ~~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.~~

A. Site Utilization and Layout

1. Purpose

The primary goal of the site plan review process is to produce attractive, functional and pedestrian friendly commercial, multi-family and mixed-use development that compliments and conforms 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 the most environmentally suitable location, accommodate pedestrian movement, and provide for interconnected facilities.

2. Applicability

All commercial, multi-family and mixed-use structures constructed after the date of effect of this Ordinance shall comply with these requirements. This includes new construction, and expansion of any building footprint exceeding 50%, proposed through the Site Plan or Subdivision process.

- a. The provisions of this section shall not apply to individual single and two-family dwellings and their accessory buildings, structures and areas for parking.
- b. The provisions of this section shall not apply to RF, R2, R3, R4 or R4A zoned developments.
- c. The provisions of this section shall not apply to Village Residential Districts.
- d. The provisions of this section shall not apply to Light Industrial (LI) or Industrial (I) zoned developments.
- e. The provisions of this section shall not apply to existing individual single and two-family dwellings and their accessory buildings, structures and areas for parking, regardless of zoning.

3. General Standards

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 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. Buildings shall be located as close to the front property line as possible with the majority of parking located at the rear or side of the building. Moving parking lots to the rear concentrates people and places along the street, creating an environment that is more accessible, interesting, and safe for walkers and bicyclists.

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.

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

4. Definitions

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.

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.

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

5. Site Access Location and Design

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.

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.

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.

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.

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.

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

*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.

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).

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.

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.

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.

The sharing of street or driveway accesses between sites is required whenever feasible to limit curb cuts.

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.

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.

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.

Streets and driveways intersecting collector and arterial roadways shall be adequately lit.

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.

6. Internal Vehicular Circulation

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.

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.

<u>LAND USE</u>	<u>ONE-WAY WIDTH (FEET)</u>	<u>TWO-WAY WIDTH (FEET)</u>
<u>Residential</u>	<u>12 to 14</u>	<u>20 to 24</u>
<u>Commercial & Industrial generating between 10 - 50 truck trips per hour</u>	<u>15 to 25</u>	<u>26 to 30</u>
<u>Commercial & Industrial generating 50 or more truck trips per hour</u>	<u>Maine DOT Criteria to Apply</u>	<u>Maine DOT Criteria to Apply</u>

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.

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.

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.

Internal Traffic Flow. To ensure the safety of motorists, delivery trucks, and pedestrians, the site plan shall clearly delineate internal traffic patterns. 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.

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.

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.

Identifiable routes of access for emergency and service vehicles shall be provided to and around the buildings on the site.

7. Minimum Parking Required

Off-street parking shall conform to Section XI., Off-Street Parking & Loading Requirements, of the Zoning Ordinance.

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, as revised found: Accessible Parking Spaces | ADA.gov

8. Parking Lot Design

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

The majority of parking areas shall be located at the rear or sides of the building(s) being served.

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.

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.

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.

Queuing for drive-through lanes shall not interfere with the vehicle accessibility to the parking area for the site.

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.

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.

<u>PARKING ANGLE DEGREE</u>	<u>MINIMUM AISLE WIDTH (FEET)</u>
<u>0° parallel parking</u>	<u>12'</u>
<u>30°</u>	<u>12'</u>
<u>45°</u>	<u>13'</u>
<u>60°</u>	<u>18'</u>
<u>90° perpendicular parking</u>	<u>24'</u>

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.

Directional signage and markers shall be utilized in diagonal parking lot arrangements.

9. Pedestrian Access: General

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.

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

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

10. Pedestrian Access: Internal Walkways

Commercial properties shall provide attractive, safe, and functional walkways between the public right-of-way and 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. Internal walkways shall be a minimum of 5 feet in width

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

Pedestrian and Bicycle Movement. The circulation plan shall provide safe pedestrian and bicycle movement within the site. The plan shall demonstrate how linkages 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.

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.

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

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.

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.

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.

11. Pedestrian Access: Public Sidewalks and Crosswalks

Sidewalks provide many benefits to a community including pedestrian safety, mobility options, health benefits and even economic impacts. The propensity to walk is influenced not only by distance, but by the quality of the walking experience. Good sightlines and visibility toward destinations and intermediate points are important for way-finding and personal security. There are many areas in Scarborough's commercial areas which are currently not pedestrian or bicycle friendly. The long-term objective is to create an interconnected network of sidewalks to achieve these benefits.

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

If a sidewalk does not exist in the street(s) adjacent to the site 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.

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.

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.

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.

All new sidewalks shall be designed to avoid conflicts with landscaping, utilities, grading, drainage structures, signs, and other elements. Sidewalks shall be designed to facilitate snow removal and allow year-round use.

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.

12. Alternative Transportation

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.

13. Site Plan Waivers – Site Layout Requirements

- 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. When a street or driveway serves two (2) or more adjacent sites, the Planning Board may allow the street or driveway to be located on or within ten (10) feet of a side property line between the sites.
- d. For developments with significant traffic volumes of 50 or more peak trips, the Planning Board may consider requests for access to more than one street, providing a traffic study clearly demonstrates a traffic safety and congestion benefit will result.
- e. The Planning Board may relax driveway separation 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.

B. F. Landscape and Screening Standards [amended 04/21/2021; amended 06/26/2024]

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) ten (10) 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'

<i>Nyssa sylvatica</i>	Tupelo Black Gum	40-70'
<i>Platanus occidentalis</i>	Sycamore American Buttonwood	60-80'
<i>Prunus serotina</i>	Black Cherry	50-80'
<i>Quercus alba</i>	White Oak	60-70'
<i>Quercus bicolor</i>	Swamp Oak	50-60'
<i>Quercus coccinea</i>	Scarlet Oak	30-50'
<i>Quercus macrocarpa</i>	Bur Oak	60-100'
<i>Quercus rubra</i>	Northern Red Oak	60-80'
<i>Tilia americana</i>	American Basswood, American Linden	60-80'
<i>Ulmus americana</i>	Princeton American Elm	60-70'

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

LARGE EVERGREEN TREES		
Preferred Species		
Scientific Name	Common Name	Mature Height
<i>Abies balsamea</i>	Balsam Fir	60-70'
<i>Abies concolor</i>	White Fir	30-50'
<i>Abies fraseri</i>	Fraser Fir	30-50'

<i>Chamaecyparis thyoides</i>	Atlantic White Cedar	30-50'
<i>Juniperus virginiana</i>	Eastern Red Cedar	20-60'
<i>Picea glauca</i>	White Spruce	60-90'
<i>Picea rubens</i>	Red Spruce	60-80'
<i>Picea mariana</i>	Black Spruce	50-70'
<i>Pinus banksiana</i>	Jack Pine	50-60'
<i>Pinus rigida</i>	Pitch Pine	30-40'
<i>Pinus resinosa</i>	Red/Norway Pine	60-80'
<i>Pinus strobus</i>	Eastern White Pine	70-80'
<i>Thuja occidentalis</i>	Cedar Northern White	20-40'

LARGE EVERGREEN TREES

Acceptable Alternative Species

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

SMALL ORNAMENTAL TREES

Preferred Species

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

SMALL ORNAMENTAL TREES		
Acceptable Alternative Species		
Scientific Name	Common Name	Mature Height
<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.	Viburnum
<i>Juniperus communis</i>	Common Juniper	<i>Xanthorhiza simplicissima</i>	Yellowroot
<i>Kalmia angustifolia</i>	Sheep Laurel		

SHRUBS

Acceptable Alternative Species

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 campanulat.</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

PERENNIALS

Preferred Species

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

PERENNIALS

Acceptable Alternative Species

Scientific Name	Common Name	Scientific Name	Common Name
<i>Astilbe</i> varieteis	Astilbe	<i>Hosta</i> spp.	Hosta
<i>Agastache</i>	Anise Hyssop	<i>Leucanthemum</i>	Ox-eye Daisy

Aruncus dioicus	Goatsbeard	Malva alcea 'fastigiata'	Hollyhock Mallow
Baptisia	Wild Indigo	Nepeta x faassenii	Walker's Low Catmint
Epimedium	Barrenwort	Perovskia atriplicifolia	Russian Sage
Geranium spp.	Geraniums	Phlox spp.	Garden Phlox
Hemerocallis species	Daylilies	Sedum telephium	Autumn Joy Sedum
Heuchera spp.	Coral Bells		
FERNS			
Preferred and Acceptable Species			
Scientific Name	Common Name	Scientific Name	Common Name
Adiantum pedatum	Maidenhair Fern	Osmundastrum cinnamomeum	Cinnamon Fern
Athyrium angustum	Lady Fern	Osmunda claytoniana	Interrupted Fern
Dennstaedtia punctilobula	Hayscented Fern	Osmunda regalis var. spectabilis	Royal Fern
Matteuccia struthiopteris var. pensy lvatica	Ostrich Fern	Polystichum acrostichoides	Christmas Fern
Onoclea sensibilis	Sensitive Fern		

GRASSES			
Preferred Species			
Scientific Name	Common Name	Scientific Name	Common Name
Ammophila breviligulata	Beachgrass	Deschampsia cespitosa	Tufted Hairgrass
Andropogon gerardii	Big Bluestem	Deschampsia flexuosa	Crinkled Hairgrass
Carex appalachica	Appalachian Sedge	Panicum virgatum	Switchgrass
Carex pensylvanica	Pennsylvania Sedge	Juncus spp.	Rush
Chasmanthium latifolium	Northern Sea Oats	Schizachyrium scoparium	Little Bluestem
Eragrostis spectabilis	Purple Lovegrass	Sporobolus heterolepis	Prairie Dropseed
GRASSES			
Acceptable Alternative Species			
Scientific Name	Common Name	Scientific Name	Common Name
Calamagrostis x acutiflora	Feather-Reed Grass	Miscanthus sinensis	Maiden Grass
Calamagrostis brachytricha	Feather-Reed Grass	Molinia caerulea subsp. Arundin	Moor Grass
Festuca glauca	Blue Fescue	Pennisetum alopecuroides	Fountain Grass
Hakonechloa macra	Hakone Grass		
GROUNDCOVERS			
Preferred and Acceptable Species			
Scientific Name	Common Name	Scientific Name	Common Name
Arctostaphylos uva-ursi	Bearberry	Juniperus horizontalis	Creeping Juniper
Cornus canadensis	Bunchberry	Mitchella repens	Partridgeberry
Gaultheria procumbens	Checkerberry, Wintergreen	Vaccinium angustifolium	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		
Parking Lot Screening (if required)	Required	Provided
Parking Lot Screen Depth (feet)		
Parking Lot Screen Length (excluding entryways) (linear feet)		
Parking Lot Screen Area (square feet)		
Parking Lot Screening Shrubs		
Parking Lot Landscape	Required	Provided
Parking Calculation Type		
Parking Spaces		
Parking Islands (number)		
Parking Islands Total Area (square feet)		
Parking Island Trees		
Parking Island Shrubs		
Entryway Trees		
Entryway Shrubs		
Continuous 5' Landscape Area - All Applicable Sides (square feet)		
Foundation Landscape	Required	Provided
Landscape Bed Depth (feet)		
Landscape Bed Length - All Applicable Sides (linear feet)		
Landscape Bed Area - All Applicable Sides (square feet)		
Landscape Bed Shrubs		
Landscape Bed Ornamental Trees (if provided)		
Additional Screening (if required)	Required	Provided
Dumpster Area Fence		
Dumpster Areas Shrubs		
Mechanical Screening Fence		
Mechanical Screening Shrubs		

19. Waivers Landscape and Screening Standards

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

- a. 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.

- b. The Planning Board may approve an alternative interior parking island design to address stormwater runoff if recommended for approval by the Town Engineer.
- c. 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.

C. ~~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 complement 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.

D. 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*.~~

E. Architectural Design Standards

1. Purpose

The purpose of architectural design standards is to encourage design which draws its inspiration from historical and contemporary New England examples while complementing the neighborhood or village in which the site is located.

Architectural design must consider scale, form, orientation, height, setback, massing, materials, and architectural features.

2. Applicability

All commercial, multi-family and mixed-use structures constructed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new construction, renovations, reconstruction or any other façade changes 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. The provisions of this section shall not apply to Light Industrial (LI) or Industrial (I) zoned developments.

3. General Standards

New and renovated 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.

4. Definitions

Arcade: An arcade is a succession of contiguous arches, with each arch supported by a colonnade of columns or piers. Exterior arcades are designed to provide a sheltered walkway for pedestrians.

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

Articulation: Articulation refers to how building surfaces come together to define form. Articulation may include changes in both the horizontal and vertical plane of the structure.

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

Façade: Façade refers to the face of a building.

Fenestration: Window treatment in a building or on a building façade.

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

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

Mixed-Use Building: A mixed-use building is a building that can be used for more than one purpose, and in any combination. For the purpose of this section, mixed-use buildings include both a residential and non-residential component.

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

Pilasters: Pilasters are rectangular columns, especially those projecting from a wall.

Public Entrance: Public Entrances are entries specifically provided for general public access into a building. This term as it applies in this section does not include employee only entrances.

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

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.

Transparency: Transparency refers to windows, doors and other transparent openings enabling view into and out of a structure.

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

5. Architectural Plans Required

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 façade.

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

6. Front Façade and Building Entrance

Public entrances shall be designed to be visible from the street and provide unobstructed areas for pedestrians. Buildings shall present an inviting, human-scaled façade to the street, internal drives, parking areas, and abutting properties.

All-façades containing public entrances shall be treated as a front façade. All front facades 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 dormers
- pilasters
- peaked roof forms
- outdoor seating 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 façade.

7. Transparency, Windows and Doors

The front façade or any other façade 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.

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

Windows should be vertical in orientation, or square.

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

8. Articulation – General

No uninterrupted length of any façade 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 façade and extending at least 20 percent of the length of the façade. 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 façade. Projections used to break up the mass of the building shall extend to the ground.

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 façade to give it scale and visual interest.

9. Articulation – Corner Structures

Buildings on street corners that are treated as special places. The architectural treatment of the street corner of the building shall emphasize its prominent position. This can be accomplished by greater massing and height, unique detailing, lighting, and other façade

treatment to emphasize the front corner of the building. This corner treatment shall be designed to be visible from both streets. Where practical, an entrance to the building shall be located on the corner.

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

Both facades of corner buildings shall be designed as front facades. The façade 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.

10. Materials

Buildings are to be designed as permanent, positive additions to the commercial district, constructed of high quality, long lasting materials. 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.

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., corners, trim at openings, changes in material). Long-term maintenance needs shall be a consideration in the selection of all building materials

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 façade.

11. Colors

Traditional colors commonly found in New England villages are appropriate for all components of the building. Façade 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.

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.

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

12. Awnings and Canopies

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.

Awnings shall be located directly over windows or doors to provide protection from the elements.

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

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.

13. Functional Elements and Screening

Design that utilizes energy conservation measures wherever possible shall be used.

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 façade (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.

14. Rooflines

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.

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.

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

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.

In the CPD, 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.

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.

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

15. Roof Materials

Composite asphalt shingles and standing-seam non-glare metal are required for visible roofing.

Roofing materials shall complement the color and texture of the building's façade. Roof

colors shall be muted earth tones or a color that is darker than the façade.

Stripes and patterns on the roof are prohibited.

High gloss roofing materials are prohibited.

16. Rooftop Screening

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 are prohibited by the Sign Regulations in the Zoning Ordinance.

17. Additional Requirements – Franchise Design

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.

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.

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.

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

18. Additional Requirements – Large Scale Retail.

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.

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.

All sides of a large-scale 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.

Large-scale buildings shall provide at least two of the following:

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

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 additional 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.

19. Additional Requirements – Linear Commercial Structures

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.

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.

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.

20. Additional Requirements – Multi-Building Developments (MBD)

Multiple building developments shall exhibit a high degree of coordination in site planning, architectural design, site design, and site detailing.

For 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.

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.

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.

In MBD's, multiple 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.

MBD's shall include outdoor use areas such as greens, plazas, and courtyards. Buildings may be oriented toward open spaces rather than roadways. Outdoor spaces shall be coordinated with the pedestrian circulation plan to allow 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.

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

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

21. Additional Requirements – Auto Oriented Uses

Service stations, convenience stores, and similar uses shall be sited to face the street.

Pump islands and canopies shall be located in the rear or side so the primary building is the major feature seen from the road.

The architecture shall be designed so all four sides follow these design standards. Windows or other forms of fenestration shall be included on all street facing facades and treated as a front facade.

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.

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

22. RESERVED - Additional Requirements – Village: Eight Corners

23. RESERVED - Additional Requirements – Village: Oak Hill

24. RESERVED - Additional Requirements – Village: Dunstan

25. RESERVED - Additional Requirements – Village: North Scarborough

26. RESERVED - Additional Requirements – Village: Pine Point

27. Additional Requirements – Drive Through Uses

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.

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.

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.

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.

28. Additional Requirements – Accessory Uses

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.

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.

Shopping carts must be stored inside the building, or in 'cart corrals', out of the way of pedestrian circulation.

29. Additional Requirements – Existing Structures

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.

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. Additions or renovations shall complement or match the materials, form, color, and detailing of the original structure.

Where the existing building does not meet the design standards, the owner is strongly encouraged to upgrade the entire structure and demonstrate how the materials used in the renovation will complement the existing structure.

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

30. Waivers to Architectural Standards

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

- a. Transparency standards 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.
- b. The Planning Board may allow non-reflective metal panels and brushed aluminum to be incorporated into the facade design of large scale office, research and hi-tech buildings

in the CPD Innovation District, HP, RH and BOR Districts. 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.

F. Sign Standards

1. Purpose

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.

The aesthetics of the signage on a site shall follow historical and contemporary New England building forms and shall be designed to complement the neighborhood or village in which the site is located.

2. Applicability and General Standards

The signage for a site shall comply with Section XII, Sign Regulations of the Zoning Ordinance.

GJ. 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.
- ~~3.2.~~ 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.

H. 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.~~

1.H. 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]

2.I. 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]

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

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]**

~~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.~~

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

~~**Cape Cod Curbs**—A relatively low flat 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.~~

~~**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.

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



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.

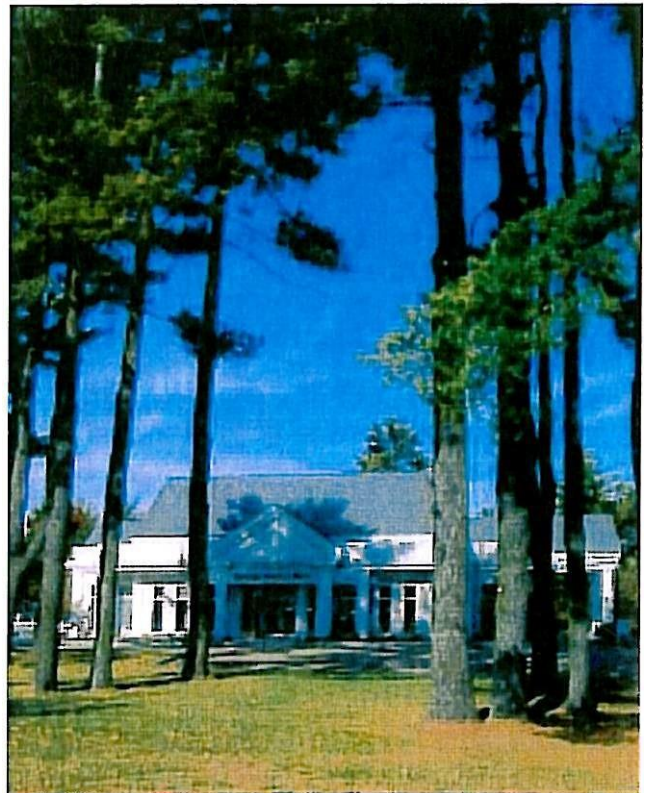
The facades of buildings which abut or are visible from residential neighborhoods shall use forms, materials, and details which are residential in nature and appearance. Services areas, parking lots, outdoor storage yards, and other similar features shall avoid facing residential neighborhoods.

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.

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.





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

I



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.



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



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.

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 15 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.~~

~~**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~~



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.~~

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.~~

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.

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.

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.



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.

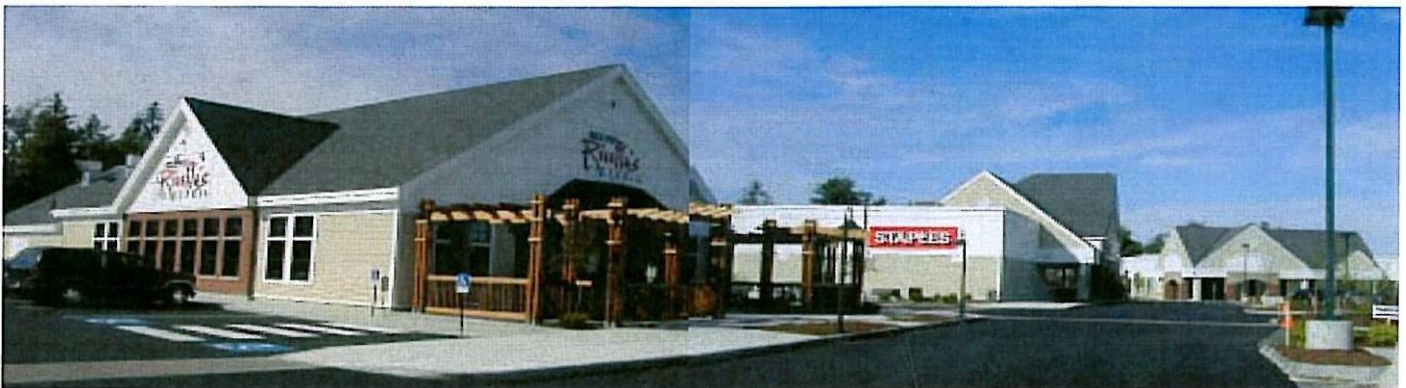
Building Orientation. All buildings in MBD's shall be oriented to create usable, safe and attractive pedestrian spaces, preserve significant site features and minimize the appearance of parking areas.



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.



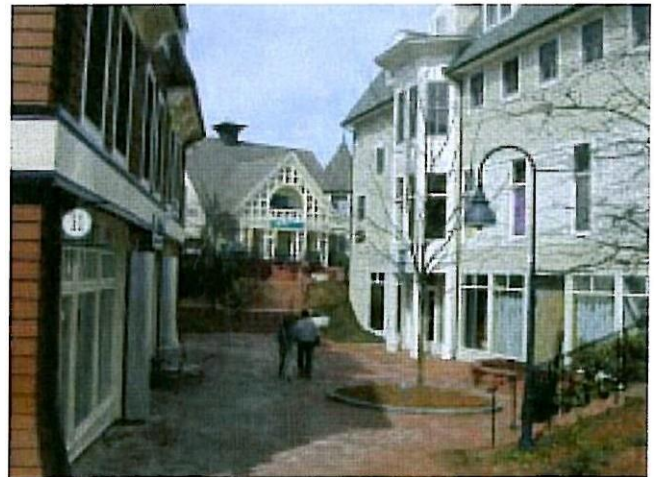
Similar roof pitches, pedestrian use areas, and traditional building materials help unify this multi-building development.

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**.



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



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



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.~~

~~**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.~~

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 car 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 dormers
- pilasters
- peaked roof forms
- outdoor sitting 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.

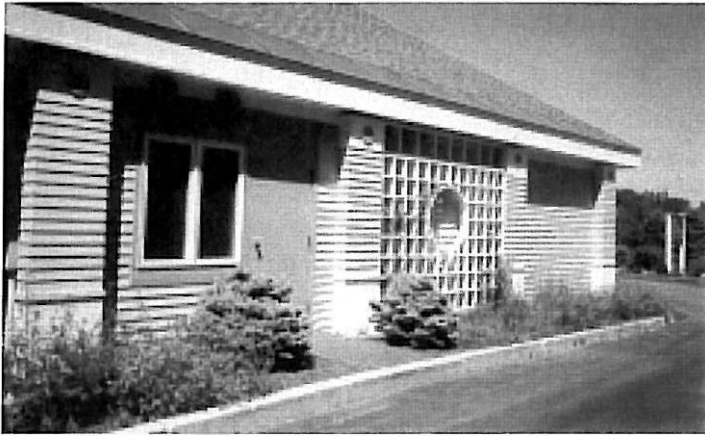


While the front plane of the wall of this building is broken, the offset does not contribute to the overall design. The projection becomes a billboard and the building is seen as a large box.



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's 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

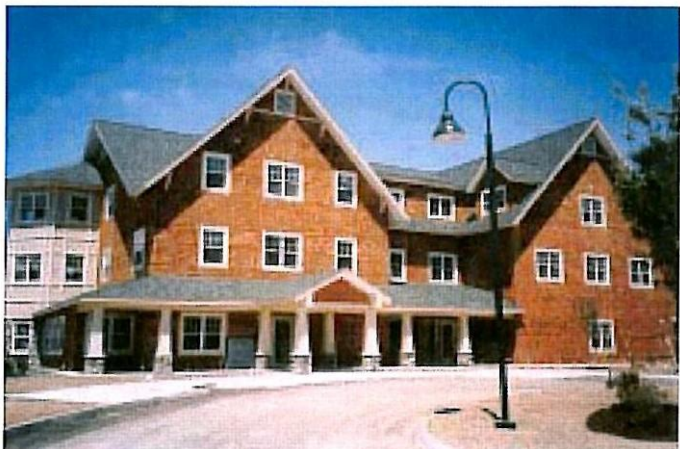
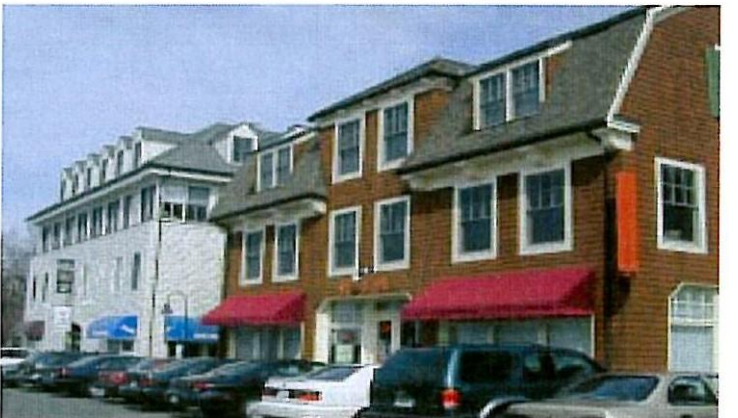
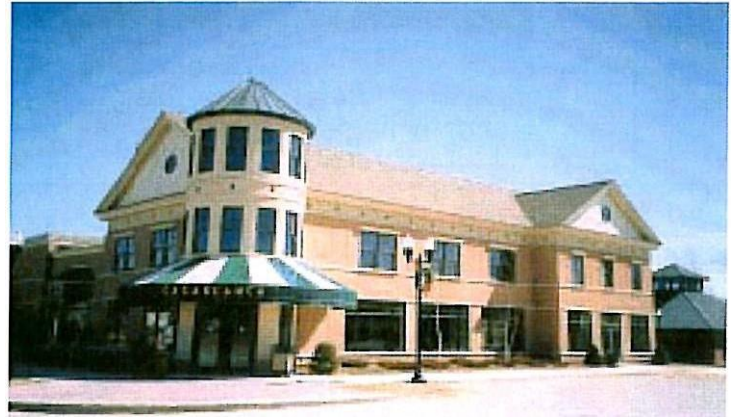
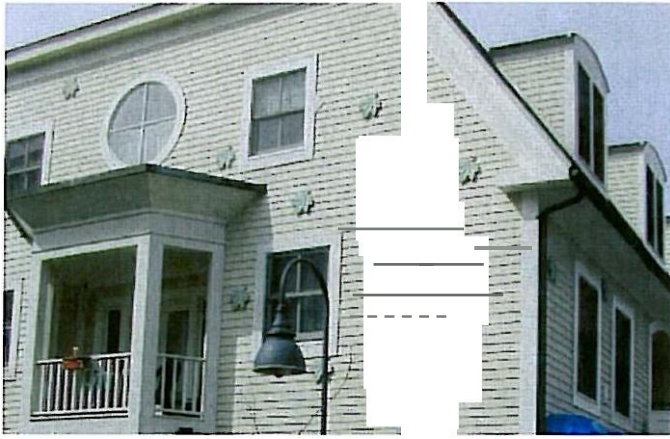


Textured plywood and arbitrary changes in materials



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

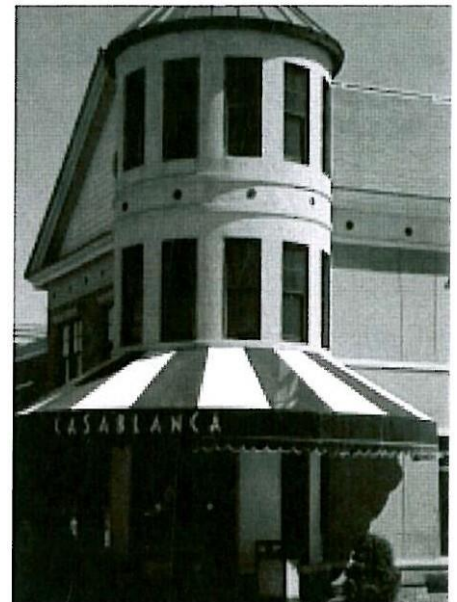
Location. Where awnings are used, both fixed or retractable, they shall be an integral element of the architecture. Awnings shall be located directly over windows or doors to provide protection from the elements.

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 corners 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 corners 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 corner buildings shall be designed according to the standards in Facade Design, p. 5. Blank or unadorned facades facing streets on corner 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 corner 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 corner of the building. This corner treatment shall be designed to be visible from both streets. Where practical, an entrance to the building shall be located on the corner.

Focal Points. Corner 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 that was designed to complement the vision for a highway corridor



An addition to house an indoor playground bears little 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 for 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.



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

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.



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:

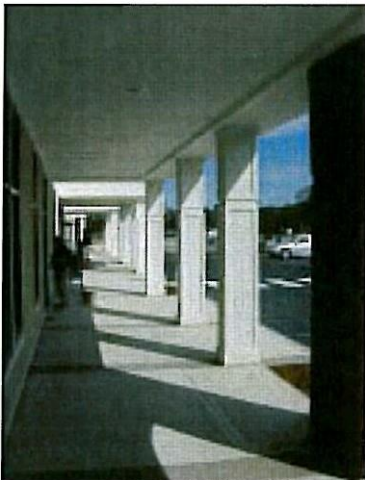
- The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 40% of the horizontal length of the building facade of such additional stores.
- Windows shall be trimmed and include visually prominent sills, shutters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

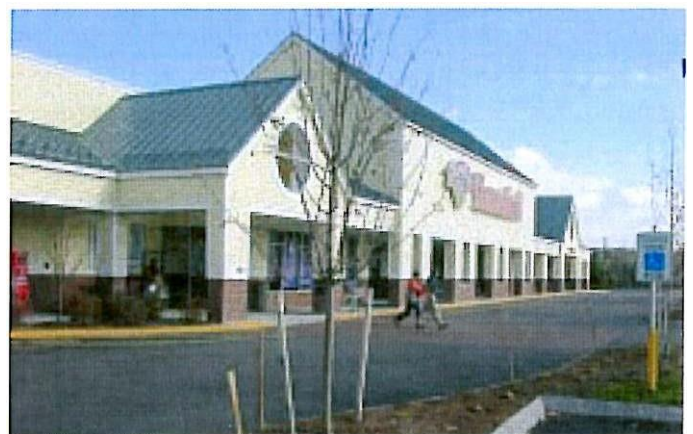
- Canopies
- Overhangs or recesses provide shelter
- Arcades that lead to entrances
- Raised corniced parapets over the door
- Peaked roof forms
- Outdoor patios
- Architectural details such as tile work and moldings which are integrated into the building structure and design, or
- Other features which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

LARGE SCALE BUILDINGS

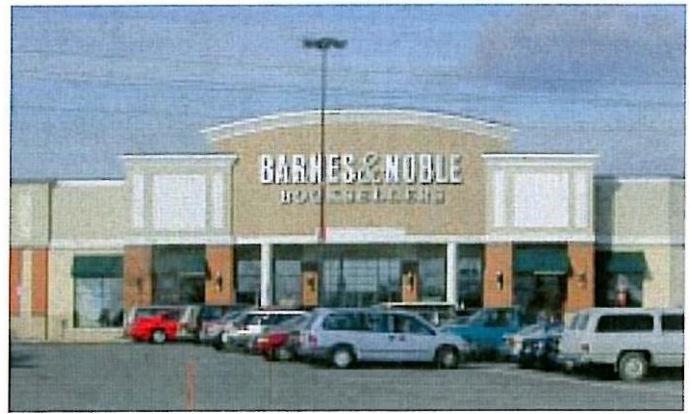
Features and Amenities. Large-scale buildings shall contribute to the establishment or enhancement of the pedestrian environment by providing at least two of the following:

- 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 a full individual building, with a separate entrance and architectural detailing. A covered walkway connects all the store fronts.

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.

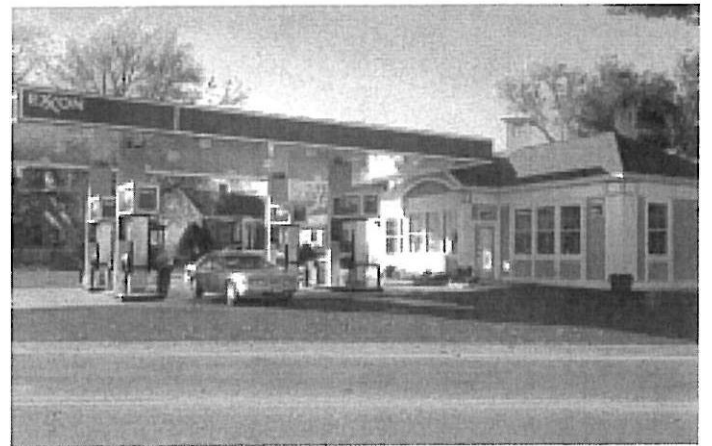
Large Openings. Openings for car washes or service bays must be integrated with the design of the building and sited so they are not directly visible from public roadways or adjacent residential areas.

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, dormers, 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

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	V-7
Mounted Signs	V-8 V-10 V-11
Multi-Tenant Properties	V-12
Externally-Lit Signs	
Internally-Lit Signs	
Temporary Signs	



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 lettering.



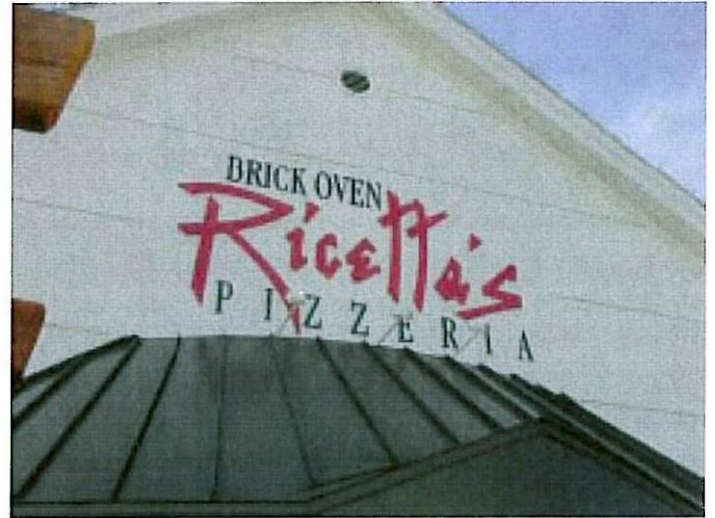
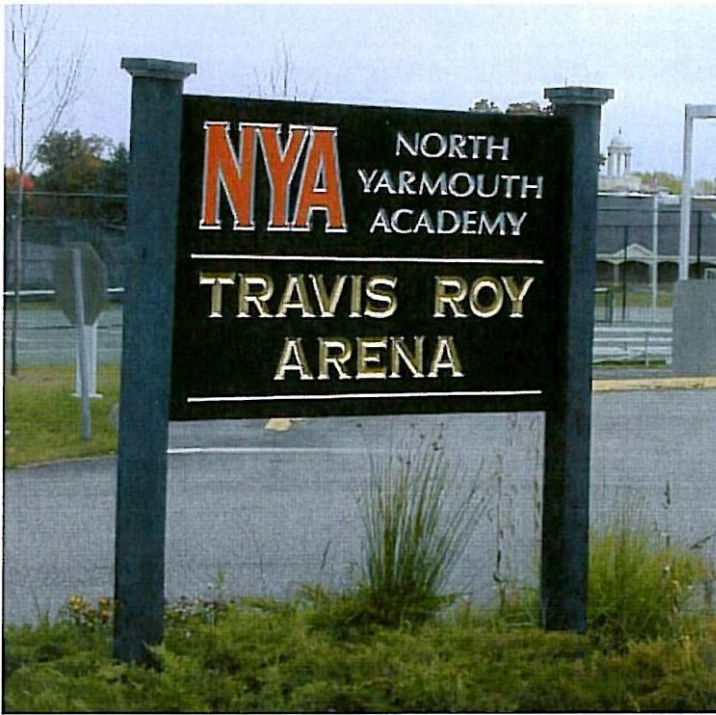
Internally lit letters and logos are preferred over whole panels. Signage is scaled to the architectural elements that surrounds it.



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
II

o
4



Advertising features distract motorists, add to visual clutter and diminish Scarborough's sense of identity.



Aggressive sign that is out of scale with its surroundings.



Information overload contributes to roadside clutter and diminishes the value of individual signs.

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.



A typical sign treatment for a large retailer



Readerboards are strongly discouraged throughout the commercial districts.



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



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.

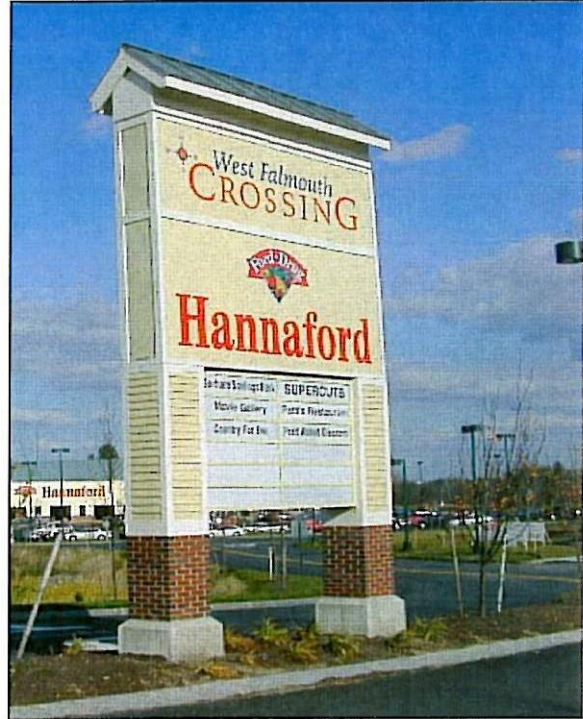
Identification signs that also list multiple tenants shall exhibit a logical hierarchy in the display of information (i.e., address, name of building/development, primary tenant, other tenants). Only essential information (the name of the tenant) shall be displayed on the main sign. Phone numbers, hours 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 on 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



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.

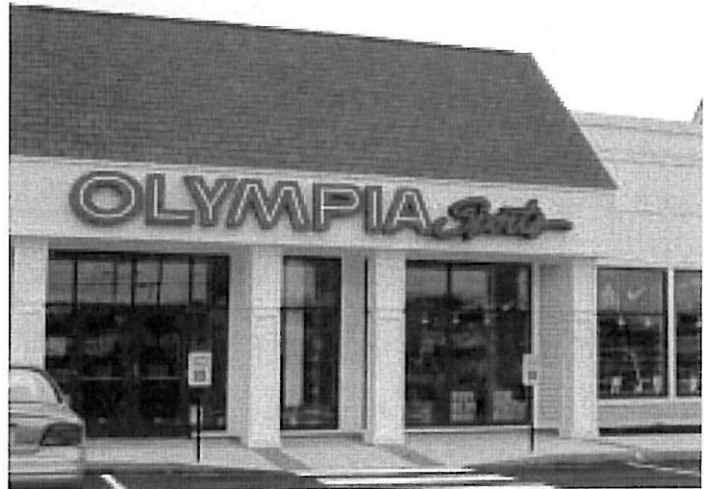
DESIGN STANDARDS

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. 24-059. First reading and refer to the Planning Board the proposed amendments to Chapter 405 Zoning Ordinance, XII Sign Regulations to add a maximum sign size waiver process for buildings 20,000 sq. ft. or greater. [Planning Director] Autumn Speer, Planning Director, gave an overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 Zoning Ordinance, XII Sign Regulations to add a maximum sign size waiver process for buildings 20,000 sq. ft. or greater and schedule a public hearing and second reading upon receipt of the Planning Board recommendations:

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 Zoning Ordinance, is amended as recommended by the Planning Director, as follows:

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013][Amended 09/06/2017][Amended 11/28/18][Amended 11/15/23]

A. SIGNS – PURPOSE AND PERMITTING

1. Purpose.

The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed exterior advertising and signage; to allow for attractive, legible signs to serve the needs of individual businesses, properties, and general destinations within the community; to protect property values, enhance and protect the physical appearance of the community, preserve its scenic and natural beauty; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment.

2. Sign Permits.

After the effective date of this Ordinance and except as otherwise herein provided, no person shall erect, make structural alterations to or move any signs without first applying for and obtaining from the Code Enforcement Officer a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as may be required by the Code Enforcement Officer for a complete understanding of the proposed work and shall be accompanied by the required fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council.

Except as otherwise provided in subsection J., temporary signs must conform to all provisions of this Ordinance, but shall not be counted in calculating the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall. Permits are not required for: [Amended 04/6/94] [09/06/95] [05/01/96][12/06/02][09/06/17]

Temporary signs

Bulletin boards and similar signs under Section XII(B.)(4).

Directional signs under Section XII(B.)(12)

Doorway signs under Section XII(B.13.)

Banners under Section XII(B.)(21.)

3. Application for Sign Permits.

Permits for permanent signs shall only: be granted to the owner(s) or the agent of the building or the property upon which the sign(s) will be installed. See Section XII(J.) for application requirements for temporary signs.

4. Exceptions.

For the purpose of this Ordinance, the term "sign" does not include banners attached to or printed on and signs located under the cover of a tent or tarp allowed under Section IX(F); signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations; "name signs" not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located; or the Town of Scarborough public banner, controlled by the Town of Scarborough and placed from time-to-time across Gorham Road (Route 114) near the Scarborough High School driveway to provide public notice of events or functions authorized by the Town and occurring at municipal facilities. [10/21/92][4/6/94][5/01/96][09/06/17]

5. Waivers.

Increases to the maximum sign sizes may be approved by the Planning Board in conjunction with site plan approval for wall mounted signs on buildings 20,000 sq. ft or greater.

Vote: 7 Yeas. Motion Passes.

Order No. 24-060. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance, regarding a 1,000 ft setback for Cannabis Establishments. [Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave an overview on this Order and responded to questions from the Town Council.

The following individual spoke on this Order:

- David Rabideau of Bickford Street, spoke in support of the proposed amendments be offered.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 Zoning Ordinance, regarding a 1,000 ft setback for Cannabis Establishments and schedule a public hearing and second reading upon receipt of the Planning Board recommendations:

CHAPTER 405 TOWN OF SCARBOROUGH ZONING ORDINANCE

Proposed Amendments to the Zoning Ordinance related to Cannabis Establishments

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted: (additions are underlined; deletions are struck through):

1. DEFINITIONS

SECTION VI. DEFINITIONS

~~Marijuana~~ Cannabis Cultivation Facility:

Shall mean ~~either a facility licensed for the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale; to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package marijuana; to sell marijuana to products manufacturing facilities, and to other cultivation facilities. This term includes Adult Use Marijuana Cultivation Facilities as defined in the Marijuana Legalization Act an adult use “cultivation facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. §102(13) and or a Medical Marijuana Cannabis Cultivation Facilities Facility as defined in the Scarborough Marijuana Cannabis Establishment Licensing Ordinance, as may be amended.~~

Marijuana Cannabis Manufacturing Facility:

Shall mean ~~either an adult use “products manufacturing facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. §102(43) or a medical cannabis “manufacturing facility” as that term is defined in the Maine Medical Use of Cannabis Act at 22 M.R.S. §2422(4-R), as may be amended. a facility licensed for the production, blending, infusing, compounding or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. The Facility may also purchase marijuana from a cultivation facility or another manufacturing facility; to manufacture, label and package marijuana and marijuana products. It does not include cultivation or testing. This term shall mean both an Adult Use Marijuana Products Manufacturing Facility and Medical Marijuana Manufacturing Facility as defined in the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act, as may be amended.~~

Marijuana Cannabis Testing Facility:

Shall mean ~~either an adult use “testing facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. § 102(54) or a medical “cannabis testing facility” as that term is defined in the Maine Medical Use of Cannabis Act at 22 M.R.S. §2422(5-C), as may be amended. a facility licensed to develop, research and test marijuana, marijuana products for contaminants, safety or potency. "Testing" or "test" does not include cultivation or manufacturing. This term shall mean both an Adult Use Marijuana Testing Facility and a Medical Manufacturing Testing Facility as defined in the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act, as may be amended.~~

Small Batch Processing Facilities:

A category of a food processing facility or light industrial use that processes, produces or assembles small lots of consumer goods. Processors in this category include, but are not limited to, clothing design and production, small batch food production, craft brewers, jewelry makers and other product lines that have an element of handcrafted design or hand-made production. Small batch processing facilities shall not include the production or processing of adult use or medical ~~marijuana~~cannabis.

II. PERFORMANCE STANDARDS

SECTION IX. PERFORMANCE STANDARDS.

AA. CANNABIS CULTIVATION FACILITIES, CANNABIS MANUFACTURING FACILITIES, AND CANNABIS TESTING FACILITIES

1. Licensing. Persons or entities wishing to establish a Cannabis Cultivation Facility, Cannabis Manufacturing Facility, or Cannabis Testing Facility within the Town of Scarborough shall first obtain a license from the Scarborough Town Council and shall be subject to the provisions of the Cannabis Establishments Licensing Ordinance and this Ordinance.
2. Residential Property Setbacks. Cannabis Cultivation Facilities may not be located on property within 1,000 feet of the property line of a lot on which a dwelling is located in a Residential Zoning District, measured as the most direct, level, shortest, without regard to the intervening

structures or objects, straight-line distance between the residential property line and the closed portion of the structure or building in which the Cannabis Cultivation Facility is located. A Cannabis Cultivation Facility licensed and operating prior to the adoption of this section that does not meet this performance standard may continue under the nonconformance provisions in Section III of this Ordinance.

III. ZONING DISTRICTS

SECTION XVIII.B HAIGIS PARKWAY DISTRICT, HP

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS NON-RESIDENTIAL USES

The following non-residential uses are permitted in both conventional and planned developments:

- 27. ~~Marijuana-Cannabis~~ Manufacturing Facility
- 28. ~~Marijuana-Cannabis~~ Testing Facility

SECTION XVIII.F. PINE POINT INDUSTRIAL OVERLAY DISTRICT - I-O

B. PERMITTED USES

- 23. ~~Marijuana-Cannabis~~ Manufacturing Facility
- 24. ~~Marijuana-Cannabis~~ Testing Facility
- 25. ~~Marijuana-Cannabis~~ Cultivation Facility conducted within a full enclosed structure

SECTION XX. BUSINESS OFFICE-RESEARCH DISTRICT BOR

B. PERMITTED USES

- 24. ~~Marijuana-Cannabis~~ Manufacturing Facility
- 25. ~~Marijuana-Cannabis~~ Testing Facility

SECTION XX.C CROSSROADS PLANNED DEVELOPMENT DISTRICT (CPD)

B. PERMITTED USES (CPD)

iv. The following uses are permitted only in planned developments and are subject to the additional development standards of subsection D, of this district, including the standards on location and buffers under subsection D.14.:

- 56. ~~Marijuana-Cannabis~~ Manufacturing Facility
- 57. ~~Marijuana-Cannabis~~ Testing Facility

SECTION XXI. INDUSTRIAL DISTRICT - I

B. PERMITTED USES

- 27. ~~Marijuana-Cannabis~~ Manufacturing Facility
- 28. ~~Marijuana-Cannabis~~ Testing Facility
- 29. ~~Marijuana-Cannabis~~ Cultivation Facility conducted within a full enclosed structure

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI)

C. PERMITTED USES

25. ~~Marijuana-Cannabis~~ Manufacturing Facility
26. ~~Marijuana-Cannabis~~ Testing Facility
27. ~~Marijuana-Cannabis~~ Cultivation Facility conducted within a full enclosed structure

Vote: 6 Yeas. 1 Nay [Councilor Cushing]. Motion Passes.

Order No. 24-061. First reading and schedule a public hearing and second reading on the order authorizing issuance of up to \$996,707 in bonds of the town to fund the cost of Body Worn Cameras and Cruiser Cameras for the Police Department and to place the following question on the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$996,707 IN BONDS OF THE TOWN TO FUND THE COST OF BODY WORN CAMERAS AND CRUISER CAMERAS FOR THE POLICE DEPARTMENT” be approved? [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading on the order authorizing issuance of up to \$996,707 in bonds of the town to fund the cost of Body Worn Cameras and Cruiser Cameras for the Police Department and to place the following question on the November 5, 2025, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$996,707 IN BONDS OF THE TOWN TO FUND THE COST OF BODY WORN CAMERAS AND CRUISER CAMERAS FOR THE POLICE DEPARTMENT” be approved? and schedule the public hearing for Wednesday, August 21, 2024 and the second reading for Wednesday, September 4, 2024; as follows:

ORDER AUTHORIZING ISSUANCE OF UP TO \$996,707 IN BONDS OF THE TOWN TO FUND THE COST OF POLICE BODY WORN CAMERAS AND CRUISER CAMERAS.

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

(1) That under and pursuant to the provisions of Title 30-A, Sections 5722 and 5772, as amended and the Charter of the Town of Scarborough, Maine, that fund the cost of Police Body Worn Cameras and Cruiser Cameras, as budgeted in the 2025 Municipal Capital Equipment Budget by the Town Council (the “Project”), is hereby approved; and,

(2) That a sum not to exceed \$996,707, plus any additional premium, is hereby appropriated to provide for the costs of this Project; and,

(3) That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$996,707, plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption, form(s), refunding(s) and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

BE IT FURTHER ORDERED, that the following referendum question shall be submitted to the voters of the Town of Scarborough, Maine at the regular municipal election to be held November 5, 2024:

Referendum Question No. 1:

Shall the Order entitled “**ORDER AUTHORIZING ISSUANCE OF UP TO \$996,707 IN BONDS OF THE TOWN TO FUND THE COST OF POLICE BODY WORN CAMERAS AND CRUISER CAMERAS**” be approved?

FINANCIAL STATEMENT

- 1. Total Indebtedness as of November 1, 2024:
 - A. Bonds outstanding and unpaid: \$ 74,750,000
 - B. Bonds authorized and unissued: \$ 2,636,592
 - C. Bonds to be issued if this Article is approved (assumes approval of only Referendum Question No. 2): \$ 996,707

- 2. Costs:

At an estimated maximum interest of 4.00%
for a maximum ten (10) year maturity,
the estimated costs of this bond issue will be:

Principal:	\$ 996,707
Interest:	<u>\$ 219,276</u>
Total Debt Service	\$ 1,215,983

- 3. Validity:

The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/S/Town Treasurer

Vote: 7 Yeas. Motion Passes.

Order No. 24-062. First reading and schedule a public hearing and second reading on the order authorizing issuance of up to \$1,000,000 in bonds of the town to fund the cost of replacing a E-One Pumper Truck and to place the following question on the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$1,000,000 IN BONDS OF THE TOWN TO FUND THE REPLACEMENT OF THE FIRE PUMPER TRUCK” be approved?
[Town Manager] Thomas J. Hall, Town Manager, gave a brief overview.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading on the order authorizing issuance of up to \$1,000,000 in bonds of the town to fund the cost of replacing a E-One Pumper Truck and to place the following question on the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$1,000,000 IN BONDS OF THE TOWN TO FUND THE REPLACEMENT OF THE FIRE PUMPER TRUCK” be approved? And schedule the public hearing for Wednesday, August 21, 2024 and the second reading for Wednesday, September 4, 2024, as follows:

ORDER AUTHORIZING ISSUANCE OF UP TO \$1,000,000 IN BONDS OF THE TOWN TO FUND THE REPLACEMENT THE E-ONE PUMPER TRUCK.

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

- (1) That under and pursuant to the provisions of Title 30-A, Sections 5722 and 5772, as amended and the Charter of the Town of Scarborough, Maine, that fund the replacement of E-One pumper Truck, as budgeted in the 2025 Municipal Capital Equipment Budget by the Town Council (the “Project”), is hereby approved; and,
- (2) That a sum not to exceed \$1,000,000, plus any additional premium, is hereby appropriated to provide for the costs of this Project; and,
- (3) That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$1,000,000, plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption, form(s), refunding(s) and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

BE IT FURTHER ORDERED, that the following referendum question shall be submitted to the voters of the Town of Scarborough, Maine at the regular municipal election to be held November 5, 2024:

Referendum Question No. 2:

Shall the Order entitled “**ORDER AUTHORIZING ISSUANCE OF UP TO \$1,000,000 IN BONDS OF THE TOWN TO FUND THE REPLACEMENT OF 2004 E-ONE PUMPER TRUCK**” be approved?

FINANCIAL STATEMENT

1. Total Indebtedness as of November 1, 2024:

A. Bonds outstanding and unpaid:	\$ 74,750,000
B. Bonds authorized and unissued:	\$ 2,636,592
C. Bonds to be issued if this Article is approved (assumes approval of only Referendum Question No. 1):	\$ 1,000,000

2. Costs:

At an estimated maximum interest of 4.00% for a maximum ten (10) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ 1,000,000
Interest:	\$ 220,000
Total Debt Service	\$ 1,220,000

3. Validity:

The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/S/Town Treasurer

Vote: 7 Yeas. Motion Passes.

Order No. 24-063. First reading and schedule a public hearing and second reading on the order authorizing issuance of up to \$6,000,000 bonds of the town to fund purchase of land and interests in land throughout the town for purposes of conservation of natural areas, providing public access and

recreation, and protection of wildlife habitat and scenic or environmentally sensitive areas and to place the following question the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$6,000,000 IN BONDS OF THE TOWN TO FUND THE PURCHASE OF LAND THROUGHOUT THE TOWN FOR FUTURE PURCHASES OF PROPERTIES OR RIGHTS TO PROPERTIES FOR THE FOLLOWING PURPOSES:

- TO PROVIDE OR MAINTAIN PUBLIC ACCESS; AND,
- TO ALLOW PASSIVE OR ACTIVE RECREATION; AND,
- TO CONSERVE WATER QUALITY, NATURAL RESOURCES, OR OTHER NATURAL AREAS; AND,
- TO PROVIDE EASEMENTS FOR WALKING OR BIKING TRAILS; AND,
- TO PRESERVE SIGNIFICANT HISTORIC SITES; AND,
- TO PRESERVE SITES WHICH CAN BE CONSIDERED PART OF THE CHARACTER TO THE COMMUNITY; AND,
- TO ADD TO EXISTING CONSERVATION AND PUBLIC AREAS” be approved?

[Town Manager] Thomas J. Hall, Town Manager, gave an overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the order authorizing issuance of up to \$6,000,000 bonds of the town to fund purchase of land and interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat and scenic or environmentally sensitive areas and to place the following question the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$6,000,000 IN BONDS OF THE TOWN TO FUND THE PURCHASE OF LAND THROUGHOUT THE TOWN FOR FUTURE PURCHASES OF PROPERTIES OR RIGHTS TO PROPERTIES FOR THE FOLLOWING PURPOSES:

TO PROVIDE OR MAINTAIN PUBLIC ACCESS; AND,

- TO ALLOW PASSIVE OR ACTIVE RECREATION; AND,
- TO CONSERVE WATER QUALITY, NATURAL RESOURCES, OR OTHER NATURAL AREAS; AND,
- TO PROVIDE EASEMENTS FOR WALKING OR BIKING TRAILS; AND,
- TO PRESERVE SIGNIFICANT HISTORIC SITES; AND,
- TO PRESERVE SITES WHICH CAN BE CONSIDERED PART OF THE CHARACTER TO THE COMMUNITY; AND,
- TO ADD TO EXISTING CONSERVATION AND PUBLIC AREAS” be approved?

And schedule the public hearing for Wednesday, August 21, 2024 and the second reading for Wednesday, September 4, 2024, as follows:

ORDER AUTHORIZING ISSUANCE OF UP TO \$6,000,000 IN BONDS OF THE TOWN TO FUND THE COST OF LAND BOND ACQUISITION.

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

- (1) That a public improvement program consisting of the acquisition, by purchase or donation of land, real estate rights or other interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat, and scenic or environmentally sensitive areas is hereby approved; and,
- (2) That a sum not to exceed \$6,000,000 is hereby appropriated, plus any additional premium, to provide for the costs of this program; and,
- (3) That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of

Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$6,000,000, plus any additional premium and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

BE IT FURTHER ORDERED, that the following referendum question shall be submitted to the voters of the Town of Scarborough, Maine at the regular municipal election to be held Tuesday, November 5, 2024:

Referendum Question No. 3:

Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$6,000,000 IN BONDS OF THE TOWN TO FUND THE PURCHASE OF LAND THROUGHOUT THE TOWN FOR FUTURE PURCHASES OF PROPERTIES OR RIGHTS TO PROPERTIES FOR THE FOLLOWING PURPOSES:

- **TO PROVIDE OR MAINTAIN PUBLIC ACCESS; AND,**
- **TO ALLOW PASSIVE OR ACTIVE RECREATION; AND,**
- **TO CONSERVE WATER QUALITY, NATURAL RESOURCES, OR OTHER NATURAL AREAS; AND,**
- **TO PROVIDE EASEMENTS FOR WALKING OR BIKING TRAILS; AND,**
- **TO PRESERVE SIGNIFICANT HISTORIC SITES; AND,**
- **TO PRESERVE SITES WHICH CAN BE CONSIDERED PART OF THE CHARACTER TO THE COMMUNITY; AND,**
- **TO ADD TO EXISTING CONSERVATION AND PUBLIC AREAS” be approved?**

FINANCIAL STATEMENT

4. Total Indebtedness as of November 1, 2024:

A. Bonds outstanding and unpaid:	\$ 74,750,000
B. Bonds authorized and unissued:	\$ 2,636,592
C. Bonds to be issued if this Article is approved (assumes approval of only Referendum Question No. 2):	\$ 6,000,000

5. Costs:

At an estimated maximum interest of 4.00%
for a maximum twenty (20) year maturity,
the estimated costs of this bond issue will be:

Principal:	\$ 6,000,000
Interest:	\$ 2,520,000
Total Debt Service	\$ 8,520,000

6. Validity:

The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/S/ Town Treasurer

Vote: 7 Yeas. Motion Passes.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval to suspend the Council Rules to go past 10:00 p.m. to complete the business of the Town Council.

Vote: 7 Yeas. Motion Passes.

Order No. 24-064. Act on the request from the Fire Chief to accept the Maine EMS Stabilization and Sustainability Grant award in the amount of \$118,538.14. [Fire Chief] Fire Chief Kindelan gave an overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request from the Fire Chief to accept the Maine EMS Stabilization and Sustainability Grant award in the amount of \$118,538.14.

Vote: 7 Yeas. Motion Passes.

Order No. 24-065. Act on the request to adopt the FY2025 School Budget Resolution as required by State Statute. [School Department] Thomas J. Hall, Town Manager, gave a brief overview on this Order and responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request to adopt the FY2025 School Budget Resolution as required by State Statute, as follows:

**Scarborough Public Schools
2024-2025 Budget Resolutions**

ARTICLE I. To see what sum the municipality will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

Recommend \$41,756,973

and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Recommend \$33,957,731

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

ARTICLE II. To see what sum the municipality will raise and appropriate for the annual payments on debt service previously approved by the municipality for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12.

Recommend \$5,193,479

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters.

ARTICLE III. To see what sum the municipality will raise and to appropriate that sum in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, 15690.

Recommend \$16,906,172

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the municipality budget for educational programs.

ARTICLE IV. To see what sum the municipality will authorize the School Board to expend for the fiscal year beginning July 1, 2024 and ending June 30, 2025 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommend \$65,828,078

Pursuant to Maine Revised Statutes, Title 20-A, section 1485, voters and the Town Council authorize the School Board to expend the above funds in the following State-mandated categories:

ARTICLE IV-A. To see what sum the school administrative unit will be authorized to expend for Regular Instruction.

Recommend \$27,651,145

ARTICLE IV-B. To see what sum the school administrative unit will be authorized to expend for Special Education.

Recommend \$13,527,143

ARTICLE IV-C. To see what sum the school administrative unit will be authorized to expend for Career and Technical Education.

Recommend \$0

ARTICLE IV-D. To see what sum the school administrative unit will be authorized to expend for Other Instruction.

Recommend \$1,777,157

ARTICLE IV-E. To see what sum the school administrative unit will be authorized to expend for Student and Staff Support.

Recommend \$6,624,496

ARTICLE IV-F. To see what sum the school administrative unit will be authorized to expend for System Administration.

Recommend \$1,532,309

ARTICLE IV-G. To see what sum the school administrative unit will be authorized to expend for School Administration.

Recommend \$2,044,429

ARTICLE IV-H. To see what sum the school administrative unit will be authorized to expend for Transportation and Buses.

Recommend \$2,168,219

ARTICLE IV-I. To see what sum the school administrative unit will be authorized to expend for Facilities Maintenance.

Recommend \$5,309,701

ARTICLE IV-J. To see what sum the school administrative unit will be authorized to expend for Debt Service and Other Commitments.

Recommend \$5,193,479

ARTICLE IV-K. To see what sum the school administrative unit will be authorized to expend for All Other Expenditures.

Recommend \$0

ARTICLE V. To see if the municipality will appropriate **\$214,129** for Adult Education and raise **\$73,560** as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the Adult Education program.

Recommend \$73,560 (Local)

ARTICLE VI. To see if the municipality will appropriate **\$2,391,656** for School Nutrition and raise **\$0** as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the School Nutrition program.

Recommend \$0 (Local)

Vote: 7 Yeas. Motion Passes.

Order No. 24-066. Act on the request to authorize the Town Manager to sign the Purchase and Sales Agreement with the Scarborough Historical Society for the purchase of Alger Hall, located at 649 US Route One and to sign any and all documents related to the sale of the building. [Town Manager] Thomas J. Hall, Town Manager, gave an overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to authorize the Town Manager to sign the Purchase and Sales Agreement with the Scarborough Historical Society for the purchase of Alger Hall, located at 649 US Route One and to sign any and all documents related to the sale of the building.

Vote: 7 Yeas. Motion Passes.

Order No. 24-067. Act on the request from the School Building Advisory Committee, to accept their final Report. [School Building Advisory Committee] Chairman McGee gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request from the School Building Advisory Committee, to accept their final Report.

Vote: 7 Yeas. Motion Passes.

Order No. 24-068. Act on the request to formally accept the resignation of Councilor Jean-Marie Caterina, which will take effective on Monday, November 4, 2024, at midnight. [Town Clerk] Yolande P. Justice, Town Clerk, deferred to Councilor Caterina on this Order. Councilor Caterina then read her letter of resignation.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to formally accept the resignation of Councilor Jean-Marie Caterina, which will take effective on Monday, November 4, 2024, at midnight.

Vote: 6 Yeas. 1 Nay [Councilor Anderson].

Item 9. Non-Action Item. None at this time.

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

- Councilor Sither gave an update on the Communications Committee and noted that Summerfest would be held on Friday, August 16th, from 5:00 to 10:00 p.m.
- Councilor Anderson gave an update on the Finance Committee.
- Councilor Shupe gave an update on the Community Center Committee, adding that they would be meeting tomorrow.

Item 11. Council Member Comments.

- Councilor Anderson noted that tomorrow 11U Allstar Team plays tomorrow night and if they win State Championships they would move on to Nationals.

Item 12. Adjournment. Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 10:27 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk.