



Long Range Planning Committee Meeting
September 13, 2024
8-9:30 am

In Person: Public Safety Classroom

Virtually via Zoom: To view the meeting via Zoom, [Click Here](#)

Members of the public may attend virtually or in person. Committee members are expected to attend in person unless the member meets one of the circumstances established in the Committee's remote participation policy.

Members: Allen Paul, Rick Shinay, Peter Freiling, Robyn Saunders, Portia Hirschman

Alternates: Robert Odlin and Judith Fischer

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Jean-Marie Caterina and Jon Anderson

- I. Roll Call and Identify Voting Members
- II. Review Minutes August 9, 2024
- III. Discuss and formulate questions for the MTA Gorham Connector project at Town Council's request
- IV. Discuss and make a recommendation to Ordinance Committee concerning the creation of a Mobile Food Vendor Court use; permitted districts, applicable standards and license requirements
- V. Public Comment
- VI. Staff Updates
- VII. Committee Member Updates
- VIII. Adjourn – Next Meeting October 11, 2024

MINUTES

SCARBOROUGH
MAINE



Long Range Planning Committee Meeting
August 9, 2024
8-9:30 am

In attendance: Allen Paul, Rick Shinay, Peter Freiling, Robyn Saunders, Portia Hirschman, Rachel Hendrickson, Judy Fischer, Jon Anderson Autumn Speer, Eric Sanderson

- I. Roll Call and Identify Voting Members
- II. Review Minutes July 12, 2024

Motion made by Peter Freiling to approve the minutes. Seconded by Rick Shinay. Passes Unanimously.

- III. Discussion and possible recommendation to Ordinance Committee concerning Mobile Food Vendor uses, allowed districts, applicable standards and license requirements

Autumn gave an overview of the land use regulation challenges with this item. Not only would it involve Site Plan Review, but changes to Zoning and uses allowed in each district, as well as local licensing would be required. Two proposed uses are “mobile” and “fixed” food truck vendors, with mobile trucks going from site to site each day, and fixed trucks staying in the same location. The Committee requested more information on the business community’s thoughts on this. Robyn requested notes from a SEDCO meeting where it has been discussed, or if it has not been fully reviewed yet, give them the opportunity to officially provide feedback. Allen Paul suggested a meeting with local businesses or a joint meeting with SECDO prior to moving this forward to Ordinance Committee.

The committee went on to discuss districts this is allowed, with Autumn noting beaches are not located in districts where this would be permitted. Peter requested designating public sites in specific zones where food trucks may not be permitted and an exception process for zoning districts. The Cabela’s and Maine Medical Center parking lots were discussed as potential spots, as well as trail heads, which may not be in one singular zoning district. This may lend to a license driven approach with performance standards as opposed to a zoning process. Autumn noted she’d strike mobile food vendor sites and moved on to mobile food vendor courts.

Portia requested to require applicants to show any storage facilities needed as part of the use. The Committee requested that restrooms facilities be required. If packed gravel is proposed, Robyn requested spill prevention and controls to prevent infiltration of grease and other pollutants into the ground. Language could be added to “...other approved surfaces with Spill Prevention Control and Counter Measures (SPCC) plans”. She added that the approved site plan must be posted or kept on the site to prevent impromptu movement of vehicles on the site.

Portia noted that while it is good to prohibit generator use, this should be specified to include solar or other, non gas powered generators so a generator of any kind is not allowed.

Allen noted language could be added related to protecting food trucks if a restaurant is proposed within 100 feet. Autumn stated she could add to read “mobile food vendor may not be located within 100 feet of the primary entrance...of a food service or eating establishment at the time of approval”. Rachel and Peter also liked 5 ft. clear space around each mobile food vending pad. Autumn will update the language to a “mobile food pad site”. The Committee then was generally comfortable with removing the 100 foot buffer from restaurant requirement, as restaurants can locate within 100 feet of other restaurants currently if the zoning allows it in a certain zone. Portia noted having multiple food options in an area would make the court and/or restaurants in a centralized area a “destination”.

Autumn requested feedback on number of parking spaces required for a food truck court. Rachel stated some food truck employees may not come on the truck, and take their own vehicle. Parking should depend on the site and account for both employee and customer parking. Autumn suggested 1 required space per site and 1 ADA space, with the Planning Board having the authority to require more for sites that do not have ample existing parking. Noise limitations and requirements were requested, with Autumn noting this is included in the proposed licensing language. Exemptions for town owned properties were noted to be desired. Waste disposal was discussed, with the Committee generally comfortable with the owner being responsible and allowed to charge for that in any leasing of truck pad sites in a court. The discussion concluded by noting requirements for signage. Sandwich boards were contemplated and whether that requires sign permits, or if it would be regulated by the owner of the court. Autumn will remove language now that the Committee wants to move forward with only food truck court, as opposed to individual truck operation.

IV. Continue review and discussion concerning existing Parking Standards

V. Public Comment

Celina Daniell and Jake Michaud with M&R holdings summarized comments on the food truck proposal. A temporary activation space is requested at The Downs. The space may be shared by recreation opportunities (yoga, cycling, etc.). They requested clarification on required restrooms (port-a-potty versus full trailer with ADA access, etc.). The idea is to have the court temporarily until brick and mortar storefronts and restaurants can be permitted and constructed, and would aid in creating the destination before that point.

VI. Staff Updates

VII. Committee Member Updates

Jon Anderson updated the Committee on the Town’s TIF CEA policy and expanding public input process for approval processes on those moving forward. There was also a Council goals meeting that discussed the Gorham connector, which had the outcome requesting more town Committee input.

Rachel Hendrickson updated that the Planning Board is still going through review with FedEx and InterMed at The Downs. There will be a public site walk with the Downs on September 9th.

VIII. Adjourn – Next Meeting September 13, 2024

The meeting was adjourned at 9:40AM

DRAFT

LRPC 9.13.24

AGENDA ITEM 2

REQUEST: At the joint request of MTA and MDOT, the Town Council has scheduled a workshop for 5:30 PM on Wednesday, September 18 to discuss the Gorham Connector project.

LRPC is requested to provide top 5 possible questions or areas where more information is needed so the discussion can be focused and productive. To that end, I would like to solicit input from the following Town Committees:

Input to date:

1. Specifically which stormwater rules will apply to MTA's corridor (Gorham connector) and how and where will they be applied to the project?
 - a. MS4 requirements
 - b. MaineCGP requirements
 - c. Chapter 500 stormwater requirements
 - i. Basic Standards
 - ii. General Standards
 - iii. UIS standards
 - iv. Flooding standards
 - v. Phosphorus standards
 - vi. Discharges to wetlands, buffers, and other regulated natural features
 - vii. How will post-construction (i.e., continuous monitoring) BMP requirements be met
 - d. Other? Climate Adaptation + Resiliency, SLODA, NRPA, Air Quality, etc.
2. What watersheds will the Gorham Connector pass thru from beginning to end?
 - a. Which watersheds are threatened? What are the identified stressors?
 - b. Which watersheds are impaired? What are the contaminants of concern and associated stressors?
 - c. How will MTA monitor impacts before, during, and after construction?
 - d. How will each municipality be notified of the potential watershed impacts?
3. How will MTA be applying Low Impact Development (LID) design strategies and other natural and/or engineered infiltration + storage techniques to minimize impacts to the watersheds?
 - a. Please provide examples of specific LID measures to be implemented.
 - b. Feel free to use the UNHSC BMP performance fact sheets.
4. How many acres of wetlands (including vernal pools) will be impacted by the proposed design?
 - a. What mitigation efforts are being considered?
 - b. Is off-site restoration a requirement?
5. Specifically who are the points of contact for regulatory permitting....
 - a. At the federal level: ACOE Contact is....
 - b. At the State level: MaineDEP Contact is...
 - c. Have each of them reviewed the significant environmental effects in the National Environmental Policy Act (NEPA) report?

MTA Gorham Connector

- d. Has the NEPA report prepared by MTA been peer-reviewed?
6. The proposed East-West Bypass moves through several municipalities, all of which are subject to the state's Zoning Law and thus have on file active Comprehensive Plans, which have been available to the MTA and been subject to updates regularly during the time of the MTA's planning process for the Bypass. How has the MTA incorporated the various Comprehensive Plans into their planning process, and how has the MTA engaged with the municipalities during their regular Comprehensive Plan update cycles? Please share with Scarborough the MTA's documentation for or process which aligns its planning process for the Bypass with the expressed planning priorities and localized expectations for the areas immediately affected by the bypass.

LRPC: September 13, 2024

Mobile Food Vendors Discussion

Definitions

1. Mobile Food Vendor

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and capable of being moved from its serving site at any time.

Mobile food vendors are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, applicable Chapter 405B Site Plan review requirements based on location and Chapter xx license requirements.

2. Mobile Food Vendor Court

A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site.

Mobile Food Vendor Courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, Chapter 405B Site plan review requirements and Chapter xx license requirements.



Permitted Non-Residential Districts

Mobile Food Vendor Use	PERFORMANCE STANDARDS APPLY	TVC (2,3, 4)	HP	CPD	RH, RH2	B2	B3	BOR	LI, I
Mobile Food Vendor Court (two or more pad sites)	Performance Standards xx	P	P	P	P	P	P	P	P

Review Authority

1. Mobile Food Vendor Court (two or more) – Planning Board Site Plan Review and License Requirements
2. Mobile Food Vendor License – Town Clerk and Town Council

Site Plan Requirements

- The location and orientation of each mobile food vendor pad;
- The location of permanent electrical and other necessary utility connections;
- The location of all proposed dining areas and areas designated for gathering and activities;
- The location of any paving, trash enclosures, landscaping, planters, fencing, or any other site requirement;
- The circulation of all pedestrian, bicycle, and vehicle traffic;
- The location of any fixed or movable seating and tables;
- The location and type of all proposed lighting;
- The location of any permanent and ADA accessible restrooms;
- The location of vehicular and bicycle parking and egress.

Performance Standards

- Each mobile food vendor pad shall be equipped with electrical connections. Use of fuel powered generators is prohibited.
- Mobile food vendors shall not conduct business or operate in the public right-of-way.
- Mobile food vendors shall be parked on paved or other approved surfaces with appropriate spill control and counter plan.
- No mobile food vendor shall set-up within any ADA accessible parking space.
- No mobile food vendor shall impede the flow of traffic, interfere with the general ingress and egress to and from any property, public or otherwise, or present an unsafe condition for patrons, pedestrians, or other vehicles.
- No mobile food vendor shall set up within any designated sight triangle/vehicle clear-zone.

- No mobile food vendor shall conduct business or operate within 20 feet of fire lanes, fire hydrants or fire connections.
- Mobile food vendors shall serve pedestrians only. Drive-through or drive-in service is prohibited.
- A five (5) foot clear space shall be maintained around the mobile food vending unit.
- Minimum setbacks for the zoning districts shall apply to all mobile food vendor pads sites.

Parking - Mobile Food Vendor Court

- A minimum of one dedicated parking space shall be provided per mobile food vendor pad site and shall not occupy the minimum required parking spaces for any other use on site. ADA parking shall be provided. Parking requirements shall be subject to Planning Board site plan approval

DRAFT

SECTION VIII. LICENSE REQUIRED: MOBILE FOOD VENDOR

REFERENCE THESE: [mobile-guidance-document08-28-20.pdf \(maine.gov\)](#)

A. Applicability

No person shall carry on the business of operating to sell food, or beverage from a mobile food vehicle within the limits of the Town of Scarborough without first having obtained a license from the Municipal Officers of the Town of Scarborough, unless otherwise exempt by this ordinance. Mobile food vending may only occur on an approved Mobile Food Vendor Court, or on exempted locations.

B. Definitions

Mobile Food Vendor. A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.

Mobile food vendors are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, applicable Chapter 405B Site plan review requirements based on location and Chapter xx license requirements.

Mobile Food Vendor Court. A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site.

Mobile Food Vendor Courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards, Chapter 405B Site plan review requirements and Chapter xx license requirements.

C. Application Process

Every mobile food vendor shall obtain a license issued by the Town Clerk to conduct business in the Town. Each mobile food vending unit requires a separate license.

A complete and signed application shall require the following information from the applicant to be considered:

- 1) Name of applicant, as well as physical street address, mailing address, telephone number(s), and e-mail address.
- 2) Legal name of business or entity.
- 3) Mobile food vendors shall provide proof of a State of Maine health certificate at the time of application
- 4) Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
- 5) Phone number for the private property owner on which the mobile food vendor unit will be placed.

- 6) Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
- 7) Valid and current vehicle/trailer registration of mobile food unit.
- 8) Description of product being sold and menu.
- 9) Mobile food vendor site – Provide a site plan of the existing use showing where the mobile food vending unit will be located on the property.
- 10) Mobile food vendor court - Copy of the approved Site Plan where the mobile food vending unit will be located on the property. Identify which space will be utilized.
- 11) Identify where the food prep operations will occur. If a commissary kitchen is located in the Town of Scarborough, it will be inspected as well.

A. Public Hearing Required

The Town Council shall hold a public hearing on all new applications for mobile food vendor licenses. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the hearing, at the expense of the applicant.

D. Approval Authority

The application, when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief and the Tax Collector.

A license shall be granted if the property in question complies with all Federal, State and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any personal taxes or fees owed to the Town of Scarborough.

An initial license to operate as a mobile food vendor within Scarborough must be approved by the Town Council.

E. License Renewal

The Town Clerk shall renew a license issued under section D to operate a mobile food vendor unit on or before May 1st of each year, provided the applicant must still meet all of the licensing standards set forth in section xx. The Town Clerk shall be empowered to utilize the services of the Scarborough Police Department and the Fire Department to update and to check on standards.

The applicant must submit the application and the renewal fee within 30 days before expiration of the license or must reapply as a new applicant.

Upon renewal the applicant shall pay the renewal fee of \$200 and update any changes in the licensing documentation upon permit renewal.

F. License Revocation

If information is provided to the office of the Town Clerk that a current licensee has violated one or more of the standards set forth in Section xx and this fact is verified by the Police Department, then the Clerk shall issue a notice of suspension revocation of an existing license. A licensee who has received such notice is entitled to a hearing before

the Town Council before the revocation takes effect. The Council shall apply the standards of Section xx to determine whether license should be suspended or revoked.

In addition, the Town Council may revoke or suspend the license of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, keeps or operates her/his mobile food vending unit in an unsafe, unclean or unsatisfactory condition.

G. License Posting Required

Every license, including those from the Town, shall be displayed at all times in a conspicuous place where they can be read by the general public on the mobile food vendor unit.

H. License Requirements: General Standards

- Mobile food vendors must meet all State of Maine Health Department regulations.
- Mobile food vendors must hold a State of Maine Eating Place Mobile License.
- Mobile food vendors shall comply with the State of Maine rules relating to eating and lodging places, as periodically amended, and shall not operate without a Town issued mobile food vendor license, unless exempt by this ordinance.
- Mobile food vendors shall not sell anything other than food and beverages.

I. License Requirements: Equipment

- Mobile food vendors shall ensure the vehicle/cart is attended at all times during operating hours.
- The allowable dimensions of a mobile food vendor (including all attachments, except hinged canopies that open to reveal food serving areas) shall be up to 30 feet long, 13 feet tall, and eight feet wide.
- Mobile food vendor units shall have a gray water holding tank.
- Mobile food vendor operators shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- Mobile food vendor operators shall ensure there is an adequate and safe source of electrical power.
- Mobile food vendor operators shall ensure all storage of food supplies and other business material is within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.

J. License Requirements: Inspections Required

- K.** All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including but not limited to applicable fire and electrical codes and any other safety requirements imposed by the Town.

- If the cooking procedures involve producing grease laden vapors, a hood suppression system with a class k fire extinguisher must be in place in the food truck with current inspection tags attached.
- Mobile food vendors conducting cooking operations shall obtain an annual fire inspection from the Fire Department prior to operating its business.
- Open flame cooking, either within or outside a food vendor, is prohibited, except where such activity is specifically permitted by the Fire Department.
- The mobile food vendor will be subject to inspection upon submission of the license application through the Code Enforcement Department, the Health Department and the Fire Department, and may be subject to random inspection and upon reissuance of the permit. The inspection must be completed by April 15th.

L. License Requirements: Refuse and Waste

- Mobile food vendors are responsible for the proper disposal of waste and trash associated with the operation and shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety.
- No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space.
- A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the license application.

M. License Requirements: Signage

- Mobile food vendors shall not place signs/banners in or alongside the public right-of-way or across roadways.
- Mobile food vendor signs must be permanently affixed to or painted on the mobile food vehicle; sandwich boards are acceptable if placed directly in front to the mobile food vendor they are advertising for.

N. License Requirements: Noise, Lighting and Odors

Mobile food vendors shall not emit sounds, outcry, speaker, amplifier or announcements and amplified music or sounds may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

O. Hours of operation

Mobile food vendors may operate beginning at 5:00 AM and ending at 9:00 PM, unless otherwise qualified or limited by the municipal review authority.

P. License Fee Required

The fee payable for a mobile food vendor license shall be as specified in Chapter 311, the *Schedule of License, Permit and Application Fees* established by the Town Council.

Q. Insurance Required

Mobile food vendors shall provide, at their expense, and keep in force during the term of their contract, with a responsible insurance company or companies authorized to do business in the state, commercial general liability insurance in the amount of at least \$1,000,000. The mobile food vendor shall deliver certificates of such insurance to the town at the time of application

R. License Expiration

A new license, when granted, shall be valid until May 31st, immediately following said granting of said license, except that new licenses granted during April and May shall be valid until May 31st of the following calendar year. A license issued under this section is not transferable.

S. Exemptions

- Mobile food vendors located on private property for a private onetime event are not required to obtain a Mobile Food Vendor License, provided the unit is on the property less than 15 hours. All other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).
- A private catered event is an event that sells food and beverages for a limited time coinciding with an event not open to the general public and only to attendees of the event. A town issued mobile food vendor license is not required to operate as a private catered event.
- Mobile food vendors participating in Town sponsored events are not required to obtain a Mobile Food Vendor License. Site location shall be approved by Public Safety Departments.