



Long Range Planning Committee Meeting
October 11, 2024
8-9:30 am

In Person: **Council Chambers**

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

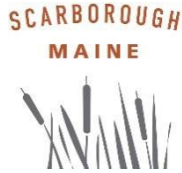
Alternates: Judith Fischer, Vacant

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. Consider and discuss a request to review landscape uses in the Rural Farm zoning district.
- IV. Consider and discuss a request to review the Light Industrial zoning district.
- V. Public Comment
- VI. Staff Updates
- VII. Committee Member Updates
- VIII. Adjourn – Next Meeting November 8, 2024

MINUTES



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 in Attendance: Rick Shinay, Peter Freiling, Robyn Saunders (zoom), Portia Hirschman

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Jean-Marie Caterina and Jon Anderson (both zoom)

I. Roll Call and Identify Voting Members

II. Review Minutes August 9, 2024

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

III. Discuss and formulate questions for the MTA Gorham Connector project at Town Council's request

Autumn gave an overview of the request and reviewed the previously submitted questions. Additional questions were added to the list:

1. How will the Gorham Connector benefit and harm local Scarborough residents?
2. Why are there exits on Running Hill and 22 and what are the benefits to those to residents of Scarborough?
3. What type of zoning is Gorham and Scarborough hoping to see in this area and are they compatible? Can we see the existing and planned municipal zoning for all communities on a combined map?
4. What traffic studies have been done concerning just 114 and local impacts (Beechridge, Broadturn, Holmes Rd)?

5. What are plans for utility expansion to coordinate with the connector - water and sewer?
 6. Provide information about DOT's active transportation information and how it will impact the project?
- 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

Autumn gave an overview of the changes that have been incorporated since the last meeting. The packet includes language for the mobile food vendor court as a new use in non-residential zoning districts. The proposed use include specific performance standards.

She also mention the survey that Karen Martin created to request feedback from restaurants. We are also considering a zoom input meeting for later in the month.

Autumn then reviewed the specifics of the proposed draft. Clarity was given on the difference between the holder of the mobile food vendor court and the mobile food vendor. Autumn gave an overview of how the different sections of the ordinance will be incorporated including the zoning ordinance, the Site Plan ordinance and as a new license.

The 5' distance was clarified to mean 5' for each unit for a total of 10'. A parking discussion also ensued concerning EV chargers – it was determined that new EV charging requirements would not apply just for the food truck court.

Robin clarified the language needed for parking and spills. Clarification as requested for the proposed initial fee for the license.

Rick Shinay then brought up the exemptions for one-time events and Peter Freilinger echoed concerns for one-time events. The group determined to remove the limited time language that would allow private catered events (for employees only). They also recommended updating the 15 hours to 36 hours for private one-time events.

Discussion ensued concerning the types of generators being required. It was decided that the performance standards would include the requirement for electrical hookups and the specific generator language would be moved to the licensing requirements, prohibiting fuel powered generators.

Jean Marie Caterina clarified that SEDCO is on board with the proposal. Karen Martin stated that the survey will be sent out again as well.

It was agreed to move this to the Ordinance Committee in October.

Motion made by Peter Freilinger to incorporate the feedback from today's discussion and forward to the October Ordinance Committee. Seconded by Portia Hirschman. Passes Unanimously.

V. Public Comment

Celina Daniell and Jake Michaud with M&R Holdings were in attendance to speak on behalf of the Downs team concerning Food Vendor Courts. They requested removing the word 'permanent concerning' electric and restrooms.

VI. Staff Updates

VII. Committee Member Updates

Rick Shinay requested clarification for the term limits just passed by Council. Autumn explained that effective January 1, 2025 all committees will have three – three year terms. Members can finish out their existing terms. Autumn will bring an update with who this affects at the next meeting. Rachel Hendrickson updated the group on the Downs Site Walk that occurred on September 9, 2024 and requested Autumn distribute a copy of the handouts from that meeting. Jon Anderson mentioned the request to add the Light Industrial zoning district to a future agenda. Peter Freilinger updated the group on the Townwide Transportation Study.

VIII. Adjourn – Next Meeting October 11, 2024

The meeting was adjourned at 9:45 am

Agenda Item 3. Consider and discuss a request to review landscape uses in the Rural Farm zoning district.

Previously reviewed December 2023.

MINUTES

Discuss and provide guidance to staff concerning a request to consider adding horticulture and landscaping business uses into the Rural Farming zone.

Autumn gave an overview of a business owner of a landscape company on Broadturn Road on a property in the RF zone. The commercial uses in the RF zone are quite limited, and staff seeks input for horticultural or commercial greenhouse uses being added to the Zoning Ordinance and RF zone. Currently, the property has Zoning Board of Appeals approval to continue the nonconforming use in the zone. The town occasionally receives proposals for agricultural based businesses (wineries, etc.) so this may also serve that need.

Marvin indicated support for this in time, but with current initiatives this may take a back seat to other work pursued by the town. Robert agreed, noting food based agriculture seems more appropriate than landscaping as an offset of a “farming” or “horticulture” use. Portia indicated with small farms and fisherman based businesses under pressure, this could assist those people in getting more visibility and breathing room in Scarborough. Robyn added that she generally supports this, but that the town should distinguish between landscaping and property management service companies that also do plowing, property maintenance, etc.

The Committee agreed this may not be a pressing issue, but staff can work on details of a potential use until a point the Committee is comfortable to move forward.

The business owner has requested this be reviewed again (see attached letter)

Limited definitions:

- Commercial Agriculture: The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers primarily for sale to or use by someone other than the owner, lessor, or occupant of the property. Commercial Agriculture includes leased or rented land used as part of an agricultural activity as well as the related processing and storage of these plants together with buildings and structures used in the agricultural activity such as barns, storage buildings and facilities, greenhouses and temporary shelters, and accessory processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed.
- Contractor’s offices, shops and storage yards is a use that is permitted in the Light Industrial and Industrial districts.
- Retail Sales and Services is not permitted in the RF district.

One option - Horticultural uses might include greenhouses, nursery sales, landscape companies, etc. We could group them together or classify individually and possibly add performance standards to specific ones.

DEFINITION EXCERPT

Accessory Agricultural Activities:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers and/or the keeping, breeding, or raising of animals, other than household pets, or fishing and/or shellfish harvesting that is incidental and subordinate to the primary use of the property for residential or nonresidential use in which the agricultural products are primarily for use by the owner, lessor, or occupant of the property. Accessory Agricultural Activities are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

Accessory Use:

A use which, in the Town of Scarborough, is customarily incidental and subordinate to the principal building or use and is located on the same lot with such principal building or use. An accessory use shall not include any use injurious or offensive to the neighborhood or adjacent area.

Accessory Building:

A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building.

Accessory Storage Container:

A roofed contained placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term accessory storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and “piggy-back” containers. The term accessory storage container does not include a garage or barn accessory to a dwelling or a storage structure accessory to a dwelling provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise. [09/03/97]

Agricultural Employee Housing:

Housing quarters that are located on the premises of and are incidental and subordinate to a Commercial Agriculture or Commercial Animal Husbandry use and that are used exclusively to house seasonal agricultural employees and/or apprentices associated with the agricultural use for no more than eight (8) months per year. Units of agricultural employee housing shall not be considered dwelling units when applying the net residential density standards of this Ordinance, but must comply with all applicable OSHA standards and State and local building code requirements. [05/05/10]

Agricultural Products Store:

A building or structure, including the adjacent outdoor area, with a total area devoted to retail sales of more than 400 square feet, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture, Commercial Animal Husbandry Use or Commercial Fishing and Harvesting use as well as other agricultural and related food products not produced by the Commercial Agriculture, Commercial Animal Husbandry Use or Commercial Fishing and Harvesting use, and handmade crafts and similar products. Agricultural Products Stores are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

Agricultural Processing Facilities:

Buildings, structures, and equipment used for the processing, storage, and distribution of plant or animal products in conjunction with a Commercial Agriculture and/or Commercial Animal Husbandry use located on the same lot. Agricultural Processing Facilities are subject to performance standards contained in Section IX of this Ordinance. [05/05/10]

Commercial Agriculture:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers primarily for sale to or use by someone other than the owner, lessor, or occupant of the property. Commercial Agriculture includes leased or rented land used as part of an agricultural activity as well as the related processing and storage of these plants together with buildings and structures used in the agricultural activity such as barns, storage buildings and facilities, greenhouses and temporary shelters, and accessory processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed. [05/05/10]

Farm Stand:

A building, structure, or outdoor location with a total area devoted to retail sales of 400 square feet or less, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture, Commercial Animal Husbandry, Commercial Fishing and Harvesting use or Accessory Agricultural Activities as well as other agricultural and related food products not produced by the Commercial Agricultural, Commercial Animal Husbandry, Commercial Fishing and Harvesting use or Accessory Agricultural Activities and handmade crafts and similar products. Farm Stands are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

Outdoor Sales and Services:

Those land uses in which merchandise is sold or displayed principally outdoors or in which services are offered or rendered to customers principally outdoors, including new or used car dealerships which are not fully enclosed. The use category outdoor sales and services does not include: (1) outdoor display of agricultural and horticultural products by principal uses which primarily market said products, (2) drive-up windows accessory to a permitted, (3) accessory outside displays in compliance with Section IX (D) and (4) accessory outside vending machines in compliance with Section IX(E). [7/17/91] [Amended 4/6/94; 06/03/98]

Outdoor Storage:

The keeping in an unroofed area of any goods, materials, merchandise or unregistered/uninspected vehicles in the same place for more than 24 hours. The term outdoor storage does not include service vehicles used by a commercial enterprise in the conduct of their business, which can meet the performance standards in Section IX. A (14), the storage of goods, materials or merchandise inside box trailers, semi-trailers, roll-off containers, slide-off containers, "piggy-back" containers, railroad cars, or any other similar container. Any such storage in roofed containers shall be governed by the performance standards in Section IX(G) Accessory Containers. [7/17/91] [Amended 09/03/97; 05/03/2023]

SECTION XIII. RESIDENTIAL ZONING DISTRICTS

RURAL FARMING DISTRICT RF

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

A. PERMITTED USES – RESIDENTIAL DISTRICTS

Permitted use table abbreviations are as follows:

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

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

RESIDENTIAL USES	PERFORMANCE STANDARDS APPLY	RF
Single Family Dwelling Units (exclusive of individual mobile homes) Up to 2 Dwelling Units per Lot	Section IX.Z.	P
Single Family Dwelling Units (exclusive of individual mobile homes) Up to 4 Dwelling Units per Lot	Section IX.Z.	
Two-family Dwelling Units		P
A Single Multi-family Dwelling with Four or Fewer Dwelling Units on a Lot	Section VIIA. Conservation Design	P
Manufactured Housing Unit		
Manufactured Housing Community		SE
Townhouse - No more than 8 units per building (Minimum 3 units)		
Multiplex	Section VII	
Nursing Home		C1
Boarding Care		C1
Orphanage		
INSTITUTIONAL AND CIVIC USES	PERFORMANCE STANDARDS APPLY	RF
Cemetery		SE
Library		
Museum		
School - Public and Private Educational Facility		
Municipal Building and Use		P
Public Utility Facility, Including Substation, Pumping Station and Sewage Treatment Facility		SE
Hospice Facility		SE
Place of Worship		P
Adjunct Use, Place of Worship		SE
Charitable Institution		

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

Accessory Dwelling Unit	Section IX.J.	P
Home Occupation		SE
Telecommunication Facility		SE

B. SPACE AND BULK STANDARDS – RESIDENTIAL DISTRICTS

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

STANDARDS	RF
Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation)	80,000 sq ft
Minimum Street Frontage	200'
Conservation Subdivision Design Dimensional Standards	See Section VIIA
Minimum Front Yard (All Structures)	50'
Minimum Side Yard*	15'
Minimum Rear Yard*	15'
Maximum Net Residential Density per Acre	0.5
Maximum Building Height	35'
Maximum Building Coverage	25%

ATTACHMENTS

- Letter – Paul Beaver

[Planning Board] Rescinding Non-conforming use

1 message

Paul Beaver <Paul@gclandscape.com>

Fri, Sep 13, 2024 at 5:20 PM

To: "planningdepartment@scarboroughmaine.org" <planningdepartment@scarboroughmaine.org>, Brian Longstaff <blongstaff@scarboroughmaine.org>

Paul Beaver
21 Owens Way
Scarborough, Maine 04074
paul@gclandscape.com
(207) 632-8991
September 13, 2024

Town Planning Board
[Town of Scarborough](#)
259 U.S. Route 1
Scarborough, ME 04074

Dear Members of the Town Planning Board,

I hope this letter finds you well. I am writing to formally request the Board's review and reconsideration of my current non-conforming use permit for my landscape horticulture business located at [94 Broadturn Rd.](#) I recently obtained this permit from the Zoning Board of Appeals for operating my business in the Rural Farming District.

After further review of the Town's zoning regulations, I believe that my landscape horticulture business falls under the category of a conforming use by Right, based on the nature of the services we provide. Specifically, my business involves the cultivation and care of plants, trees, and shrubs, as well as activities that are directly related to the preservation and enhancement of the natural landscape. These activities seem consistent with the intended uses of the Rural Farming District, as described in the Town's zoning ordinance, which promotes agricultural and land-based activities.

It is my understanding that the Rural Farming District encourages agricultural uses, horticulture, and similar activities that are in harmony with the rural character of the area. Given the nature of my business, I believe it aligns with the spirit and intent of the district, making it a conforming use without the need for a non-conforming use permit.

In light of this, I respectfully request that the Planning Board review my business operations to confirm that they are indeed a conforming use within the Rural Farming District. Furthermore, I would like to rescind the non-conforming use permit previously granted, should the Board agree with my position.

I look forward to your guidance on this matter and welcome any additional information or clarification the Board may require in order to reach a determination. Please do not hesitate to contact me at (207)

632-8991 or paul@gclandscape.com if any further discussion is needed.
Thank you for your time and consideration.

Sincerely,

Paul Beaver
President, CFO
Greencare Landscape Management
Office: (207) 699-4240

Agenda Item 4. Consider and discuss a request to review the Light Industrial zoning district.

Previously reviewed October 2022.

MINUTES:

- I. Discuss and provide input on the Light Industrial and Rural Farming Overlay Zoning Districts at Holmes Road and Two Rod Road

Autumn Speer gave an overview of the area in question. She introduced Denise Hamilton, resident of Two Rod road who was in attendance as a member of the public. The town has also received comments from residents with concerns of traffic and larger vehicle use of Two Rod Road, as well as the existing zoning of Light Industrial with a Rural Farming Overlay for several residences along Two Rod Road.

The zoning was changed in 2013 to include the RF Overlay and provide small, light industrial type development while reestablishing Holmes Road as a gateway to the west side of the town. Residential properties along Two Rod Road and to the west of the district were required to be buffered from LI development in this area. Those properties were allowed to remain but if expanded or buildings removed, conformance with LI permitted uses would be required. Autumn noted commercial permits and development reviews in the corridor that have been received since 2013 including several Certificates of Occupancy and Signage at 40 and 43 Holmes Road, and two proposed Planned Developments for the former Beech Ridge Speedway properties at 69 and 70 Holmes Road. On the residential side, 161, 165, and 167 Two Rod Road have seen standard building and shed permits, Certificate of Occupancies, and various renovations which are not uncommon.

Autumn continued to give an overview of permitted uses and standards in the LI district, including required landscaping buffers for developments in the zone. She went on to summarize that there are two larger parcels along Two Rod Road that, with the current zoning remain inaccessible. These parcels would need access via the Beech Ridge Speedway property to gain site access to Holmes Road as access to new development is not permitted via Two Rod Road. Jean Marie Caterina asked if a home is sold in the RF Overlay, whether that zoning changes. Autumn responded that ownership changes do not affect the zoning. Staff requested clarification whether the two larger parcels in the RF Overlay/LI Zone should remain in that zone, and whether action should be pursued to reduce large vehicle volumes on Two Rod Road. Autumn suggested the following options:

1. Leave the zoning as is
2. Recommend amending the LI or RF-O District Language
3. Recommend amending the LI or RF-O District Boundary

Allen Paul asked about ZBA addressing some of these uses or accesses, with Autumn responded the requirements of the Ordinance cannot be waived by the ZBA.

The Committee agreed to leave the ordinance language and boundaries as is, while having staff work on possible signage changes along Two Rod Road to address truck traffic

The current request for review stems from the Fed Ex proposal and Site Plan submittal on the Beech ridge Speedway site.

Summary of Issues:

1. **Water** - Many are concerned without public water in the area, the redevelopment will put their wells at risk. Many have noted since Kennebago Dr. went in that there was a noticeable shift in the amount of water in their wells. With FedEx coming, they are concerned that if FedEx were to wash the trucks that they won't have any water. The concern was also raised of what happens in the event of a fire at the facility given the lack of water.

2. **Traffic/Roadway infrastructure** – Residents have seen noticeable increases in traffic as more people are learning to use Two Rod as a cut through. They also don't understand how Holmes Road is a posted road in the winter and how the Town could allow a trucking facility to be there which are generally prohibited from use. They are concerned it will be costly to fix the road as needed and it will deteriorate with all the traffic from FedEx. For future roadway improvements they would love to see sidewalks or something for safer walking in the area.

3. **Zoning**: While they understand that the zoning is allowable today for trucking, they strongly feel the Council should amend the ordinance to remove that as a use given the two items above. They feel like it is premature to allow for a facility like this that puts the safety of the residents at risk. They feel like the zoning wasn't clear on what should be expected there. Today one of the only businesses in the LI is a Dog Grooming business. They would support small businesses like that, small office buildings, but a large 24/hr trucking facility was not what they envisioned for their neighborhood. They would have preferred to see the Town own the property and turn it into parks and fields and think it was a missed opportunity to bring more amenities to that side of 95. They think trucking facilities are Industrial and not in the spirit of "Light Industrial". They also want the Council to understand that when the speedway was there it did not operate 24/7. They are worried about noise throughout the day and evening. The speedway was a couple hours per week and they knew the owner well enough to contact and help make sure they respected the neighbors. They worry with a large business, they won't have a contact to work with to be good neighbors and will be ignored. They never thought the speedway would be sold and also carry some frustration with the prior owner for "selling out" for a profit instead of looking into what was in the best interest of the community.

4. **Concern in Real Estate Values**: The residents have a concern about the impact the FedEx facility will have on their home values and believe it will be a negative impact.

ATTACHED:

- Resident Letter - Hamilton
- Resident Letter - Pelton
- Resident Letter - Jackman
- Resident Letter - Baxter
- LI District
- RF Overlay

Dear Councilor:

During a recent neighborhood meeting discussing the area of Two Rod Road/Holmes Road known as the Light Industrial area and Kennebago Drive, we collectively have similar concerns. We have been raising these concerns for a few years now. It seems that those who have been elected to protect either aren't listening or don't care. I am going to highlight what Warren and I took away from our meeting and we deserve to have these items addressed and how they will be rectified. I'm sure others will be emailing as well.

1. Water – as you know West of the turnpike does not have public water/sewer at this time. Prior to 2012/2013, water was never an issue, in fact there was an over abundance of water that most, if not all the homes on Two Rod Road would have water in their basements. Once Kennebago Drive sub-division was developed in 2012/2013 and beyond our water levels have dropped dramatically that we no longer have water in our basement. We have a dug well that is about 10 feet deep. About two or so months ago when we had our water tested, we had about 5 feet of water and this was after having frequent rain for the last year or longer. We checked the water level this past weekend in the presence of Councilor Anderson, and we are down to 3 feet of water. The longer we go with no rain, the lower our level goes. Back in April 2013 when we took ownership of my husband's family home after his father passed, water was right to the rim (10 feet of water).

Since water is needed for everyone to be able to live and survive, and there is more and more development in the area, it affects each and every one of us. What is going to be done about this? Before any development is approved in this area, the water situation needs to be addressed and resolved and not at our expense since we are totally against any development that affects our livelihood and are not asking for these problems.

Commercial development without public water is also a public safety issue. Something like a trucking terminal that will have a mechanics garage and a 1000 gallon above ground fuel storage tank is a huge problem if there's an explosion. This was a concern the former Fire Chief had back when Scarborough Auto Parts had a fire in 2006. He publicly said if there was public water, it would not have been a complete loss.

2. Road deterioration – Holmes Road gets posted from the end of the old Town landfill all the way to the Saco line most years in the Spring to truck traffic. By allowing trucks to use this road on a regular basis will affect the integrity causing very costly repairs. Long Range Planning recommended not allowing trucking terminals during their recommendation back in late 2012 and Planning and Council appear to have gone against this obviously not thinking through why and what could happen by allowing it. Adding large truck traffic is going to force even more traffic down Two Rod Road including other trucks which is posted to No Thru Trucks which will surely be ignored as some do already. Adding more traffic down our road increases our safety concerns we already have. How can a trucking terminal be allowed in an area that has a posted road for a few weeks in the Spring?
3. Having Industrial type development in a residential area is going to affect our real estate values which has already been confirmed by two different real estate agents. This goes against the Good Neighbor Ordinance that says it should "help maintain property values". Our taxes continue to go up with no benefits. In fact, the risk outweighs the rewards in that

what we've worked hard for and increased our own values and those around us will be for nothing as we lose value by industrial development.

4. Speeding is increasingly worse not only on our road, but in this area. We can no longer walk our animals or children on our road without fear of being hit. Again, this is against the Good Neighbor Ordinance as we can't enjoy our homes and property and the area we live in. I see at least one accident a week on Payne Road between the Turnpike and Mussey. We had a speed study done on our road with subsequent digital speed sign back in I think 2022 and I can count on one hand the police presence for speed on Two Rod Road since that time. The first time we saw an officer after they removed the digital speed sign, he pulled over 7 people that we counted in a 45-minute period. If that doesn't tell you something, I'm not sure what does. It has only become worse. Adding more development causing more delays is only going to add to the speeding drivers and more traffic in the area.

We would like our concerns addressed before any development is approved and we want to see a major overhaul of the Light Industrial Ordinance. Until then, a moratorium should be put in place not only for these reasons, but the fact this Ordinance was created in violation of the Land Use Regulation notification process to abutters which the Town has acknowledged.

Thank you,

Warren & Denise Hamilton
167 Two Rod Road

Outline/Overview of a Draft Light Industrial District

The following outline/overview lays out the Long Range Planning Committee's very preliminary ideas for how the zoning along Holmes Rd in the vicinity of the Maine Turnpike and Two Rod Rd. might be revised to reflect the objectives of the Comprehensive Plan. The following outline/overview lays out the key aspects of how that new zone might work and what the standards might be.

Purpose of the New District

- Establish a new area in Scarborough for small, light industrial type uses and development
- Allow light industrial type development, but ensure buffers are maintained to the adjacent residential properties and neighborhoods
- Ensure new development is attractive and landscaped in a manner that establishes an attractive gateway to the west side of Town

Basic Format of the District

- Small projects go through the conventional development review process (site plan review) or can elect to be planned developments (optional)
- Larger projects (> 5 acres) must go through a more extensive planned development process that requires master planning of the site
- Planned development provides flexibility in development requirements in return for more extensive planning to show how design objectives for the area will be met

Uses

- Allows a range of industrial and light industrial uses, including:

Manufacturing and assembly,
Research, development and light industrial,
High technology facilities,
Warehousing and storage, exclusive of mini-warehouse/storage facilities,
Instructional and educational services,
Motor vehicle repair and service facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities, and vehicle sales accessory to these uses,
Sale, rental and/or service of heavy equipment or specialized motor vehicles

(other than passenger cars),
Retail sales or services if such sales or services are accessory to principal permitted uses,
Business services and business offices,
Contractor's offices, shops and storage yards,
Municipal buildings and uses, not including places of assembly,
Non-municipal government buildings and uses,
Transmission towers,
Recycling facilities, exclusive of junkyards, automobile graveyards or automobile recycling businesses,
Accessory uses,
Telecommunication facilities,
Small-scale energy facilities,
Public utility buildings including substations, pumping stations and sewage treatment facilities, and
Outdoor storage, exclusive of fuel stored in bulk.

- A few industrial type uses allowed in our other industrial district are not proposed to be allowed in the light industrial district given the nature of the Holmes Rd area. They are as follows:

Distribution, wholesale trade and transportation, including trucking terminals – because the area is near a rural residential area and heavy truck traffic could be impactful to Holmes and Two Rod Rds

Food processing facilities – because the area is not served by public water or sewer

Mini-storage facilities – because the town desires industrial space that can provide for places of employment and higher value industrial development, which is currently lacking in Scarborough

Space and Bulk Standards

- Lot area – 20,000 SF
- Lot frontage – larger frontage would be required for lots on Holmes Rd and Two Rod Rd (200') and lesser frontage of 100' on other streets
- Minimum front yard – buildings would be required to be setback 50' from the street with a landscaped buffer to the street (30' for Holmes Rd and 10' for other streets)
- Minimum side and rear yards – buildings would need to be 25' from side and rear property lines, except where they abut residential districts the

- yard needs to be 100' and be a landscaped buffer
- Maximum height -45'

Development Standards

- Limits on sewage disposal are included if on-site disposal is proposed so that there are not undue wastewater impacts (max. of 2,000 gallons per day)
- There are streetscape requirements along existing and new roadways to provide attractive road corridors and provide screening (30' for Holmes Rd, 100' for Two Rod and the Maine Turnpike, and 10' for other streets)
- Vehicular access from Two Rod Rd will be prohibited
- Buffer to adjacent residential zones will be required with standards on landscaping, lighting and access

Fwd: Beech Ridge Property and neighboring properties....low water levels and danger of loosing our water, and the question of how will the traffic in the area be solved.nmcgee

1 message

Jon Anderson <janderson@scarboroughmaine.org>
To: Autumn Speer <aspeer@scarboroughmaine.org>

Mon, Sep 30, 2024 at 5:05 PM

Here is another email we received. I asked their permission for it to be shared with Long Range as well.

Jon

Sent from my iPhone

Begin forwarded message:

From: Spectrum <jjackman@maine.rr.com>
Date: September 30, 2024 at 4:59:19 PM EDT
To: Jon Anderson <janderson@scarboroughmaine.org>
Subject: Re: Beech Ridge Property and neighboring properties....low water levels and danger of loosing our water, and the question of how will the traffic in the area be solved.nmcgee

Yes, Jon! Thank you for suggesting that. I appreciate your interest in our issues. TY. Donna
Sent from my iPhone

On Sep 30, 2024, at 3:40 PM, Jon Anderson <janderson@scarboroughmaine.org> wrote:

Donna-

Are you comfortable with us including this in the packet for the Long Range Planning Committee meeting that will be on 10/11? They will be discussing the zoning and I think getting your input is helpful.

Jon

On Sun, Sep 29, 2024 at 4:30 PM Donna <jjackman@maine.rr.com> wrote:

Sent from my iPad

> On Sep 28, 2024, at 10:15 AM, Donna <jjackman@maine.rr.com> wrote:

>

>

> Sent from my iPad

> September 28, 2024

> Dear. ,

> My name is Donna Jackman and I reside at 175 Two Rod Road . I have lived here 50 years and raised my family here. I am a life long resident of Scarborough and a 35 year veteran of teaching here. My home is directly behind the BRS pit area and where

> Fed-x distribution center is planning to be built.

>

> My biggest concern is the low water level in this area now. This summer we have been able to see sand in our well (we have a point) and it has come through into our toilet bowl. As you can see we are preserving in our own personnel use and afraid we won't have water....so scary for us. We have two more pieces of land that was part of the speedway

that are not at present been used... will it be a housing development or a business????
And where will the water supply come from? The property owned by the Dickersons is another issue. It borders Holmes Road and Two Rod Road...all around the West Scarborough area is being developed with no public water accessible....

> We are in need of serious discussion of our growing area and how to supply water for us now! Please put yourself in our shoes. We love living here.

>

> Another concern is the traffic in this area...Payne Road, Holmes Road and Two Rod Road have become so busy with bumper to bumper traffic in some areas. Two

> Rod Road has become a shortcut from Holmes to Payne Road, much busier than ever.

> The speed of the traffic is scary. People don't dare walk on the road. It an accident waiting to happen...we have ask the Police Department to help us with this.

>

> Scarborough is my town, as it was my parents and grandparents, aunts, uncles and cousins. Please take my concerns and that of many neighbors to heart! We need our town leaders support.

> Thank you.

> Donna Jackman

Fwd: Concerns

Lori Baxter <ljbaxter2017@gmail.com>
To: aspeer@scarboroughmaine.org
Cc: Jon Anderson <janderson@scarboroughmaine.org>

Mon, Sep 30, 2024 at 12:36 PM

----- Forwarded message -----

From: **Lori Baxter** <ljbaxter2017@gmail.com>
Date: Mon, Sep 30, 2024 at 12:14 PM
Subject: Concerns
To: <asither@scarboroughmsine.org>
CC: Jon Anderson <janderson@scarboroughmaine.org>

Hello

I am writing in support of my Two Rod Road neighbors as well as myself and Kennebago Drive neighbors regarding several issues and concerns. This is a follow up in regard to a meeting with counselor Jon Anderson.

1. We are all very concerned regarding water in our area. The concerns are here now and development at the former Beech ridge site has not even began.
We are tax payers and deserve the same public water and sewer services that the other parts of Scarborough have. Our taxes have increased with no talk or discussion of these added services. Prior to new or redevelopment in our area, this needs to take place and become a priority.
2. Road safety and concerns due to the increase in traffic on Two Rod Road since these Payne Road and Scarborough Downs explosion of growth. Two Rod Road is used as. Cut through to avoid the traffic backup on Payne and Homes. On the Payne Road end the doors is 25 mph. Over the bridge it becomes 35mph. There is excessive speeding daily on our otherwise quiet street. I am a daily Walker and have had to step off the actual road many times to avoid being hit. It's not safe and it needs to be addressed.
3. Building ordinance needs to be reset back to light industrial and rural. We pay taxes and we deserve this. The town has many areas fir I dusty like the existing industrial park Our home values will suffer if our wells are dry. If our neighborhood is allowed to become industrial. This is a peaceful neighborhood and we love our homes. If I had known a fed ex large trucking company was going to be allowed on Homes/Two Rod rusts I would have never built a home here. It does not fit nor will it ever fit in a residential area.

Overall we are asking for your support and actions prior to Scarborough moving forward with any large growth as far as development and redevelopment. We value where we live and want and need to be heard as to the effects this recent large surge of development in our town has had and will continue to have on us the tax payers of Two Road Road and Kennebago Drive.

Respectfully

Lori J Baxter
1 Kennebago Drive

Beechridge property/neighboring properties

1 message

Melissa Pelton <mpelton15@yahoo.com>
To: aspeer@scarboroughmaine.org

Tue, Oct 1, 2024 at 12:57 PM

Hi my name is Melissa Pelton live at 183 Two Rod Rd. My husband and I have lived here for 30 years and raised our daughters here. We have many concerns with the development in this area number 1 being the water supply. This area we all have wells different types of them and the water table has dropped tremendously over the years. The times when rain is scarce you have even less. I feel as though this should be addressed first and foremost before any building takes place. We pay lots of taxes and IMO feel water is a human right for all. Our 2nd concern would be the speed on Two Rod Rd the road is narrow there's more traffic than years ago there's no shoulder and can very dangerous to walk. Our property abuts the development of Beechridge Speedway and our 3rd concern would be the value of our home is it going to drop who would want to buy knowing this would be in your backyard. We as taxpayers who elect the candidates feel as though we should be heard and don't always feel as though we are. I wish the town would put themselves in our shoes we need the support of our leaders.

Thank You
Melissa Pelton

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

A. PURPOSE

The purpose of this district is to provide an area for small, light industrial type of development while reestablishing the Holmes Road as an attractive gateway to the west side of town. New development together with redevelopment of existing uses should create an attractive business/industrial park environment with a roadside buffer along the Holmes Road. Residential properties along Two Rod Road and to the west of the district should be protected with a substantial buffer.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and flexible design allowable under subsections I and J of this district and Section VIIE of this Ordinance.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a conventional development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop five (5) acres or more of land are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection J Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES

NOTE: The requirements of subsection F.1. of this district relating to sewage disposal may limit the type or scale of the uses that can occur in this district.

The following uses are permitted on any lot in the district subject to the requirements of Section F:

- 1.** Personal service establishments.
- 2.** Instructional and educational services.
- 3.** Business and professional offices.
- 4.** Business services.
- 5.** Contractor's offices, shops and storage yards.
- 6.** Non-municipal government buildings and uses.
- 7.** Motor vehicle repair and service facilities existing as of January 1, 2013 including auto body shops and facilities for the repair of recreational vehicles.
- 8.** Accessory uses.
- 9.** Accessory agricultural activities subject to the performance standards of Section IX.P.

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

The following uses are permitted only on lots that have vehicular access to the Holmes Road:

- 10.** Manufacturing and assembly.
- 11.** Research, development and light industrial.
- 12.** High technology facilities, subject to the performance standards of Section IX (M).
- 13.** Warehousing Facility, exclusive of mini-warehouse/storage facilities.[Amended 06/20/18]
- 14.** Distribution, wholesale trade and transportation, including truck terminals.
- 15.** Motor vehicle repair and service facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities, and vehicle sales accessory to these uses.
- 16.** Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).
- 17.** Retail sales or services if such sales or services are accessory to principal permitted uses.
- 18.** Municipal buildings and uses.
- 19.** Transmission towers subject to the performance standards of Section IX(F) of this Ordinance.
- 20.** Recycling facilities, including only junkyards, automobile graveyards or automobile recycling businesses that are existing as of January 1, 2013, and subject to annual licensing by the Scarborough Town Council under section IX(A)(18).
- 22.** Fully enclosed places of assembly, amusement, culture and government existing as of January 1, 2013.
- 23.** Telecommunication facilities.
- 24.** Small-scale energy facilities, subject to the performance standards of Section IX(W).
- 25.** Cannabis Manufacturing Facility. [Adopted 01/08/2020; Amended 09/04/2024]
- 26.** Cannabis Testing Facility. [Adopted 01/08/2020; Amended 09/04/2024]
- 27.** Marijuana Cultivation Facility conducted within a fully enclosed structure. [Adopted 01/08/2020]
- 28.** Utility-Scale Solar Energy Systems, subject to the performance standards of Section IX.(O.1.) of this Ordinance. [Adopted 11/03/21]

D. SPECIAL EXCEPTIONS

- 1.** Public utility buildings including substations, pumping stations and sewage treatment facilities.
- 2.** Outdoor storage, exclusive of fuel stored in bulk.

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

E. SPACE AND BULK REGULATIONS

1. The following space and bulk regulations are applicable to conventional developments:

Minimum area of lot	20,000 square feet
Minimum lot frontage	200 feet for lots abutting Holmes Rd and Two Rod Rd; 100 feet for lots abutting all other streets
Maximum percent of lot coverage by buildings	50%
Maximum percent of lot coverage by buildings and other impervious surfaces	85%
Minimum front yards	50 feet
Minimum side and rear yards	25 feet except that all side and rear yards abutting residential districts shall be a minimum of 100 feet or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.
Maximum building height	45 feet

2. The following space and bulk regulations are applicable to planned developments:

Minimum area of lot	20,000 square feet
Minimum lot frontage	200 feet for lots abutting Holmes Rd and Two Rod Rd; For all other streets the lot frontage requirement shall be determined under subsection J. of this district
Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection J. of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection J. of this district
Minimum front yards	50 feet
Minimum side and rear yards	25 feet except that all side and rear yards abutting residential districts shall be a minimum of 100 feet or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.
Maximum building height	45 feet

F. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. Sewage Disposal: All new, expanded, or redeveloped buildings in the district shall be connected to the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and Chapter 404A the Town of Scarborough Plumbing Ordinance.

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

- a. The design sewage flow of the use will be less than two thousand (2,000) gallons per day based on the Maine State Plumbing Code, and
- b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
- c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and
- d. The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.

2. Streetscape Buffer Strip: For all new, expanded, or redeveloped buildings, a landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street or highway except for existing lots fronting on Two Rod Road which are subject to the requirements of F.4. The width of the buffer strip shall be a minimum of thirty (30) feet when it is adjacent to Holmes Road, one hundred (100) feet when it is adjacent to Two Rod Road, one hundred (100) feet when it is adjacent to the Maine Turnpike (I-95) and associated Maine Turnpike on/off ramps, and ten (10) feet when it is adjacent to any other street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance. In the case of Holmes Road and other streets the buffer strip 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, and storage or service facilities may not be located within the buffer strip. In the case of Two Rod Road, access roads or driveways are not allowed through the street buffer strip except in accordance with standard F.3. below.

3. Vehicular Access Prohibited from Two Rod Road:

- a. Vehicle access to and from the Two Rod Road to serve new, expanded, or redeveloped buildings in the district via any means including public streets, private ways, driveways, other private accessways, or combinations thereof shall not be permitted, except for emergency vehicle access approved by the Fire Department and Planning Board and as allowed for under 3.b.
- b. Buildings existing as of January 1, 2013 on lots that have frontage on Two Rod Road and that have their exclusive vehicle access from Two Rod Road may continue to have one point of vehicle access onto Two Rod Road. If the gross floor area of all existing buildings on a lot is increased by more than twenty (20) percent, or if the building is removed or the property is redeveloped, vehicular access to the property must not be from Two Rod Road as per 3.a.

4. Lots Abutting Two Rod Road: A building existing as of January 1, 2013 that is on a lot that has frontage on Two Rod Road and that has its exclusive vehicle access from Two Rod Road that is converted from a residential use to a nonresidential use in whole or in part, must conform to the following additional requirements:

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

- a. A twenty-five (25) foot wide vegetated or landscaped buffer strip shall be maintained along the front property line adjacent to Two Rod Road and shall be improved/maintained in accordance with the Site Plan Review Ordinance.
- b. One driveway not more than sixteen (16) feet in width shall provide access to Two Rod Road.
- c. Any parking for more than two vehicles or service areas shall be located to the side or rear of the existing building.
- d. Any expansion of the buildings on the lot or the construction/placement of new accessory buildings on the lot shall be limited to a cumulative total of twenty percent of the gross floor area of all buildings existing as of January 1, 2013 and shall be compatible with and maintain the architectural character of the existing buildings.
- e. Any material storage or outdoor service areas shall be located to the side or rear of the existing building and shall be located within a landscaped or fenced area to screen it from view from the street.

5. Residential Buffering: Where a lot in the LI District abuts a lot in residential use or a residential or rural zone, a vegetated buffer shall be established and maintained in accordance with E. The buffer shall soften the transition from the LI District to adjacent residential areas and shall buffer buildings, parking, and service areas. In the design of sites, components of the project that generate large amounts of traffic, activity, noise, or similar potential impacts should be located away from residential areas and/or designed to mitigate adverse impacts on adjacent residential areas. Exterior light must be designed to eliminate spillover to adjacent residential uses or a residential or rural zone as per the Site Plan Review Ordinance.

6. Buffering of Parking: Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Site Plan Review Ordinance.

G. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

H. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT

Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

I. PLANNED DEVELOPMENT STANDARDS

The following development standards shall apply to all planned developments. In addition to these requirements, planned developments may incorporate the flexible design standards under subsection J. of this district subject to Planning Board review and approval.

1. Unified and Coordinated Design, Signage, and Lighting

Development and redevelopment of larger parcels in the LI District requiring Planned Development Review shall exhibit a high level of site planning and design. Planned Developments with multiple buildings and/or building lots shall establish a unified and coordinated layout and themes that are exhibited throughout the development. Likewise, a coordinated signage and

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

lighting plan shall be required of the Planned Development that establishes a theme within the development.

2. Open Space and Natural Resource Conservation

Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

3. Access Management and Interconnections

Access to Planned Developments from Holmes Road shall be strictly controlled to limit the number of curbs cuts along this roadway. Planned Developments shall make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections and to reduce the overall number of curb cuts on Holmes Road and to provide access to interior properties that do not have street frontage on Holmes Road.

J. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS

The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

1. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes “green building” technology or approaches that compensate for the additional lot coverage proposed. Examples of “green building” approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection E. of this district.

SECTION XXI.C. RURAL AND FARMING OVERLAY DISTRICT – RF-O.

[Adopted 03-20-13]

SECTION XXI.C. RURAL AND FARMING OVERLAY DISTRICT – RF-O.

[Adopted 03-20-13]

A. PURPOSE AND APPLICABILITY

To allow the existing residential buildings and vacant parcels in the Holmes Road Light Industrial area to continue to be used or developed for residential uses until such time as the property is developed, redeveloped, and/or modified and used in accordance with the Light Industrial (LI) District requirements.

The provisions of the RF-O District are applicable to land and to buildings existing as of the date of adoption of this provision or that are developed subsequent to the creation of this overlay district that are occupied or intended to be occupied predominately by residential uses or other uses that are not allowed as Permitted Uses or Special Exceptions in the underlying LI zoning district. The properties and buildings within the RF-O District shall be governed by the provisions of the Rural and Farming Overlay District rather than the provisions of the LI District until: 1) the property owner notifies the Town Planner in writing that he/she wants the property to be subject to the requirements of the underlying LI zoning district or 2) the property is used, developed or redeveloped for nonresidential or other uses not allowed in the RF-O District. Once a property becomes subject to the provisions of the underlying LI zoning district, all rights to being governed by the RF-O provisions are lost and the property may not revert to residential uses or other uses not allowed in the LI District.

B. PERMITTED USES

The use of land and of buildings and structures existing as of the date of adoption of this section shall be governed by the permitted use provisions of the RF District. Any use that is a permitted use in the RF District shall be a permitted use in the RF-O District.

C. SPECIAL EXCEPTIONS

The use of land and of buildings and structures existing as of the date of adoption of this section shall be governed by the Special Exception provisions of the RF District. Any use that is a Special Exception in the RF District shall be a Special Exception in the RF-O District.

D. SPACE AND BULK REGULATIONS

The use, modification, or expansion of buildings or structures existing as of the date of adoption of this section or the construction of new buildings shall be governed by the Space and Bulk Regulations of the RF District.

E. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

F. SIGNS

Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.