



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

In Person: Public Safety

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: Cory Fellows

- I. Roll Call and Identify Voting Members
- II. Review Minutes November 8, 2024
- III. Discuss and make a potential recommendation to the Ordinance Committee for proposed amendments to the Zoning Ordinance to permit landscape contractor uses in the Rural Farm zoning district and consider the same request for the Running Hill District.
- IV. Continue discussion concerning the proposed amendments to the Light Industrial Zoning District, the Rural Farming Overlay District and the Zoning Map of the Town for Scarborough.
- V. Public Comment
- VI. Staff Updates
- VII. Committee Member Updates
- VIII. Adjourn – Next Meeting January 10, 2024

LRPC 12/13/2024

Agenda Item 3. Discuss and make a potential recommendation to the Ordinance Committee for proposed amendments to the Zoning Ordinance to permit landscape contractor uses in the Rural Farm zoning district and consider the same request for the Running Hill District.

Previously discussed in December 2023 and October 2024. The item was also included on the November 2024 agenda; however, time did not permit review.

BACKGROUND

Paul Beaver, who owns property 94 Broadturn Road submitted the original request in 2023 through staff to review this item. In September of this 2024 he submitted a formal letter (attached) requesting review. He is seeking relief to be treated as a conforming use with the same benefits granted to Agriculture uses to specifically permit employee housing.

Since our November meeting we have also received another request to review this type of use in the Running Hill Mixed Use District. The property located at 108 Running Hill was found to be in violation last month for operating a landscape contractor/property maintenance business. They have been in business for many years and this was just brought to the Town's attention.

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.

Previously Reviewed October 2024 Minutes:

Staff provided an overview of the request and presented a recap from the December 2023 meeting. Discussion ensued concerning landscape uses and possibly adding performance standards for horticulture uses. Peter Freilinger stated the Board of Appeals was surprised this was not an allowed use already during the ZBA request process and was supportive of the wholesale use being permitted and not allowing for parking and signage. Autumn requested clarification about issues with a nursery in the RF – Peter stated the parking would be a concern and discussion ensued about the retail part of the use not being in the

same character of the RF.

Paul Beavers, the applicant requesting this be considered, also spoke and wishes to have the use classified as conforming so that he may have same accessory uses to agriculture uses such as employee housing.

Portia mentioned the high-rise farming structure in Westbrook and would that be permitted – retail sales and services are not permitted in RF. Judy asked a question about invasive species regulations and Autumn shared where those could be found on the state website and in town regulations. Portia mentioned bees – Autumn stated that some retail sales and service uses may be appropriate in the RF and the committee agreed to review in the future especially around the nursery type uses. The committee also acknowledged that variations in RF should be considered in the future. The committee also agreed to add recommendation to the 30x30 plan to address variations, trailheads and RF village nodes.

Staff agreed to prepare draft language to review at the next meeting concerning horticulture uses and appropriate performance standards to consider.

Limited definitions exist for this type of use, Landscape Contractor is not specifically defined.

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]

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]

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]

Permitted Uses:

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.

ATTACHMENTS

1. Rural Farming Excerpt
2. Running Hill District
3. Paul Beavers Memo
4. Violation Notice 108 Running Hill
5. Draft Proposed Amendments

RURAL FARMING EXCERPT

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%

SECTION XXA. RUNNING HILL – GORHAM ROAD MIXED USE DISTRICT, RH
[Amended 07/16/14; 07/19/2023]

SECTION XXA. RUNNING HILL – GORHAM ROAD MIXED USE DISTRICT, RH
[Amended 07/16/14; 07/19/2023]

A. PURPOSE

To provide for and encourage the Running Hill Road and Gorham Road area west of the Maine Turnpike to develop as a high-quality, well-planned mixed use center. This district is intended to accommodate a mix of office, service, financial, research, small retail, recreational and residential uses in an environment conducive to both pedestrians and motorists. Development is intended to be compact and interconnected with common spaces, enabling walk-ability, human activity and vibrancy as well as convenient and orderly vehicular access and circulation. Master planning for larger parcels will enable flexibility, creativity, open spaces, and an overall character for the development. The Running Hill Road – Gorham Road Mixed Use District (RH) shall be considered a business district whenever this Ordinance distinguishes between types of districts.[Amended 07/16/14]

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout 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 design criteria of subsection I. of this district.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option. [Amended 07/16/14]

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance.

3. New Lots. The division of a parcel that had five (5) acres or more of area as of July 16, 2008, into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance. [Amended 07/16/14]

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

RESIDENTIAL USES

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

- 1. Multifamily dwellings**
- 2. Multiplex dwellings**
- 3. Townhouses**

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4. Senior housing
5. Single-family dwellings existing as of September 1, 2008, subject to the performance standards in Section IX.Z
6. Accessory dwelling units subject to the performance standards of Section IX.J.

MIXED USES

The following mixed uses are permitted in both conventional and planned developments:

7. Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I) of this Ordinance
8. Live/Work Units
9. Retail sales and services establishments with less than 5,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

NON-RESIDENTIAL USES:

12. Professional offices
13. Business services and business offices
14. Financial, insurance and real estate offices
15. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
16. Health clubs
17. Non-municipal government offices
18. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
19. Funeral homes
20. Place of worship
21. Group day care homes, day care facilities, and nursery schools
22. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
23. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
24. Municipal buildings and uses
25. Elementary and secondary schools
26. Libraries and museums
27. General purpose farming existing as of September 1, 2008 including the retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries
28. Golf courses [Amended 07/16/14]
29. Nursing Homes [Amended 07/16/14]
30. Boarding care facilities for the elderly [Amended 07/16/14]
31. Telecommunication Facilities

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[Amended 07/16/14; 07/19/2023]

32. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

D. SPECIAL EXCEPTIONS

The following uses are allowed as special exceptions in both conventional and planned developments:

1. Adjunct Uses, Place of Worship
2. Public utility facilities
3. Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply

E. SPACE AND BULK REGULATIONS

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

1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Minimum Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses; senior housing	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50
Non-Residential and Mixed Uses	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of the RF District shall apply		

2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road and Gorham Road	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 ^{1 & 2}
All other streets	10	15 ^{1 & 2}
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of the RF District shall apply	

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[Amended 07/16/14; 07/19/2023]

¹When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

² When a site abuts a residential district the minimum yard for a use other than a single-family dwelling shall be 100ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet

For single-family dwellings existing as of September 1, 2008, the space and bulk regulations of Section XIV., the RF District shall apply.

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses; senior housing	10,000	200 for lots abutting Running Hill Road or Gorham Road; for lots abutting any other street the Planning Board shall determine the lot frontage under subsection I. of this district	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road or Gorham Road; for lots abutting any other street the Planning Board shall determine the lot frontage under subsection I. of this district	50

5. Yard Standards and Building Distance Requirements – The following minimum front yard standards apply in conjunction with subsection I. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road and Gorham Road – Buildings	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 ^{1 & 2}
All other streets	10	15 ^{1 & 2}

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under subsection I. of this district	85%	Determined by the Planning Board under subsection I. of this district	60 feet if the building is approved by the Planning Board under subsection I. of this district

F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if serviced by on-site sewage disposal. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
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2. Additional Residential Density Thru Development Transfer – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed ten (10) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., F.3., and/or F.4. are used, the additional dwelling units permitted under F.3. and/or F.4. shall not also be subject to the development transfer provisions under F.2.

G. BUILDING ORIENTATION, STREETScape, ACCESS MANAGEMENT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road and Gorham Road, the streetscape of Running Hill and Gorham Roads, access management as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

1. Streetscape – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. Where significant trees do not exist the buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road or Gorham Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

2. Building Orientation – The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the road corridors.

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[Amended 07/16/14; 07/19/2023]

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridor as well as to establish attractive gateways into the Town of Scarborough. Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road in order to share an access point and reduce the number of curb cuts along the corridor. Site access shall also be designed in accordance with the Site Plan Review Ordinance.

4. Off-Street Parking Location – No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

Therefore on sites fronting Running Hill or Gorham Roads off-street parking shall be located to the side or rear of the building or may be incorporated into the building design as structured parking. Further, where parking lots and associated access drives are visible from these roads they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.

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

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

2. Commercial Design Standards – All development within the Running Hill – Gorham Road Mixed Use District must be consistent with the Design Standards for Scarborough's Commercial Districts.

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough's Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development or redevelopment within a planned development shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be service by 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 the Town of Scarborough Plumbing Ordinance.

- a. The design sewage flow of the use will be less than six hundred (600) 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.

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Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

5. General Off-Street Parking Standards -

- a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.
- b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill – Gorham Road Mixed Use District (RH) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham Road Streetscapes – The streetscapes along Running Hill Road and Gorham Road are critical to establishing attractive gateways into Scarborough with shade trees and a generous landscaped buffer strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads but shall be setback from and separated from the street by this landscaped buffer. In addition to landscaping, sidewalks, pedestrian trails, freestanding signage and access drives are permitted within the buffer strip, but parking is not.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscape along Running Hill Road and shall exhibit a more compact layout, form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a more compact, urban scale; human scale street lighting; frequent intersections and crosswalks; and

SECTION XXA. RUNNING HILL – GORHAM ROAD MIXED USE DISTRICT, RH

[Amended 07/16/14; 07/19/2023]

sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill and Gorham Roads should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be closer to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Building Orientation for Buildings 45 feet or less in Height – Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. For buildings 45 feet in height or less, off-street parking shall not be permitted between the front line of the building and the street that the building fronts. Off-street parking shall be located to the side or rear of the building(s) or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings on one lot, the Planning Board may allow some buildings to be setback from the street(s) or driveways with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a more compact, human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards.

e. Building Orientation and Visual Impact for Buildings Greater than 45 feet in Height – The Planned Development provisions enable the Planning Board to review and approve of buildings greater than forty-five (45) feet in height, up to a maximum of sixty (60) feet in height, if the Planning Board finds that the building meets all of the following standards:

- 1) The apparent height of the proposed building when viewed from the Running Hill Road or Gorham Road is no greater than the apparent height of a similar building with a height of forty-five (45) feet setback forty-five (45) feet from the road considering the topography of the site and the actual height of the proposed building;
- 2) The proposed building will not shadow or visually dominate the road corridor;
- 3) The proposed building will not significantly alter the appearance of the natural tree line of Running Hill when viewed from the surrounding area including from South Portland; and
- 4) Any portion of the building that is taller than forty-five (45) feet will be located at least five hundred (500) feet from an RF District or other residential zone unless the Planning Board determines that there is adequate visual buffering between the building and the RF District or other residential zone to assure that the proposed building does not have an adverse visual impact on properties in the RF District or other residential zones.

When determining the visual appropriateness of a building taller than forty-five (45) feet, the Planning Board may require graphic representations of how a building will look upon completion when viewed from various perspectives along the road corridor, from an RF District or other residential zones within five hundred (500) feet, and from surrounding viewing points in Scarborough and South Portland from which the proposed building may be visible. When

SECTION XXA. RUNNING HILL – GORHAM ROAD MIXED USE DISTRICT, RH

[Amended 07/16/14; 07/19/2023]

buildings are setback more than one hundred (100) feet from Running Hill or Gorham Roads, the Planning Board may permit off-street parking to be located between the building and the road provided it is screened in accordance with the streetscape requirements of subsection I.1.a above.

f. Place-making – A planned development shall include at least one “place” and potentially a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a planned development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a “place” unless they are available for public use.

g. Access management and interconnections – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads. Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, to share the use of curb cuts and intersections, and to reduce the overall number of curb cuts on these roads.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXA. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXA.(I)(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of subsection (I)(1), in particular subsection I.1.d. Compact design.

c. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill Road or internal streets to meet the standards of subsection (I) and further the purpose of this district.

[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

November 6, 2024

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ryan E. Jones
Frederick A. Jones
108 Running Hill Road
Scarborough, ME 04074

Subject: **Notice of Land Use Violation at 108 Running Hill Road, Map R036006**

Dear Ryan & Frederick:

Earlier this year, staff from this department accompanied Deputy Chief Brennan from the Scarborough Fire Department to investigate a complaint about unauthorized burning of brush at the subject property. At that time the department became aware that you were operating a landscape/property maintenance business at the subject property, and that the activity had been taking place for several years at that location.

According to the Scarborough Fire Department there have been two additional complaints from instances of outdoor brush burning at the property this year. The most recent incident required the temporary closing of Running Hill Road.

In a telephone conversation with Ryan, there was mention of a previous commercial activity at the property, and that was the reason that the current use was believed to be permitted.

The property is located in the Running Hill-Gorham Road Mixed Use (RH) District. Section XXA of the Scarborough Zoning Ordinance does not list landscape/property maintenance contractor businesses as a permitted use in this district.

In the time since that conversation, staff has not found any indication in our records that a prior commercial activity was ever permitted at the subject property, and therefore, there is no ability to continue a non-conforming use under the provisions of the Scarborough Zoning Ordinance.

Pursuant to the Scarborough Zoning Ordinance (Chapter 405), Section IV, the Town finds that you are in violation of Section XXA.

Planning & Code Enforcement

Order for Corrective Action

You are hereby ordered to remedy the violation as follows:

1. Cease all outdoor burning activity immediately.
2. Within 7 days from receipt of this notice, enter into an administrative consent agreement with the Town of Scarborough that will set forth terms and conditions for removing the landscape/property maintenance operation from the subject property, and any penalties for non-compliance.

Any person, firm or corporation being the owner of or having control or use of any building, structure or property that violates any provision of this Ordinance or any corresponding requirement by the Code Enforcement Office pursuant to this Ordinance commits a civil violation and shall be liable for a civil penalty of no less than \$100 and no more than \$2,500 per violation. Each day such violation is permitted to exist after notification thereof shall constitute a separate violation.

If you wish to dispute anything in this Notice of Violation and Order, you may appeal to the Scarborough Board of Appeals pursuant to Section V.B.1 of the Zoning Ordinance. Such appeal must be filed in the office of the Code Enforcement Officer at the Scarborough Town Hall on forms provided by the Town, together with the appropriate filing fee, within thirty (30) days after the issuance of this Notice and Order. Failure to appeal within thirty (30) days may deprive you of your ability to contest the contents of this this Notice and Order in any subsequent proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your responsibility to correct the violations or of your liability for civil penalties.

Thank you for your prompt attention to this matter.

Sincerely,


Brian Longstaff
Zoning Administrator

Cc:	Tom Hall, Town Manager	via email
	Phil Saucier, Attorney	via email
	Autumn Speer, Director of Planning and Codes	via email
	Rich Kindelan, Scarborough Fire Chief	via email

AGENDA ITEM 3

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
<u>Landscape Contractor (no retail component)</u>	<u>Section IX.BB</u>	<u>P</u>
Forestry		P
Wetlands Creation on Previously Excavated Property		CZ

We may want to allow these in BOR, I and LI as well – contractors offices, shops and storage yards are permitted in these districts.

NEW REQUEST: Consider this type of use in the RH District – could be a special exception

DIMENSIONAL STANDARDS	RF
	ALL
Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation)	80,000 sq ft
Minimum Street Frontage	200'
SETBACKS	RF
	ALL
Minimum Front Yard (All Structures)	50'
Minimum Side Yard*	15'
Minimum Rear Yard*	15'

SECTION VI. DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”; the terms “building inspector” and “code enforcement officer” are synonymous. [12/01/04] [10/04/17]

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]

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 or Landscape Contractor use and that are used exclusively to house seasonal agricultural employees and/or apprentices associated with the permitted 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]

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]

Landscape Contractor:

Landscape Contractor means the business of designing, installing, planting, or maintaining lawns, gardens, hardscapes, water features, outdoor structures, decorative features, stormwater and drainage features, or other activities intended to enhance the appearance or usefulness of outdoor areas. Landscape Contractor also means providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal. Landscape Contractor includes buildings and structures used in the such as barns, storage buildings and facilities, greenhouses and temporary shelters. All structures shall be subject to site plan approval.

PERFORMANCE STANDARDS

Q. PERFORMANCE STANDARDS – COMMERCIAL AGRICULTURE AND COMMERCIAL ANIMAL HUSBANDRY INCLUDING PROCESSING [Adopted 05/05/2010]

Commercial Agriculture and Commercial Animal Husbandry must be carried out in conformance with the following performance standards:

1. A lot must have a lot area of at least one (1) acre to have any permanent agricultural buildings or structures.
2. Commercial Animal Husbandry is allowed only on lots with a lot area of two (2) acres or more.
3. Any building or structure that is used to house animals other than domestic pets and any facilities for the storage or handling of manure or materials that contain manure must conform to

the setback requirements of the zone in which it is located. The facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's Manual of Best Management Practices for Maine Agriculture.

4. Facilities for the processing of agricultural products must be designed and primarily used to process products raised as part of the Commercial Agriculture and/or Commercial Animal Husbandry use but the processing of other agricultural products not raised as part of the Commercial Agriculture or Animal Husbandry use is allowed provided that the processing facilities are accessory and subordinate to the principal agricultural use of the property.

5. Processing facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's 01-001 Chapter 343 Rule, "Food Processing and Manufacturing" requirements.

BB. PERFORMANCE STANDARDS – LANDSCAPE CONTRACTOR

1. In the Rural Farming District, the minimum lot area is 4 acres.

2. Minimum side and rear yard - 25 feet or 50% of building height whichever is greater except that all side and rear yards abutting residential districts shall be a minimum of 50 feet or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.

Buffering requirements: No building shall be erected or any use permitted in non-residential districts, which abut residential districts unless the following side and rear yard requirements are satisfied: 1. All such side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a visual screen between districts. 2. Where no natural buffering can be maintained all such side and rear yards abutting residential districts shall be landscaped to provide a visual screen between districts. Because of varying site conditions, landscaping for the purposes of this may include tree plantings, hedges, fencing, walling and combination thereof

3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the landscape contractor business or parked on-site in the rural farming district must be approved by the Planning Board to avoid an adverse impact on abutting uses.

4. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.

5. Sale of plant materials, garden supplies, or equipment is prohibited in the Rural Farming zoning district.

6. The Planning Board may regulate hours of operation and other on-site operations in the Rural Farming zoning district to avoid adverse impact on abutting uses.

LRPC December 13, 2024

Agenda Item 4. Continue discussion concerning the proposed amendments to the Light Industrial Zoning District, the Rural Farming Overlay District and the Zoning Map of the Town for Scarborough.

BACKGROUND

LRPC reviewed this item originally in the fall of 2022, with no proposed changes to the district. (minutes attached) The LRPC was requested to review this again with Council support in October and November of this year. In October, the LRPC requested staff create a draft that would eliminate specific uses and possibly adjust the LI zoning boundaries. In November the discussion was continued with no specific direction at that time and requires continued discussion.

Councilor Anderson brought forth a request to Town Council for a 180-day moratorium on the LI District dating back to November 1, 2024, on November 20, 2024. Town Council approved the request at first reading for a 90-day moratorium. Town Council held a public hearing for this item on December 4, 2024, and second reading is scheduled for December 18, 2024. Councilors Anderson and Cushing have also arranged for a neighbor forum on December 12, 2024, to review the district and potential outcomes with property owners.

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.

ATTACHMENTS

1. October 2022 Minutes
2. October 2024 Minutes
3. Neighbor Letters – October 2024 Meeting
4. Draft LI District Changes
5. Draft RFO District Changes
6. Draft Zoning Map Changes
7. Moratorium Language
8. LI History Packet Provided to Council

Previously reviewed October 2022 LRPC 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.

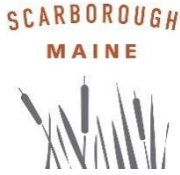
Autumn continued to give an overview of permitted uses and standards in the LI district, including required landscaping buffers for developments in the zone. She went on to summarize that there are two larger parcels along Two Rod Road that, with the current zoning remain inaccessible. These parcels 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

MINUTES EXCERPT



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

In Person: Town Manager Conference Room

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: Allen Paul, Rick Shinay, Peter Freiling, Portia Hirschman
Alternates: Judith Fischer
Council Liaisons: Jon Anderson

- I. Roll Call and Identify Voting Members
- II. Review Minutes September 13, 2024 – Peter and Portia - All in favor (Allen Paul abstained)
- 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.

Rick Shinay recused himself from the discussion as he represents the developers of the Fed Ex property in the LI district.

Autumn briefly reviewed the discussion held in the Fall of 2022 concerning the LI district and explained the discussion and changes that were recommended at that time to address truck traffic on Two Rod Road.

Autumn presented the details on the Fed Ex project and where it stands in the process. Neighbors have sent comments and concerns about the project and have requests additional review of the districts appropriateness to the surrounding area.

Denise Hamilton of Two Rod Rd spoke about the neighbors' concerns and specifically the fed ex project. She spoke about the posting on Holmes Road, and the recommendation in 2012 for no

trucking terminals. She spoke about ongoing water concerns and the 24/7 nature of the proposal. Autumn reviewed the traffic improvements that Fed Ex will be required to do as far as their project is concerned. Peter spoke about the nature of the speedway in the past and the fact that it has been used for quite some time. Jon Anderson reiterated that the 24/7 trucking facility is different from the speedway operations.

Autumn went on to call out the parcels that remain in the LI district, pointing out the vacant parcels and existing uses. She also discussed the possibility of rezoning the area to RF or striking specific uses. Portia has concerns with the water and potential contamination for wells. Peter went on to recommend that the two parcels south of the proposed fed ex site off of Two Rod Rd should be rezoned back to the Rural Farming district, especially due to the fact they have wetlands. Jon spoke about his concerns allowing the continuation of more industrial uses in the area in light of residents' concerns. Ideas came up to remove the two parcels and residential lots from the LI overlay, add a clause similar to Running Hill that water and sewer would be required for additional development and strike specific uses. (Trucking terminals and marijuana cultivation)

Staff will bring back map revisions showing the proposed maps updates, stricken and water and sewer clause added.

V. Public Comment

Denis Hamilton of Two Rod Rd also spoke about the shared access clause in the LI ordinance and the process of the original zoning changes in 2012 and 2013. She thanked the committee for their consideration.

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~~ **in existence as of ??.**
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

4. Public Utilities Service – All new development shall be served by public sewer and public water.

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

All new, expanded, or redeveloped buildings shall be served by public sewer 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 the Town of Scarborough Plumbing Ordinance.

- a. The design sewage flow of the use will be less than six hundred (600) 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.

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

~~**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.~~

- ~~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 in the Light Industrial District.

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

~~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:~~

~~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

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

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 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

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

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.

DRAFT

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~~

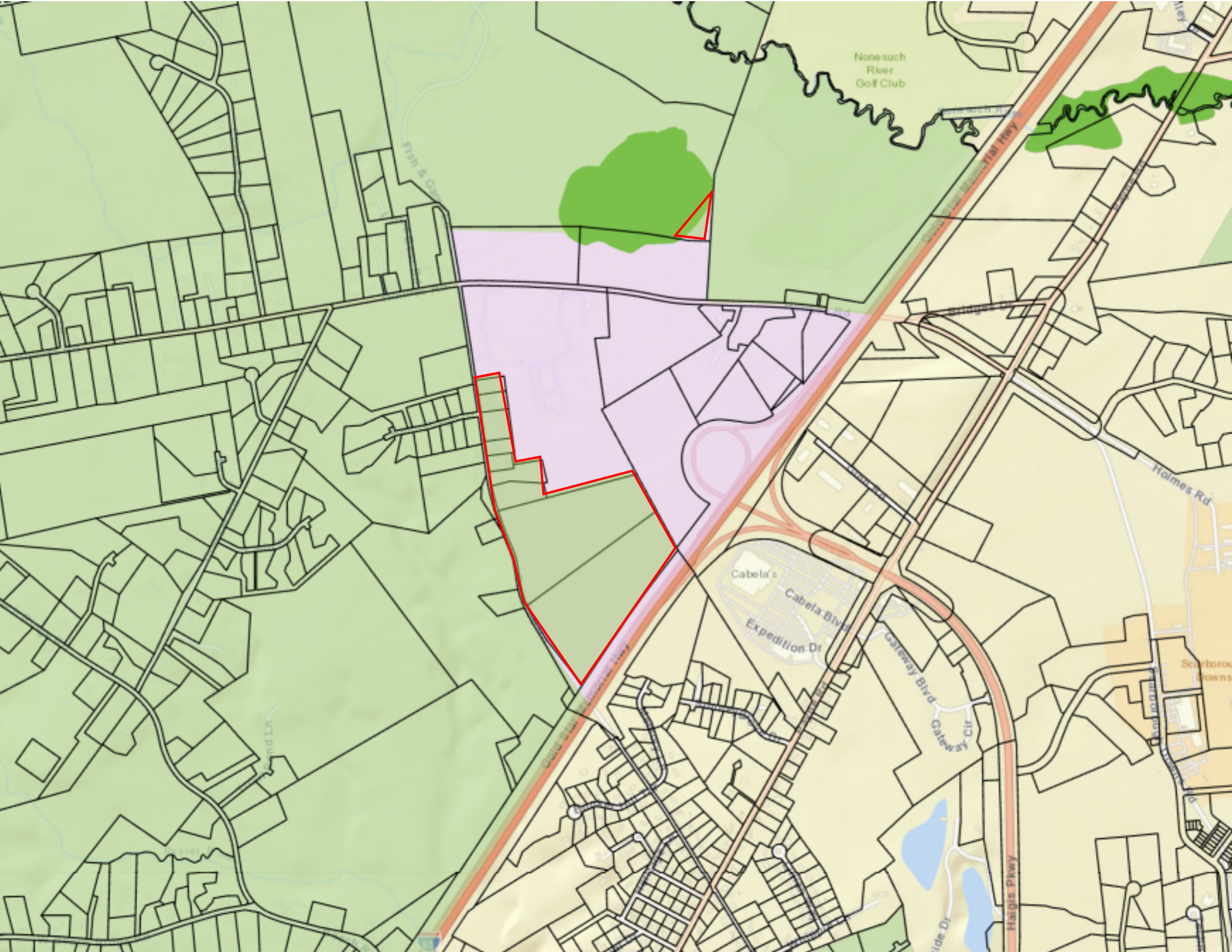
~~The use, modification, or expansion of buildings or structures existing as of the date of adoption of this section or the construction of new buildings shall be governed by the Space and Bulk Regulations of the RF District.~~

~~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.~~



Nonesuch
River
Golf Club

Flat & Green

Harris Pkwy

Holmes Rd

Cabela's
Cabela Blvd
Expedition Dr

Gateway Blvd
Gateway Cir

Scarborough
Downs

Harris Pkwy

Side Dr

TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON LIGHT INDUSTRIAL DISTRICT

WHEREAS, under the Town of Scarborough's Zoning Ordinance the Light Industrial District (LI) is an area of small, light industrial development, with a purpose of reestablishing an attractive business/industrial park environment with a roadside buffer along the Holmes Road along with a substantial buffer for residential properties along Two Rod Road and west of the LI; and,

WHEREAS, that zoning has helped meet Town goals for redevelopment and new development in the LI; and

WHEREAS, more recently, in there has been reduction in water levels, increasing high-speed traffic, road deterioration, and concerns about pedestrian safety; and,

WHEREAS, there have recently been an increasing number of applications for site plan review in the LI; and,

WHEREAS, there is a strong likelihood that the LI District will continue to be subject to this development pressure; and,

WHEREAS, pursuant to 30-A M.R.S § 4356(1), there is a concern that the Town's existing Zoning Ordinance does not provide an adequate mechanism to address the aforementioned development pressures in the LI District and to prevent the public harm from an overburden of public facilities and to prevent potential adverse effects on neighborhoods due to environmental concerns and traffic that may create a public nuisance or hazard; and,

WHEREAS, the Town will need at least 90 days to study the LI District and, develop and implement amendments to the Zoning Ordinance which appropriately and adequately regulates the LI Districts to minimize or eliminate the public health, safety, and welfare risks posed by the aforementioned development pressures; and,

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Scarborough as follows:

1. APPLICABILITY AND PURPOSE.

This Ordinance shall apply to any proposal to develop, establish, operate, or expand any permitted or special exception use in the Town of Scarborough's Light Industrial District on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S. § 302 or any other law, this Ordinance applies to any application submitted after November 1, 2024, relating to the development, establishment, operation, or expansion of any permitted or special exception use in the LI, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S. § 302.

2. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion of a permitted or special exception use for any development in the Light Industrial District. No person shall develop, establish, operate, or expand a permitted or special exception use in the Light Industrial District related to any application for any approval submitted after November 1, 2024.

3. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Scarborough. Any person who violates Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S. § 4452.

4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 90 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the City, whichever shall first occur.

5. SEVERABILITY.

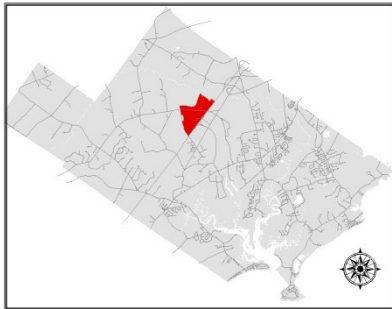
Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

To: CPIC
From: Mark Eyerman
Subject: Holmes Road Light Industrial District
Date: March 3, 2011

Comprehensive Plan

The Comprehensive Plan proposes creating a “light industrial” district in the Holmes Road/Two Rod Road area west of the Turnpike. The section of the Future Land Use Plan dealing with this area follows. The proposed area to be included in the district is shown on Figure 12 in the Comp Plan.

Holmes Road Light Industrial Development District



The Holmes Road Light Industrial Development District is located along both sides of the Holmes Road west of the Maine Turnpike extending westerly to the Two Rod Road (see Figures 2 & 12).

Our Vision

The Holmes Road Light Industrial Development District provides an area for small, light industrial type of development while reestablishing the Holmes Road as an attractive gateway to the west side of town and limiting commercial traffic on Two Rod Road. Previous uses are re-developed to create attractive yet lower cost business locations that are served by public sewerage. Buildings are well set back from the road and the roadside maintained as a landscaped buffer. Substantial buffers are established to protect existing homes along the Two Rod Road and the rural/residential area to the west.

Allowed Uses

The following general types of uses are appropriate in the Holmes Road Light Industrial Development District:

- Light assembly and manufacturing
- Small, neighborhood convenience stores
- Industrial and business parks
- Contractors
- Automotive services
- Wholesale and distribution
- Business offices and services
- Research facilities
- Outdoor recreational facilities including golf courses

Retail uses are generally not appropriate in this district except for retail sales accessory to another use and neighborhood or convenience type stores that serve the area.

Development Standards

Development within the district should be well-planned. Master development plans should be required for all larger parcels of land including the redevelopment of existing larger parcels. These plans should establish the overall development pattern, circulation system, utility systems, and open space or protected areas before any development occurs.

New buildings should be required to be setback from the Holmes Road and Two Rod Road and the road corridors re-established as “landscaped parkways”. Vehicular access points or curb cuts should be limited and access to the land coordinated to maintain the traffic capacity of Holmes Road while creating a scenic corridor through the district. Use of Two Rod Road by commercial traffic should be controlled. New uses should generally be required to be served by public sewerage. Uses that generate small amounts of domestic sewage should be allowed with on-site sewage disposal if provisions are made for connection to the public sewerage system when it becomes available.

Development, including redevelopment, should be of an industrial or business park character with one and two story buildings and green space. A natural buffer at least 100 feet in width should be maintained along the boundary with existing residential areas and residential or rural zones. This buffer should be treated and maintained to provide a transition from this district to the lower intensity areas.

All development in this district should be required to conform to site design standards to assure a reasonable quality of development consistent with an industrial park environment. Natural resource areas should be required to be protected and buffers provided as appropriate. The development standards should encourage the minimization of stormwater runoff through limits on impervious surface, groundwater recharge, and the use of “green building” techniques.

Special Issues

This area raises a number of issues that are somewhat unique to this area. The objective of the Plan is to allow this area to develop for non-residential use but to create an attractive gateway along Holmes Road and protect the adjoining residential areas.:

1. **Public Sewer** – Public sewerage is currently not available and will probably need to be extended under the Turnpike to serve this area. During the Comp Plan discussions, there was considerable discussion of this situation. Harvey came to one of the meetings and advocated for a place to accommodate lower cost businesses that might not need

public sewerage. So the Plan speaks to generally requiring new uses to be served by public sewerage but also includes the idea that “uses that generate a small amount of domestic sewage should be allowed with on-site sewage disposal if provisions are made for connection to the public sewerage system when it becomes available.” We will need to think about how we do this and if there should be some limit on the volume of sewage that can be generate and still use on-site disposal.

2. Planned Development – The Comp Plan envisions that the planned development approach would apply in this area for development of larger parcels.

3. Landscaped Parkway – The Plan envisions that both Holmes Road and Two Rod Road will re-emerge as landscaped corridors (remember Running Hill Road) as development/redevelopment occurs.

4. Protection of Two Rod Road – During the discussions about the Comp Plan, there was concern about how residential uses on Two Rod Road would be protected. The Plan proposes that use of Two Rod Road by commercial traffic should be controlled and that a natural buffer at least 100’ in width be maintained adjacent to residential uses and residential and rural zones.

New Zone?

Dan and I have been discussing whether we should create a new Light Industrial District for this area or include it in a re-worked Industrial District. The types of uses envisioned for the Holmes Road area in the Plan are quite similar to those envisioned for the revised Industrial District. If we included in the I District we would probably have to add some additional requirements that would apply to just this area to address the special issues discussed above.

To: LRPC

From: Dan Bacon and Mark Eyerman

Subject: Holmes Road Light Industrial District

Date: August 27, 2012

About a year and half ago the committee discussed the Holmes Road area and the Comp Plan designation of this area as a Light Industrial District, and then other initiatives by the committee took priority. Going back in our notes and minutes, the consensus of the discussion at the time was:

1. We should create a separate district for this area and not include it in the existing I District because of the special considerations here;
2. The district should recognize that it is unlikely that the area will be served by public sewerage in the near future and therefore small-scale, low-intensity non-residential development should be allowed on on-site sewage disposal; and
3. The district should buffer and protect the residences and residential character of Two Rod Rd

Based on this discussion and the guidance of the Comp. Plan, we've generated an initial draft of a light industrial district for this area for discussion purposes. We've also sketched out a draft zoning boundary for the new zone. This zoning boundary includes an area that could be automatically in the LI District and then also two parcels that only have frontage on Two Rod Rd, which are concerned about developing as industrial off of Two Rod. Given this, we're proposing these parcels only be allowed to have light industrial uses if they acquire access from other adjacent properties that link to Holmes Rd., otherwise they need to stay RF. This is the idea of an "opt in" provision if they can negotiate access.

Given that we are still in the early draft stages additional work and discussion is needed, including addressing this area under the Commercial Design Standards if desired by the committee as well as establishing a process for the two parcels along Two Rod Rd to opt into the LI District.

Section____. Holmes Road 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

The following uses are permitted. The requirements of subsection F.1. of this district relating to sewage disposal may limit the type or scale of the use.

1. Manufacturing and assembly.
2. Research, development and light industrial.
3. High technology facilities, subject to the performance standards of Section IX(M).
4. Warehousing and storage, exclusive of mini-warehouse/storage facilities.
5. Instructional and educational services.
6. 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.
7. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).

8. Retail sales or services if such sales or services are accessory to principal permitted uses.
9. Business services and business offices.
10. Contractor's offices, shops and storage yards.
11. Municipal buildings and uses, not including places of assembly.
12. Non-municipal government buildings and uses.
13. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance. (5/17/95)
14. Recycling facilities, exclusive of junkyards, automobile graveyards or automobile recycling businesses subject to annual licensing by the Scarborough Town Council under section IX(A)(18). Notwithstanding this provision, all municipal solid waste incinerator ash processing facilities and all municipal solid waste incinerator ash recycling facilities shall be sited only within the confines of a secure, lined landfill approved by the Maine Department of Environmental Protection.
15. Accessory uses.
16. Accessory agricultural activities subject to the performance standards of Section IX.P.
17. Telecommunication facilities.
18. Small-scale energy facilities, subject to the performance standards of Section IX(W).

D. SPECIAL EXCEPTIONS

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

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	Determined by the Planning Board under subsection J. of this district
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 the Town of Scarborough Sewer Ordinance.

- 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: 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. 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 and Design Standards for Scarborough's Commercial Districts. 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 in accordance with standard F.3. below.

3. Vehicular Access Prohibited from Two Rod Road: Vehicle access to and from the Two Rod Road to serve uses and activities within the district shall not be permitted, except for emergency vehicle access approved by the Fire Department and Planning

Board.

4. 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.

5. Buffering of Parking: Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Design Standards for Scarborough's Commercial Districts.

6. Commercial Design Standards: All development in the LI District must be consistent with the Design Standards for Scarborough's Commercial Districts.

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 lighting plan shall be required of the Planned Development that establishes a theme and sense of place 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

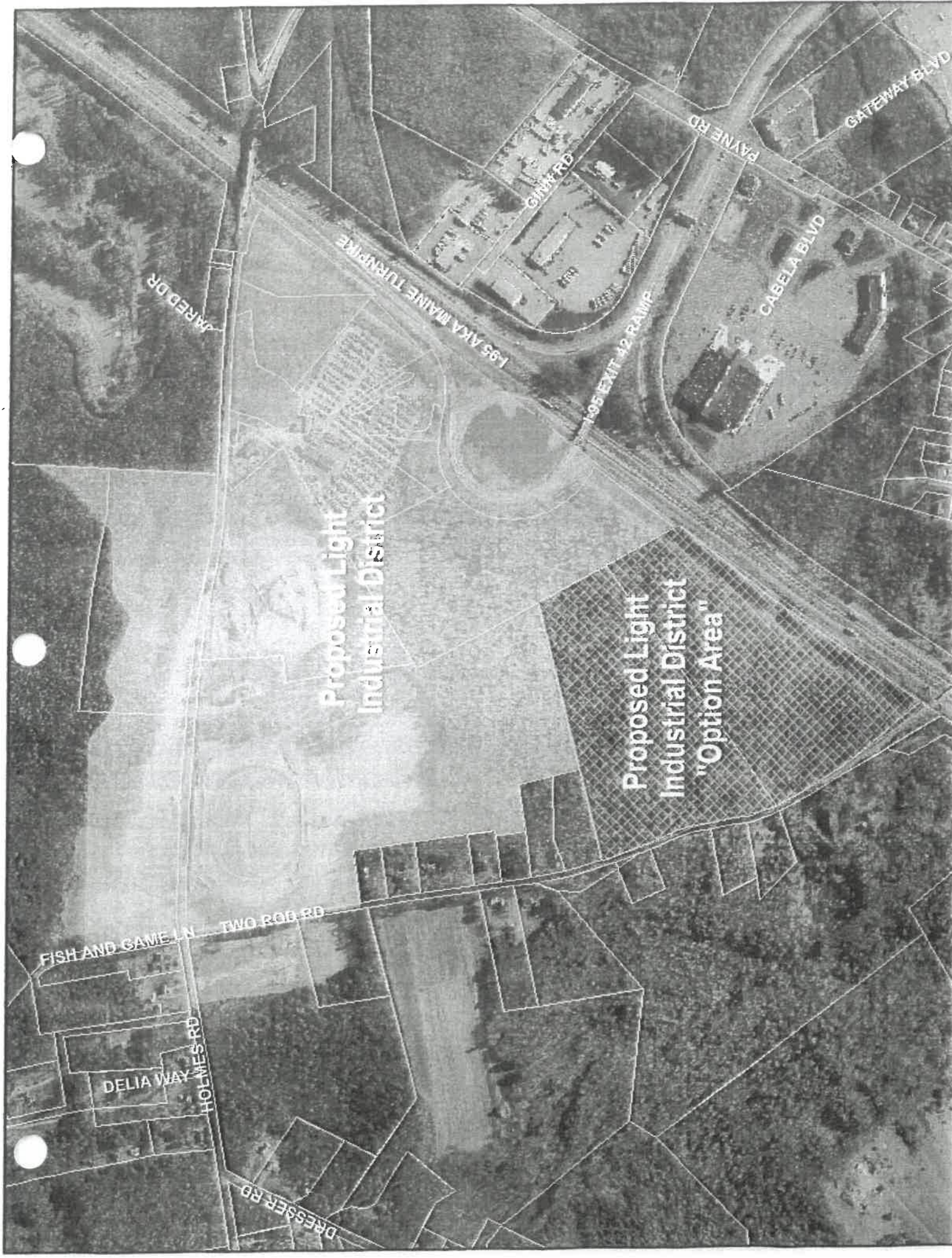
Access to Planned Developments from Holmes Road shall be strictly controlled to limit the number of curbs cuts along this roadway. Planned Developments shall make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections 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.

2. Flexible yard standards - The Planning Board shall determine the yard requirements for a planned development by applying the standards of subsection I. In reviewing a planned development, the Planning Board may use the Yard Standards under subsection F. as a guideline, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to the street than conventional development to meet the standards of subsection I. and further the purpose of this district.



Proposed Light
Industrial District

Proposed Light
Industrial District
"Option Area"

JARED DR

GIVNER RD

PAYNE RD

GATEWAY BLVD

CABELA BLVD

I-95 EXIT 42 RAMP

I-95 AKA MAINE TURNPIKE

FISH AND GAME LN TWO ROB RD

DELIA WAY

HOLMES RD

DRESSER RD

Agenda – Meeting #20 (LRPC)
Long Range Planning Committee
Friday September 14th, 2012 @ 8:00 AM
Town Manager's Conference Room

1. Crossroads District – Review and Discussion
on the Draft Crossroads District with
Representatives of the Downs*
2. Holmes Rd Light Industrial District – Begin
Discussion

Updates to the Committee – At the September 5th
Town Council meeting the Pine Point zoning
updates were adopted as proposed by the
committee with one amendment regarding the
Conroy's property.

Also on the 5th, the Scottow Hill zoning map
proposal was passed with an adjustment to the
zoning boundaries made by the Council.

Next Meetings – Next Committee Meeting is
scheduled for Friday October 5th

*As of Monday September 10th I have not received
confirmation that the Downs representatives can
attend Friday's meeting. If they can attend, we'll plan
to cover item #1 first. If they cannot attend, I
recommend we table item #1 and discuss Item #2.

Town of Scarborough

Long Range Planning Committee

September 14, 2012

MINUTES

Members Present

Susan Auglis
Dave Merrill
Allen Paul
Judy Roy

Staff

Dan Bacon, Town Planner
Jay Chace, Assistant Planner
Mark Eyerman, Planning Decisions

Mr. Bacon noted that the Pine Point rezoning had been approved by the Town Council. He noted that there had been a discussion with the owner of Snow's Canning building regarding a seaweed processing and greenhouse facility at his site, which would be reviewed by the Planning Board. He stated that DEP approval was still needed for the Shoreland Zoning change.

Ms. Roy noted that the Scottow Hill rezoning changes had also been approved and included the change for three lots from the RF Zone to the R-2 Zone as requested by the lot owners.

1. Crossroads District – Review and Discussion on the Draft Crossroads District with Representatives of Scarborough Downs

Mr. Bacon stated that the staff made a few updates to the Crossroads District. Mr. Eyerman compared the existing zoning and the proposed changes which had been distributed to those affected. Ms. Roy asked about educational buildings in the zone; Mr. Bacon replied that educational buildings would be allowed because the Committee considered private education such as a college on Haigis Parkway and included it in the Crossroads to be consistent with other zones.

This item was tabled until representatives were present.

2. Holmes Road Light Industrial District – Begin Discussion

Mr. Bacon stated that Light Industrial was proposed near Beech Ridge Speedway and Scarborough Auto Parts as shown on the map and was now mostly B-2 with some R-F Zone. He stated that the Comprehensive Plan recommended this area as the next industrial zone because the present industrial areas were filled; he stated that the Plan noted that the area was not served by public utilities so the uses should be of lighter intensity. He stated that the Plan also highlighted this area to be a gateway to the residential area so the Committee should pay attention to how it would look from the street with buffering and little impact; he stated that industrial traffic should be discouraged on Two Rod Road.

Mr. Bacon stated that the committee should reconsider the northern boundary which was along the river and the Resource Protection Zone where the Plan recommended light industrial because it was very wet near the golf course. Mr. Eyerman noted that there were conservation restrictions on part of the Fish and Game land as well as their buffer area; he stated that it was also wet at Jared Drive.

Mr. Bacon noted the "option area" for light industrial and noted that it was awkward because the lots had frontage only on Two Rod Road; he stated that there could be an overlay for light industrial if there could be alternative access and adequate buffering. He stated that if the lot owners were not interested, the site

would remain in the R-F Zone, but the overlay could give them incentive for the opportunity for light industrial use.

Mr. Merrill noted that not a lot of industrial area was being added because there were existing uses. Ms. Auglis stated that the need for light industrial uses would grow and this area made sense. Mr. Chace noted that the Town might want to allow an exemption on the 2,000 foot limit on a dead end road through the Planned Development process. Mr. Paul suggested emergency access only onto Two Rod Road; Mr. Chace noted that the Fire Department did not like emergency-only accesses. To a question from Mr. Paul, Mr. Bacon replied that the language for the zoning showed setbacks of 25 feet with 100 feet to the abutting residential district on Two Rod Road; he stated that the house lots would stay in the R-F Zone with a 100 foot buffer. Mr. Bacon noted that the proposed area was now in the B-2 Zone so it was shifting from one commercial zone to another commercial zone.

Mr. Bacon stated that public sewer was not likely in the near future and there was not a lot of land and financing was questionable so it was made clear in the document that there would be use restrictions. He stated that the permitted uses had been listed and included municipal buildings and uses because the own owned land in the area. He stated that food processing was not allowed, as it was in other industrial areas, because it would be a high water and waste generator. To a question from Ms. Auglis, Mr. Eyerman replied that a business, such as a coffee distributor, with a few small trucks would be a business service and would be differentiated from contractor's offices with more impact; he stated that the two uses were defined in the Ordinance. Mr. Paul confirmed that Scarboro Auto would remain nonconforming and the owner would be looking ahead for new uses so the Committee should hear what he is thinking.

A neighborhood meeting was scheduled for Tuesday, October 2, 2012 at the Town Hall. The next regular meeting was scheduled for October 5, 2012.

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

Agenda – Meeting #21 (LRPC)
Long Range Planning Committee
Friday October 5th, 2012 @ 8:00 AM
Town Manager's Conference Room

1. Crossroads District – Review and Discussion on the Draft Crossroads District with Representatives of the Downs

2. Holmes Rd Light Industrial District – Review Neighborhood Meeting

Next Meetings – Next Committee Meeting is scheduled for Friday October 26th

**Notes from LRPC Meeting
October 5, 2012**

Representing Scarborough Crossroads:

Andrew Ingalls: Boulos Agency - representing Scarborough Downs

Ed McCall: Attorney representing Scarborough Downs

Peter Connell: Ocean Properties, Ltd.

LRPC Committee Members Present:

Dave

Susan

Judy

Allen

Rick Joined at 8:18

Staff: Dan & Karen

Dan Bacon, Scarborough Town Planner, opened the meeting with introductions and an overview of the zoning district history.

Dan emphasized the flexibility of the plan, pointing out the benefits of master planning for infrastructure and services on the entire parcel.

Summarizing, Dan explained

- 1) The Scarborough Downs proper stays the same - Harness Racing facilities are left alone.
- 2) The rest of property has potential for connections to Payne and Haigis
- 3) Desirable outcomes of development include a Walkable main street environment with a variety of purposes focusing more on design than uses
- 4) Residential will be allowed (an addition to the existing uses currently allowed under B2

Looking at the review process, Dan noted that projects would be reviewed on qualitative standards rather than the detailed fixed standards

Master Planning will be a tiered process.

1. Lay out conceptual plan, no hard engineering, using general location for infrastructure.
2. Lay out pods of development in 30 to 50 acres. There will be more detail required in this step.
3. Planning board reviews the conceptual plans and the more specific plans, but they can also be amended over time.
3. Once the first two tiers are agreed upon, planning begins the more conventional processes.

It's in the master plan process where space and bulk get worked out and more creativity can be infused in the process.

Dan then reviewed the overall goals listed in Section D of the proposed district.

Dan concluded his overview by commenting, "We wanted to give you more meat on the bones than the last time we met, so that you can react to it. This is a draft. We want to work with you and other neighborhood stakeholders on the zone."

Ed McCall: Ed's first comments were favorable, noting that the proposal "Looks pretty good and responds to the concerns that we expressed previously that the piece needs to be flexible. That's what Sharon wants to see happening. Sharon is still looking for a way to preserve harness racing, but harness racing can really only compete if you add gaming. We understand that we'll have to work with the town. We have had build out plans before that would seem to meet these standards, but we feel the buildout could occur faster with gaming. We really appreciate the work that you've done so far and the expeditiousness of the approach."

Ed added that the general master planning process made sense to him, noting that improving the east-west road connections are important

Rick asked if the original plan for the property done in 2008 is still on the books. Andrew replied it's not the preferred development. What's happening for the first time is that we are working with some owner-users on some outparcels. We have a piece under contract now and are working with someone on the Haigis parkway. Andrew added that the addition of residential to the mix is important for marketing.

Rick. If the town approved the gaming, would it be the whole parcel? **Andrew** said no, a lot of the same concepts that the town is interested in would still apply.

Ed, referring to Ocean Properties, commented, "We think we are working with people who can build in the town scale approach and do creative things like Church street in Burlington, Vermont."

Peter Connell, Ocean Properties is working full time on the legislative pieces for approving gaming, but is also working on development plans, according to Ed.

We don't have a specific master plan with gaming - but we want to ensure that the proposed zoning preserves the downs. We want to assure the town that gaming can be incorporated into a high quality development design that fits in with the goals of the community.

Susan wanted to clarify that the LRPC has nothing to do with the change of gaming regulations. If you were to come up with a plan, we as a committee can't address that point.

Ed replied that he understands, but wanted full disclosure that the owner plans to pursue gaming associated with Scarborough Downs. In reviewing the proposed zoning, we don't see anything that would be inconsistent with gaming, should the regs change.

Dan agreed that the intention of the zoning proposal is to come up with a solution that is consistent with community and owner goals with or without gaming. There appeared to be general consensus that the existing proposal fulfills that challenge.

Andrew said, "What gaming would do is bring more opportunity for the parcel to build out consistent with town ideas."

Judy noted that the master plan could go forward even if the gaming idea is up in the air. If the area begins to develop along the lines envisioned in the proposed zone, it's possible that quality development may actually soften the voters approach to gaming.

Allen noted that the critical piece is making sure we have the infrastructure plans in place. Allen added, we should keep the process of gaming in mind as we put the finishing touches on the plan.

Ed spoke of the benefits to cutting through to 114. It would really change the game plan and be really exciting.

Dave asked if there is there any guidance on time lines. You're working on the gaming solutions but we need to come bring these proposals to the Council. What's the process on the next couple of years for Scarborough Downs?

Peter of Ocean Properties discussed the legislative process and the Blue Ribbon Committee that was established in the last legislative session. His assessment of what the process would yield includes legislation allowing gaming sites in each county, regionally selected by the voters. He anticipates a bill passed by the end of the second session of the upcoming legislature.

He hopes that the legislation mirrors the Mass. regs that require gaming facilities to be destination developments not just a gaming area.

According to Peter, expansion of gaming is inevitable in southern Maine. The numbers are clear that there is room in the market.

Karen asked if they were prepared to develop some aspects of the property before the gaming question is answered, noting that development will certainly pickup in the next two years while the question is being decided.

Andrew said they are prepared to move forward if a large-scale development is proposed.

Ed reiterated that this zoning is consistent with what the crossroads needs.

Susan asked directly, "So we can move forward with the zone as proposed?"

There was general agreement from all the Crossroads representatives.

Dan, addressed Peter, asked if there was an optimal amount of acreage that needs to be preserved for the gaming/destination option?

Ed explained that all the example developments that they've looked at have been less than the current 106 acres used currently by Scarborough Downs for racing. They would not need the full 106 acres.

Even with the destination facility with multiple uses, it would all happen on less than the 106 acres. It would be a self-contained facility.

From a Marketing perspective, the Crossroads reps really feel that the gaming will increase the development timeline. They gave Bangor as an example where growth around the gaming facility has been significant.

Ed also emphasized the Ocean Properties does "top notch" development. The project would fit right in to the town's goals. He referenced Sagamore, New York as an example.

Dan asked the guests to tell us if there is anything that would prevent the gaming idea from moving forward. General consensus is that the proposed zone is in good shape.

Dan began to wrap up the discussion by explaining the zoning change process and that a larger meeting with stakeholders and surrounding property owners would be arranged. Afterwards, the council would take up consideration of the changes.

Rick commented, "This area is unique in that it's all one land owner. We want the landowner there to support it. I think it's fair to say that the comp plan's goal is to make this piece an important productive center of town. I'm pleased to hear that you're positive about this plan."

The committee discussed a potential stakeholders meeting in mid November. The Crossroads representatives were asked to provide any comments or suggestions within the next two weeks. The LRPC would like to have their comments incorporated before the proposed zone goes to the stakeholders in November.

Rick noted that the ideal situation is that the Crossroads reps endorse the plan that's eventually presented to the Council

Town of Scarborough, Maine

Agenda – Meeting #23 (LRPC)
Long Range Planning Committee
Friday November 16th, 2012 @ 8:00 AM
Town Manager's Conference Room

1. Holmes Rd Light Industrial District – Review Updates to Holmes Rd District
2. Crossroads District – Prepare for November 27th Public Meeting
3. Stormwater Initiative – Provide an Overview prior the Workshop on the 19th

Next Meetings – Stormwater Workshop is scheduled for Monday November 19th at 5PM; Crossroads Workshop is scheduled for Tuesday November 27th at 4:30PM; Next Committee Meeting is scheduled for Friday December 7th

To: Long Range Planning Committee
From: Mark Eyerman
Subject: Holmes Road LI – Another Try
Date: December 5, 2012

At our last meeting we took a bus tour to get a first-hand look at the situation in the Holmes Road area especially with respect to the single-family homes along Two Rod Road. During the discussion on the bus, there seemed to be some level of agreement on the following direction based on my notes and memory:

- The boundary between the new Light Industrial (LI) District and the RF District should be Two Rod Road so that all of the land on the Speedway side of Two Rod Road is in the LI District.
- All new non-residential development in the LI District should be required to have vehicular access from Holmes Road.
- A substantial landscaped/vegetated buffer should be established along the Speedway side of Two Rod Road as development/redevelopment occurs.
- Provisions should be included to allow the conversion of the existing homes along Two Rod Road to low-intensity, nonresidential uses but in a way that “protects” the residential uses across the street.
- Any redevelopment of these lots along Two Rod Road should be required to meet the standards for access from Holmes Road and for the establishment of a streetscape buffer along Two Rod Road.

Using these parameters, I have taken the initial draft of LI District provisions and re-worked them to reflect these concepts. The revised draft is attached.

The other outstanding issue that we need to address is the treatment of warehousing and distribution facilities and similar uses. In the initial draft we didn't include these but Harvey sent us an email back in October in which he both questioned the need for a new zone given the difficulty of providing public sewer service and suggested that warehousing and distribution facilities including truck terminals and possibly food processing be allowed in the LI District if it is created. I have included warehousing and distribution as an allowed use in the revised draft but we should discuss this at the meeting. The issue of sewer, or the lack of it, is a significant constraint to development of nonresidential uses. I think the intention was to create the framework for future use so that property owners could evaluate the options for development and possible sewer extension based upon the desired development types.

We have also gone back and done some cleanup on the draft. We added some allowed uses and modified some. We also removed the flexible front yard provision.

Revised Draft of the Holmes Road LI District

Possible revisions to the September draft used at the neighborhood meeting are shown in ~~strikeout~~/underline format in red

Section____. Holmes Road 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

The requirements of subsection F.1. of this district relating to sewage disposal may limit the type or scale of the use.

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. Financial, insurance and real estate offices.

5. Business services ~~and business offices.~~

6. Contractor's offices, shops and storage yards.

7. Non-municipal government buildings and uses.

8. Motor vehicle repair and service facilities existing as of April 1, 2012 including auto body shops and facilities for the repair of recreational vehicles.

9. Accessory uses.

10. Accessory agricultural activities subject to the performance standards of Section IX.P.

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

11. Manufacturing and assembly.

12. Research, development and light industrial.

13. High technology facilities, subject to the performance standards of Section IX(M).

14. Warehousing and storage, exclusive of mini-warehouse/storage facilities.

15. Distribution, wholesale trade and transportation, including truck terminals.

16. 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.

17. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).

18. Retail sales or services if such sales or services are accessory to principal permitted uses.

19. Municipal buildings and uses, not including places of assembly.

20. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance. (5/17/95)

21. Recycling facilities, including exclusive of junkyards, automobile graveyards or automobile recycling businesses subject to annual licensing by the Scarborough Town Council under section IX(A)(18). ~~Notwithstanding this provision, all municipal solid waste incinerator ash processing facilities and all municipal solid waste incinerator ash recycling facilities shall be sited only within the confines of a secure, lined landfill approved by the Maine Department of Environmental Protection.~~

22. Fully enclosed places of assembly, amusement, culture and government existing as of April 1, 2012.

23. Telecommunication facilities.

24. Small-scale energy facilities, subject to the performance standards of Section IX(W).

D. SPECIAL EXCEPTIONS

1. Public utility buildings including substations, pumping stations and sewage treatment facilities.

2. Outdoor storage, exclusive of fuel stored in bulk.

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 Determined by the Planning Board under subsection J. of this district
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 the Town of Scarborough Sewer Ordinance.

- 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 and Design Standards for Scarborough's Commercial Districts. 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: 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. Buildings existing as of April 1, 2012 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.

4. Lots Abutting Two Rod Road: Lots that are developed with a building as of April 1, 2012 that have frontage on Two Rod Road and that have their exclusive vehicle access from Two Rod Road that are converted from residential use to a nonresidential use in whole or in part, must conform to the following additional requirements:

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 and Design Standards for Scarborough's Commercial Districts.

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 April 1, 2012 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 Design Standards for Scarborough's Commercial Districts.

7. Commercial Design Standards: All development in the LI District must be consistent with the Design Standards for Scarborough's Commercial Districts.

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 lighting plan shall be required of the Planned Development that establishes a theme and sense of place 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.

~~**2. Flexible yard standards**—The Planning Board shall determine the yard requirements for a planned development by applying the standards of subsection I. In reviewing a planned development, the Planning Board may use the Yard Standards under subsection F. as a guideline, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to the street than conventional development to meet the standards of subsection I. and further the purpose of this district.~~

Town of Scarborough, Maine

Agenda – Meeting #24 (LRPC)
Long Range Planning Committee
Friday December 7th, 2012 @ 8:00 AM
Town Manager's Conference Room

1. Crossroads District – Discuss Feedback from Public Meetings and Consider Next Steps
2. Holmes Rd Light Industrial District – Review Updates to Holmes Rd District

Next Meetings – Next Regular Committee Meeting - Friday January 4th?;
Consider Workshop with Planning Board in January?

Town of Scarborough

Long Range Planning Committee

December 7, 2012

MINUTES

Members Present

Susan Auglis
Dave Merrill
Allen Paul
Judy Roy
Rick Shinay (via phone)

Staff

Dan Bacon, Town Planner
Mark Eyerman, Planning Decisions
Karen Martin, SEDCO

1. Crossroads District – Discuss Feedback from Public Meetings and Consider Next Steps

Mr. Bacon noted that November 27, 2012 meeting with the public with SEDCO members, representatives from Scarborough Downs and other agencies; he stated that there were questions about why casinos were not included in the proposed zone but that should be for the Scarborough voters or the State to decide. Ms. Roy noted that the Downs people were more open to this process than ever before. Mr. Merrill noted that a real estate broker thought the proposed zoning was not broad enough overall. Mr. Eyerman stated that warehousing and truck terminals were not proposed to be allowed but the need for those uses was discussed as they were currently allowed in the B-2 Zone on this site. Mr. Bacon noted that the Downs representatives had become more comfortable with this proposal and thought there was a wide range of uses. Mr. Eyerman noted that another issue was one of gambling and someone from Ocean Properties compared the casino component to the Oxford facility.

Ms. Auglis noted that one of the questions was whether the goals of zoning would discourage piecemeal development and that would be accomplished by the Planning Board; she stated that this Committee should make a request to the Town Council to find really good people to volunteer for the Board and there should be a more proactive Appointments Committee. Mr. Bacon stated that the staff was considering a workshop with the Planning Board to be more of a technical meeting.

Mr. Bacon noted that at the December 3, 2012 meeting there were abutters to Scarborough Downs, Haigis Parkway owners and other townspeople. He stated that there were concerns about traffic on Sawyer Road. He stated that Elliot Chamberlain asked why gas stations would not be allowed on Payne Road and the Committee should discuss that issue. Mr. Bacon stated that there was discussion about the VR4 Zone and questions about the Warren property and whether the frontage should be in the B-3 or the RF Zone; he noted that most of the Warren property was about to be taken over by the Scarborough Land Trust and there could potentially be ball fields.

Mr. Bacon stated that there were questions as to whether there would be road connection from the Downs to Gorham Road; Ms. Roy stated that there should be connectivity. Mr. Eyerman asked about moving forward with the questions of whether this zoning was workable and whether it would accomplish what the Committee wanted to do; he stated that there should also be some discussion about details, such as landlocked lots, the B-3 Zone and buffering. Ms. Roy stated that she envisioned Scarborough Downs putting together a plan since they had been positive about this. Mr. Eyerman stated that he did not see the Downs as the developer. Mr. Eyerman stated that the Planned Development provisions included all the details for what one had to do to meet the requirements including the infrastructure. Ms. Martin noted that the more the developer understood the requirements, the better the plan would be when it reached the Planning Board. Mr. Paul suggested that the landlocked lots not be part of the Crossroads Planned Development because there needed to be a buffer to the conservation land. He stated that to be consistent, the Committee tried to zone the same on both sides of the street and he was inclined to keep the front of the

Warren property in the B-3 Zone. He stated that gas stations should be discussed to answer the question regarding Payne Road.

Mr. Shinay did not think the Committee should “muck around with” the B-3 Zone because the Scarborough Land Trust was negotiating to allow Mr. Warren to keep Lot 1A, which is nonconforming, and they could not use it if it were rezoned it to the R-F Zone; he stated that Mr. Warren needed to have a grandfathered lot. Mr. Bacon noted that the lot was currently being used as a commercial lot; he stated that there was another lot with an office that should be commercially zoned and could be included in the B-3 Zone. He stated that the ball fields could be in either the B-3 or the R-F Zone and otherwise restricted. Mr. Shinay stated that except for the Town’s land, the Trust would keep the site wild and open for walking.

2. Holmes Road Light Industrial District – Review Updates to Holmes Road District

Mr. Bacon stated that, based on the Committee’s feedback from the bus tour, the staff considered a compromise zone to be workable for small house lots on Two Rod Road that had some commercial use. He stated that there should be modest light industrial use only because Two Rod Road was a residential street. He stated that the two large lots would have to provide access from Holmes Road if their use was of high impact. Mr. Eyerman stated that this approach builds on the Pine Point industrial area that allows property owners to do what they could in the RF Zone but any change to light industrial would have to follow the new rules. He stated three of the seven lots on Two Rod Road were in the B-2 Zone and the proposal would take away some of their uses but the other four lots were in the RF Zone that would be allowed more uses with the overlay. He stated that the two large parcels had a lot of frontage on Two Rod Road that could be lopped off into 80,000 square foot residential lots.

Mr. Eyerman stated that the existing commercial use was an office with motor vehicle repair that would be covered and a second set of uses, which would be more intensive and would include transportation and distribution, would be allowed if there was access to Holmes Road only. To a question from Ms. Auglis, Mr. Eyerman replied that there was a lot of language in the proposal that would cover not allowing heavy commercial use if access had to be on Two Rod Road. He stated that the overlay would allow use in the RF Zone.

Mr. Eyerman stated that there was discussion about putting the two Ginn Road parcels and some or all of those on Two Rod Road into the overlay district; he stated that those two lots would not be developed under the Light Industrial District unless they could get access to Holmes Road so allowing the RF alleviated the problem of using Two Rod Road for access. Mr. Eyerman stated that SEDCO would say that there were limited industrial areas and it would be a shame to put these lots next to the Turnpike into house lots with a 100 foot buffer. Mr. Paul stated that Two Rod Road would not handle commercial traffic; he stated that his concern was with the space and bulk requirements because 50% coverage could allow a building much larger than what would be desirable on Two Rod Road. Mr. Eyerman explained that the language would not allow that to happen. Mr. Merrill asked why the lot near the Turnpike could not be developed; Mr. Eyerman replied that the lots there were very wet. Mr. Bacon stated that those lots were not zoned RP because they were not wetlands of special significance under the DEP ranking.

A neighborhood meeting was scheduled for Wednesday, January 9, 2013 regarding the Holmes Road changes. The next regular meeting would be Friday, January 4, 2013. Mr. Bacon stated that he would try to schedule a workshop with the Planning Board to discuss the Crossroads on January 28, 2012. To a question from Ms. Auglis, Mr. Bacon replied that areas for discussion for the Committee could include Gorham Road near Nonesuch Golf Course who expressed interest in working with the Committee. He stated that the Committee could be a sounding board for the stormwater issues. Ms. Roy suggested working on green building standards. Mr. Eyerman noted that there were some map cleanups.

Revised Draft of the Holmes Road LI District

Section____. Holmes Road 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 I 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. Financial, insurance and real estate offices.
5. Business services.
6. Contractor's offices, shops and storage yards.
7. Non-municipal government buildings and uses.
8. Motor vehicle repair and service facilities existing as of April 1, 2012 including auto body shops and facilities for the repair of recreational vehicles.
9. Accessory uses.
10. Accessory agricultural activities subject to the performance standards of Section IX.P.

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

11. Manufacturing and assembly.
12. Research, development and light industrial.
13. High technology facilities, subject to the performance standards of Section IX(M).
14. Warehousing and storage, exclusive of mini-warehouse/storage facilities.
15. Distribution, wholesale trade and transportation, including truck terminals.
16. 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.
17. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).
18. Retail sales or services if such sales or services are accessory to principal permitted uses.

19. Municipal buildings and uses, not including places of assembly.
20. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance.
21. Recycling facilities, including junkyards, automobile graveyards or automobile recycling businesses 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 April 1, 2012.
23. Telecommunication facilities.
24. Small-scale energy facilities, subject to the performance standards of Section IX(W).

D. SPECIAL EXCEPTIONS

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

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 the Town of Scarborough Sewer Ordinance.

- 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 and Design Standards for Scarborough's Commercial Districts. 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: 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. Buildings existing as of April 1, 2012 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.

4. Lots Abutting Two Rod Road: A building existing as of April 1, 2012 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:

- 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 and Design Standards for Scarborough's Commercial Districts.
- 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 April 1, 2012 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 Design Standards for Scarborough's Commercial Districts.

7. Commercial Design Standards: All development in the LI District must be consistent with the Design Standards for Scarborough's Commercial Districts.

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 lighting plan shall be required of the Planned Development that establishes a theme and sense of place 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.

Draft Zoning Updates - Holmes Rd / Two Rod Rd Area
12-18-12

B2 to RF

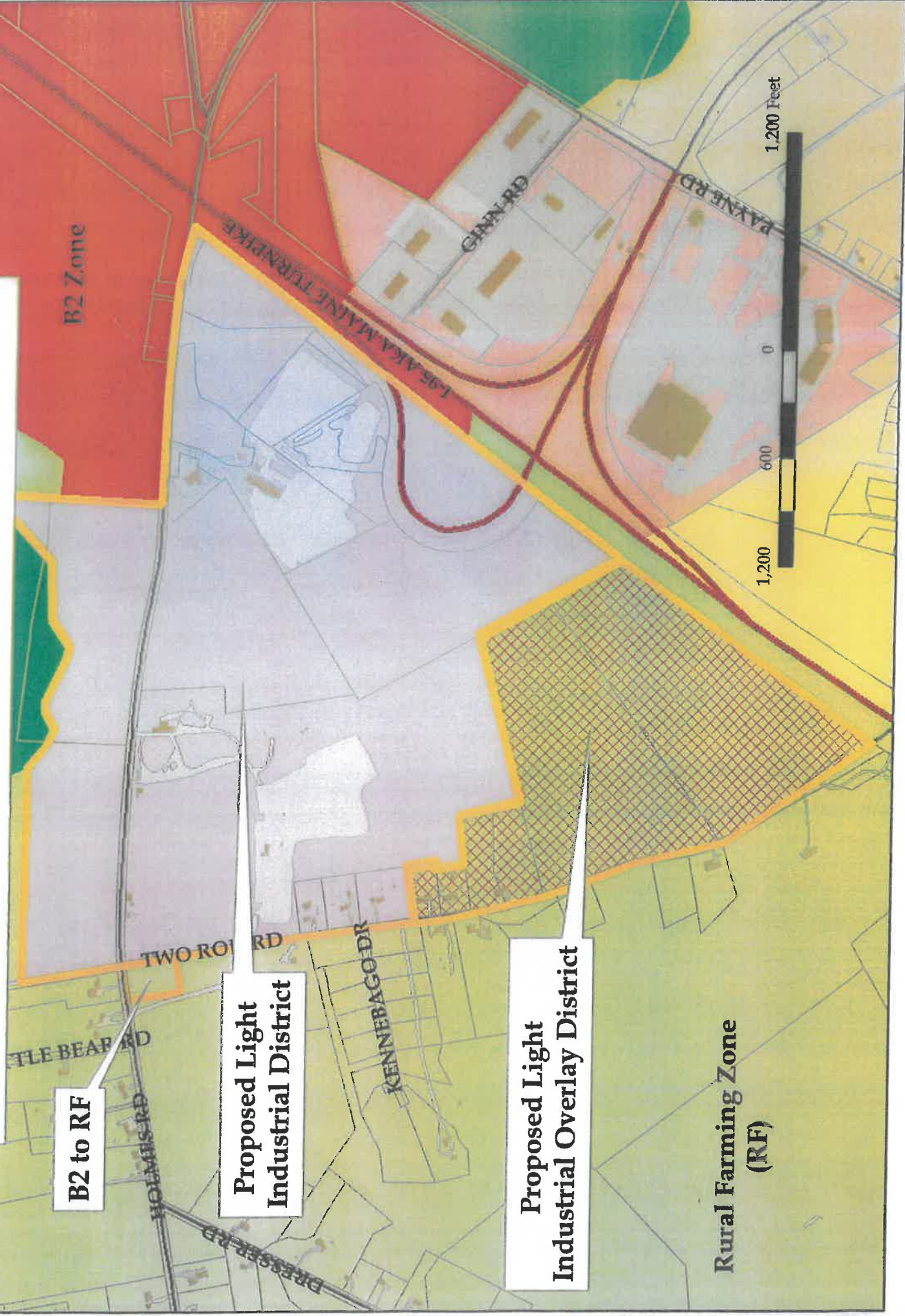
Proposed Light
Industrial District

Proposed Light
Industrial Overlay District

Rural Farming Zone
(RF)

B2 Zone

1,200 Feet
0
600



Overview of the Revised Holmes Road Light Industrial District Proposal

I. Background

The Long Range Planning Committee developed a draft of a possible new Light Industrial District for the Holmes Road area to implement the Town's adopted Comprehensive Plan. The committee got feedback on that draft from a number of property owners within and adjacent to the proposed district at two neighborhood meetings in October. Subsequently, the committee considered that feedback and visited the area. As a result of that discussion, the committee has prepared a revised proposal for dealing with the Holmes Road/Two Rod Road area. The revised proposal is somewhat different from the original one and tries to address a number of the questions that were raised at the neighborhood meetings.

II. Basic Concept

The revised proposal consists of two new zones, a Light Industrial District that includes the entire area shown on the attached map and a Light Industrial Overlay District that includes the two large undeveloped parcels and the house lots along Two Rod Road that are currently in the RF District. These two districts are outlined below.

III. Light Industrial District

The proposed Light Industrial District requires that a new nonresidential development or the redevelopment of an existing commercial facility have its vehicular access to and from the Holmes Road while allowing the reuse of the homes on Two Rod Road for lower-intensity commercial uses. New development or the redevelopment of existing facilities with access to the Holmes Road would be allowed to be used for a wide range of nonresidential uses including offices, service establishments, contractors' offices, manufacturing and industrial uses, warehousing, storage, and distribution facilities, vehicle and equipment repair, recycling facilities, and enclosed places of assembly and amusement. These uses would be limited in terms of sewage generation unless public sewerage becomes available and would have to establish buffers along streets and residential uses. Projects that involve more than five acres would have to go through a planned development review.

The existing developed house lots along Two Rod Road would be subject to different

standards. Those homes could continue to be used as residences or could be converted to commercial use but the allowed nonresidential uses would be limited to service establishments, business, professional, and financial offices, contractors' offices, and existing motor vehicle service facilities. These properties could continue to have vehicular access from Two Rod Road but would need to maintain a 25' buffer along the street. Expansion of those buildings would be limited to a maximum of 20%. If a larger addition is planned or a house is replaced with a new commercial building it would have to meet the standards for new development including having access from the Holmes Road.

IV. Light Industrial Overlay District

The Overlay District would allow the owners of the two large vacant parcels along Two Rod Road as well as the existing homes that are currently zoned RF to choose whether they want to be governed by the RF requirements or by the new Light Industrial requirements. This is set up to be a property owner's option – they would be treated as if they are in the RF District until they choose to come under the LI regulations. However, once an owner chooses to operate under the LI provisions, he/she cannot then choose to go back to the RF. This would allow the owners of the large parcels to use and develop some or all of their land for low density residential use with access from the Two Rod Road.

Town of Scarborough, Maine

Agenda – Meeting #25 (LRPC)
Long Range Planning Committee
Friday January 4th, 2013 @ 8:00 AM
Town Manager's Conference Room

1. Work Plan for First Quarter 2013 – Review Current Work Plan and Consider Next Initiatives
2. Holmes Rd Light Industrial District – Prepare for Next Neighborhood Meeting

Next Meetings – Next Regular Committee Meeting - Friday January 25th;
Holmes Rd Neighborhood Meeting Wednesday January 9th 6:30PM 8
Corners School; Crossroads Workshop with Planning Board Monday
January 28th 5 or 5:30PM

Town of Scarborough

Long Range Planning Committee

January 4, 2013

MINUTES

Members Present

Susan Auglis
Judy Roy
Rick Shinay

Staff

Dan Bacon, Town Planner
Mark Eyerman, Planning Decisions
Tom Hall, Town Manager
Karen Martin, SEDCO

1. Work Plan for First Quarter 2013 – Review Current Work Plan and Consider Next Initiatives

Mr. Bacon noted that the Committee was currently working on the Crossroads area and the Holmes Road area and would soon be ready to work on the next initiative. He stated that he had revised the work plan and that all of the yellow-highlighted items had been accomplished and there was nothing pending until Page 5 of the work plan. Mr. Bacon stated that the items highlighted in green were being worked on and there was written language for No. 19 and 34, Non-Point Sources of Pollution and Historic & Archeological Resources, which was reviewed through the Planned Development and the DEP. He stated that No. 19 had to do more with stormwater ordinances and the Red Brook Watershed was being worked on and would move this item forward and could be reviewed by this Committee before it went to the Town Council.

Mr. Bacon stated that Page 6 of the plan showed developer-initiated projects that the Committee would not address unless a developer began the process. He noted that the owner of Nonesuch Golf Course had shown an interest in looking at new zoning at the golf course for a new kind of uses that would complement the golf course.

Ms. Auglis asked about No. 33 for Shore Access; Mr. Eyerman stated that the original proposal raised issues about the legality of the requirements and the issue should be reconsidered. Ms. Auglis stated that she would like that to become a primary project for the Committee. Mr. Bacon noted that there was draft language for the Historical & Archeological Resources that the Committee could see at the next meeting. He stated that the Committee needed to decide whether it was worth doing No. 13, the Spurwink Road area, because there was an R-4 pocket within the R-F Zone that was conservation land that could be put into the R-F Zone to clean up the map; he stated that Rachael Carson Wildlife Refuge should be contacted to determine their opinion as well.

Ms. Auglis suggested removing what the Committee would not act upon and notify the Town Council. Ms. Auglis stated that the Committee should discuss Green Buildings; Mr. Bacon stated that there were some incentives in some zones but they could be better defined. Mr. Bacon stated that the Committee had dealt with Small, Local Businesses in the TVC Zones but some areas were nonconforming and businesses were important to the neighborhood; he stated that the question should be whether changes should be made to the zoning to make it easier for them to do business. He stated that farming had been addressed. Ms. Auglis stated that the business uses should remain nonconforming so there was public input under the Zoning Board requirements when any changes were requested. Mr. Bacon noted that the Home Occupation allowances were updated to address this issue.

To a question from Ms. Auglis, Mr. Bacon replied that some of the Design & Performance Standards had been done within the zones and it could be considered accomplished and the Committee could address other similar issues as they came up.

To a question from Mr. Eyerman, Mr. Bacon replied that the field next to the Nonesuch Golf Course would remain in the RF Zone and included a piece of wooded property between the course and the Turnpike; he stated that any discussions regarding the golf course should include the owner. Mr. Bacon stated that the Committee could, at its next meeting, look at Historical & Archeological Resources, Shore Access and the Spurwink Road issue. He stated that the Committee should think about whether it was worth pursuing any zone change for Spurwink Road. Ms. Roy suggested considering Green Buildings.

Mr. Hall stated that he was at this meeting on behalf of the Housing Alliance who hoped there would be affordable housing as part of the residential component of the Crossroads area. He stated that the State would be mandating 10% of a residential project be affordable and the Planned Development approach could address that requirement. Mr. Bacon noted that there was a density bonus for affordable housing but it was voluntary. Mr. Hall stated that the Crossroads area was a good location for affordable units and this would be a good time to set a mandate. Mr. Bacon noted that this zone proposed a high density; he stated that the highest need was for rental units. The Committee agreed that there should be improvements to a definition of affordability. Mr. Hall stated that the Alliance should bring something to the Council. Ms. Roy stated that this was an opportune time to meet the needs with all the different committees' input that should be pulled together regarding public transportation, etc.

Mr. Eyerman stated that an affordable housing definition should differentiate between low income and moderate income. Ms. Roy noted that the definition of affordability was very important to the public. Mr. Hall stated that this was one of the biggest issues facing the Town in the future; he stated that a lot of the things the Committee had done were in place but land values made the difference. Mr. Shinay stated that projects designed for low income housing should be encouraged but land was expensive in Scarborough. Ms. Auglis stated that this should be the purpose of the Housing Alliance. Mr. Eyerman stated that mandating affordable housing in the Crossroads had merit because it would be a burden elsewhere. He stated that the Crossroads would create opportunities for the owners to do things not allowed now. Ms. Martin stated that a developer may want workforce housing in the area. Ms. Roy stated that the public would not want affordable housing in all areas. Mr. Hall stated that it would be better accepted in a mixed use area. Mr. Shinay stated that there could be incentives for more apartment buildings. Ms. Martin stated that it was important that there be housing in Scarborough for employees of businesses in Town.

To a question from Ms. Auglis, Mr. Bacon replied that the Planning Board workshop on January 28, 2013 would be to get input regarding the review processes for the Crossroads because the Board wondered whether they had enough tools to execute the proposed zoning.

2. Holmes Road Light Industrial District – Prepare for Next Neighborhood Meeting

Mr. Bacon stated that he had sent the information regarding the Holmes Road District so the Committee would be aware of what was sent to the public.

The Holmes Road neighborhood meeting was scheduled for 6:30 p. m. on Wednesday, January 9, 2013 at Eight Corners School. The Crossroads Workshop with the Planning Board was scheduled for January 28, 2013; Mr. Bacon stated that he would confirm the time. The next Committee meeting would be Friday, January 25, 2013, at 8:00 A. M.

Long Range Planning Committee

3rd Holmes Road Neighborhood Meeting

Wednesday January 9th, 2013

LRPC Members Present:

Judy Roy

Mark Eyerman – Planning Decisions

Dan Bacon – Town Planner

Public – Richard Pelton, 183 Two Rod Rd

Richard indicated that he reviewed the updated material and liked the changes that were proposed by the committee to place him in the light industrial district and allow for some light industrial uses. He thanked us for those changes and felt satisfied with the proposal.

Notes taken by Dan Bacon

Phone conversation with Andy Cusack, owner of Beechridge Speedway, 1-17-13. Andy reviewed the updated proposal. He indicated he understands the changes to provide more flexibility for the lots along Two Rod Rd as per the overlay that allows either continued RF uses or a transition to light industrial if the standards are met.

He requested the committee consider including his property in the light industrial overlay which he felt could provide the speedway with more flexibility on how it is redeveloped, should they choose to redevelop or sell out. He expressed interest in having the option to redevelop as a residential zone or light industrial zone. I indicated that I would review this with the committee.

Dan Bacon

Town of Scarborough, Maine

Agenda – Meeting #26 (LRPC)
Long Range Planning Committee
Friday January 25th, 2013 @ 8:00 AM
Town Manager's Conference Room

1. Holmes Rd Light Industrial District – Review Proposal and Consider Next Steps
2. Historic Preservation and Archeological Resources – Review Draft Language
3. Residential Zoning Boundary Clean Up – Review Map and Discuss

Next Meetings – Next Regular Committee Meeting - Friday February 15th;
Crossroads Workshop with Planning Board Monday January 28th 5:15PM;

Town of Scarborough

Long Range Planning Committee

January 25, 2013

MINUTES

Members Present

Susan Auglis
Allen Paul
Judy Roy
Rick Shinay

Staff

Dan Bacon, Town Planner
Mark Eyerman, Planning Decisions
Karen Martin, SEDCO

1. Holmes Road Light Industrial District – Review Proposal and Consider Next Steps

Mr. Bacon noted the minutes of the recent neighborhood meeting and stated that the only attendee was the owner of 183 Two Rod Road where auto repair work was done; he stated the owner did not want to lose his commercial use and was comfortable with the zoning updates. Mr. Bacon stated that there had been three neighborhood meetings and it appeared that everyone was satisfied. He stated that he had called the owners of Beech Ridge Speedway and Scarborough Auto Parts who were both satisfied with the zoning. He noted that the owner of the Speedway was interested in whether the Committee would consider including his property in the Light Industrial Overlay to have the option of residential or industrial use. Mr. Bacon stated that he and Mr. Eyerman had reservations about the Speedway, which was now in the B-2 Zone, having residential use because of the need for industrial land and because this area abutted the Rod and Gun Club where it would not be a good idea to have residential use. Ms. Martin noted that there was a great need for industrial land because the Scarborough Industrial Park was nearly full. Ms. Roy noted that there were a lot of environmental issues on the Speedway site.

The Committee agreed that the language was ready to go to the Town Council.

2. Historic Preservation and Archeological Resources – Review Draft Language

Mr. Bacon noted that there was not currently a preservation and archeological ordinance; he stated that he had provided the Committee with draft language for site preservation and a subdivision process where applicants would need to check with the State and the Comprehensive Plan to see whether there were any resources on their sites. He stated that the Town had not taken any recent initiatives to identify properties. Mr. Eyerman noted that the Comprehensive Plan encouraged the Historical Society to identify additional sites; he stated that the State would say that archeological sites were more important in Scarborough because of Indian encampments and there were lists of such sites in the Plan.

Ms. Auglis suggested contacting the Scarborough Historical Society to make sure they had a complete list that coincided with the table in the Plan and what their standards were to determine whether a site should be on the list. Mr. Bacon stated that the Committee should work with the Historical Society before going to the Council with any amendment. The Committee agreed that standards were important; Mr. Bacon stated that awareness of the standards and the importance of preservation were significant. Mr. Eyerman noted that the State mandated that planning boards determine whether, under the State Subdivision Law, any historic resources existed and that they be addressed; he noted that site plans were under local jurisdiction. Mr. Bacon stated that he would be in touch with the Historical Society.

Mr. Eyerman stated that his biggest issue was archeological sites, not buildings, because there were a limited number of qualified people to look at the sites. He stated that building could have some value, but

the value of a historical site was often vague. Mr. Eyerman noted that the State's list was for a general area but the exact area was not identified.

3. Residential Zoning Boundary Cleanup – Review Map and Discuss

Mr. Bacon stated that he was not able to get the map ready so had no information. He noted that there was an area on Spurwink Road that was not zoned R-F as were its surroundings but it was part of the Rachel Carson Wildlife Sanctuary and could not be developed so the zoning was not crucial. Mr. Eyerman stated that there were areas around Winnocks Neck where the zoning was 250 feet from the road so some of the lots had a split zone. Mr. Bacon stated that he wanted to create a map highlighting the area and discuss with the Committee whether it was worth changing the zoning and possibly creating issues with lot owners.

Miscellaneous

Mr. Bacon noted that the purpose of the workshop with the Planning Board on Monday, January 28, 2013 was specific to the Crossroads which was nearly ready for the Town Council but he wanted to make sure the Planning Board was comfortable with carrying out the proposed mixed-use zoning. He stated that the second reason for the workshop was to make sure the Planning Board was comfortable with the Planned Development review process.

Mr. Paul stated that he would like it to be clear that there was a lot of discussion regarding this zoning change so it did not appear that the Planning Board was making a major change to the Town. He stated that the question was whether this zoning was implementable.

Mr. Bacon stated that the Committee's next meeting would cover the final review of the Crossroads and potentially the Gorham Road area.

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 6, 2013
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Ahlquist called the regular meeting of the Scarborough Town Council to order at 7:03 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Judith L. Roy, Vice-Chair	Katherine A. St. Clair
Jessica L. Holbrook	Edward NMI Blaise , III
Richard J. Sullivan, Jr.	James E. Benedict
Ronald D. Ahlquist, Council Chair	

Item 4. General Public Comments. No comments at this time.

Item 5. Minutes. December 19, 2013 – Regular Meeting and January 30, 2013 – Special Workshop. Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval of the minutes of the December 19, 2012, regular Town Council meeting and the minutes of the January 30, 2013, special workshop.

Vote: 7 Yeas.

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 during the meeting.

Order No. 12-116, 7:00 p.m. Public hearing on the request from Risbara Properties LLC for a proposed zone change on property located at 5 Griffin Road – Map U033/Lot 051. Nancy St. Clair of St. Clair Associates gave a brief presentation on the proposed changes and gave a brief response on comments that had been made at the Planning Board meeting.

Chairman Ahlquist opened the public hearing. The following individuals spoke on this item:

- Councilor Roy read the following letter into the record:

*Emma L. Dann
16 Orchard Street
Scarborough, ME 04074
(207) 730-2632*

*January 26, 2013
Scarborough Town Council
c/o Ronald D. Ahlquist, Chairman
Scarborough Municipal Building
P.O. Box 360
Scarborough, ME 04070-0360*

Order No. 13-04. First reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a Light Industrial District and a Rural and Farming Overlay District. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance and responded to questions from the Town Council.

Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a Light Industrial District and a Rural and Farming Overlay District and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board.



Long Range Planning Committee

Susan Auglis – Allen Paul – Dave Merrill – Sylvia Most – Judy Roy – Rick Shinay
Staff: Dan Bacon, Jay Chace and Mark Eyerman of Planning Decisions

Proposed Ordinance Amendment(s) to Implement the Adopted Comprehensive Plan

Title: Holmes Road Light Industrial Development Area

Date: January 31, 2013

Comprehensive Plan Reference: The Future Land Use Plan recognizes the area along Holmes Road between the Maine Turnpike and Two Rod Rd and along the eastern side of Two Rod Rd as an area well suited for light industrial type development. The zoning ordinance and map amendments recommended to you by the Long Range Planning Committee (LRPC) follow the recommendations in the Comprehensive Plan as outlined in the "Holmes Rd Light Industrial Development District" section of the Future Land Use Plan (Chapter 6, pgs. 6-34 and 6-25 and Figure 12).

Overview of the Proposed Amendment(s): The Town is currently lacking industrial zoned land, as our industrial parks and districts are essentially built out and fully occupied. The Comprehensive Plan recognized this and identified the Holmes Rd area adjacent to the Turnpike as an appropriate area to provide additional land for industrial-type development, given the areas close proximity to the highway and major roads as well as the existing commercial/industrial nature of the area with Scarborough Auto Parts, the former town landfill, and Beechridge Speedway.

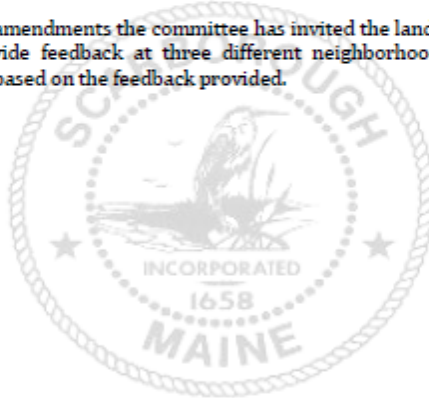
Given this, the LRPC has been working for a number of months on a zoning package that would establish a light industrial district and a light industrial overlay district and apply them to different properties in this area. The light industrial district (LI) is proposed to allow a relatively wide range of industrial and other non-residential uses, such as manufacturing and assembly, research and light industry, hi-tech, warehousing and distribution, heavy equipment repair and sales, auto repair, contractor's yards, business services and the like. These uses would be limited in terms of sewage generation unless public sewerage becomes available (public water and sewer aren't currently available). To minimize impacts to Two Rod Rd and the residences along it, the zone includes

requirements that the industrial activities may only have access to Holmes Rd and there must be significant buffering to Two Rod Rd and the residential properties.

The residential properties along Two Rod Rd proposed to be in the LI district would be treated a little different whereas they could remain residential or be converted to smaller scale non-residential uses (business offices, small contractors space, existing auto repair etc.) and maintain driveways on Two Rod Rd or be redeveloped into more industrial uses and only have access to Holmes Rd and provide buffering etc.

The light industrial district (LI) and a rural and farming overlay district (RF-O) are proposed to apply to properties that are currently zoned rural and farming (RF) and is structured to provide those properties with an option to either be used for residential or farming activities allowed under the RF District or be governed by the industrial zoning standards. This zone creates a process for the landowners to make that choice now or in the future and then conform to the requirements of whichever zone they select.

When crafting these amendments the committee has invited the landowners in this area to participate and provide feedback at three different neighborhood meetings and have shaped the proposal based on the feedback provided.



Proposed Amendments to the Zoning Ordinance
to Establish a Light Industrial and Rural and Farming Overlay District

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:

1. Create a new Section XXI.B. Light Industrial District - LI which shall read as follows:

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 VIIIE 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 VIIIE 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.

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 and storage, exclusive of mini-warehouse/storage facilities.
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).

D. SPECIAL EXCEPTIONS

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

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.

- 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:

- 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 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.

2. Create a new Section XXI.C. Rural and Farming Overlay District – RF-O which shall read as follows:

Section XXIC. RURAL AND FARMING OVERLAY DISTRICT – RF-O.

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.

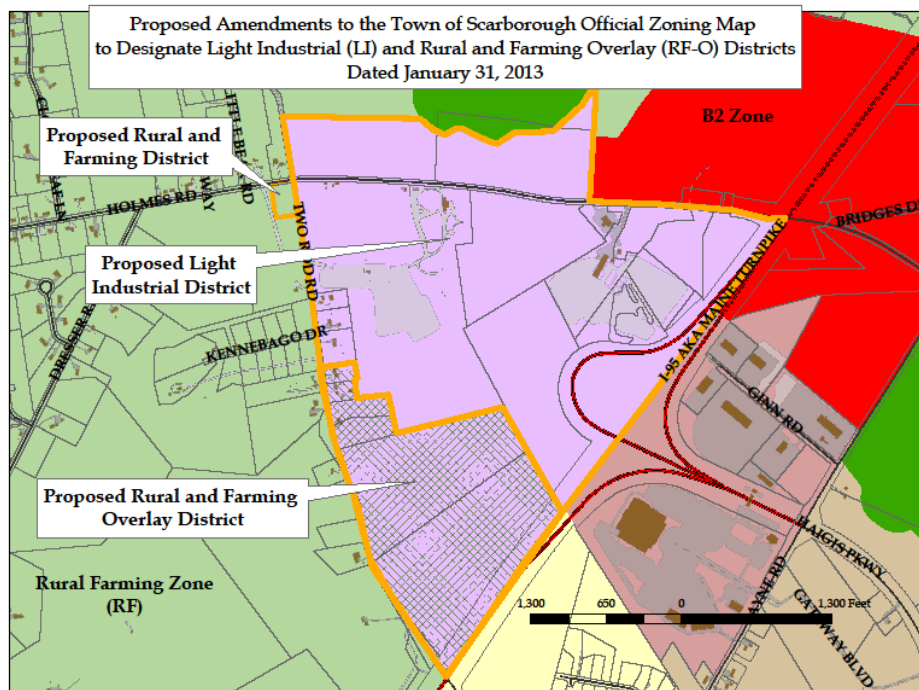
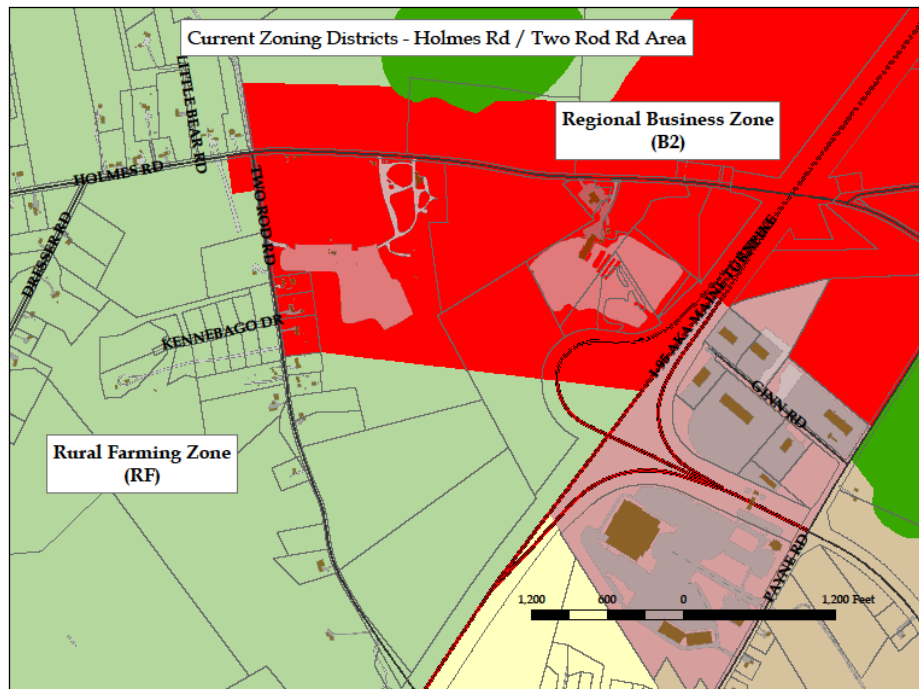
F. SIGNS

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

Vote: 7 Yeas.

Order No. 13-05. First reading and refer to the Planning Board, the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District. Dan Bacon, Town Planner, gave an overview on this Order as well as the following Order.

Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval first reading and refer to the Planning Board, the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:



Vote: 7 Yeas.

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 6, 2013.
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Ahlquist called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. The following were present:

Judith L. Roy, Vice-Chair	Katherine A. St. Clair
Jessica L. Holbrook	Edward NMI Blaise, III
Richard J. Sullivan, Jr.	James E. Benedict
Ronald D. Ahlquist, Council Chair	

Item 4. General Public Comments.

- Sharman Kivatsky of 386 Black Point Road spoke of the Council's interest in Historic Preservation and felt that this was a little late in coming forward. She had reached out to many individuals, but there had been no real interest. There really needs to be something in place; however, she felt that was no real historic homes left to save other than the Hunnewell House.
- Holly Deery of 12 Equestrian Way respectfully requested the Council to take another look at the Griffin Road rezoning. There are many issues already in this area and with this addition construction just added further issues.
- Katie Fellows of 36 Orchard Street read a portion of a letter that she had sent to the Councilors who supported the Griffin Road rezoning. She thanked Councilor Benedict for responding to the email.
- Nate Gobiell of 8 Orchard Street did not support this and asked the Town Council to reconsider the Griffin Road rezoning. He felt that this item had been fast-tracked through.
- Paula Doe of 6 Surrey Lane spoke her opposition on the rezoning of Griffin Road. She then asked the Town Council to reconsider the rezoning of Griffin Road and to support the recommendation of the Planning Board.
- Morris Harmon of 15 Orchard Street also spoke of the Griffin Road rezoning and stated that he was respectful of the developer and then asked the Town Council to reconsider the rezoning.

Item 5. Minutes. February 20, 2013 – Regular Meeting. Motion by Councilor Roy, seconded by Councilor Sullivan, to move approval of the minutes of the February 20, 2013, regular Town Council meeting.

Vote: 7 Yeas.

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 during the meeting.

Order No. 13-04, 7:00 p.m. Public Hearing on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a Light Industrial District and a Rural and Farming Overlay District. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments in this Order.

Chairman Ahlquist opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:23 p.m. The second reading on the above Order would be scheduled for Wednesday, March 20, 2013.

Order No. 13-05, 7:00 p.m. Public Hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District. Chairman Ahlquist opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:24 p.m. The second reading on the above Order would be scheduled for Wednesday, March 20, 2013.

Resolution 13-01. Resolve urging the Maine State Legislature to craft a Biennial State Budget that prevents a significant increase in property taxes. The following spoke on this item:

- Jackie Perry of Black Point Road and a member of the Board of Education thanked the Town Council for bringing this resolve forward. She and the Board support this resolution.
- Rachel Hendrickson of 2 Plantation Drive thanked the Council for bringing this Resolution forward. There are already a total 13 municipalities that have approved a resolve such as this and supported the resolve that is being presented.
- Jean Marie Caterina of 311 Gorham Road also supported the proposed resolve being presented this evening. There are many negative impacts that would be brought forward if the Governor's Budget is passed. She then thanked the Council for bringing this forward.
- Susan Taylor of 21 Clearview Drive and a state employee/teacher supported the proposed resolve. She stated that she could not give any more than what she already is and urged the Town Council to support this resolve.
- Jane Leng of 11 Abigail Way spoke in support of the proposed resolve. The Governor's Budget, if passed, would cause deep cuts on the school department. She urged the Council to support this resolve.

Motion by Councilor Roy, seconded by Councilor Benedict, to move approval of Resolution 13-01, urging the Maine State Legislature to craft a Biennial State Budget that prevents a significant increase in property taxes, as follows:

RESOLUTION 13-01

Urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes

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

WHEREAS, the Governor's unprecedented biennial budget proposal places municipalities in an untenable and uncertain fiscal position during their budget planning; and,

WHEREAS, the proposed biennial budget includes the suspension of municipal revenue sharing that would result in over \$2.6 million in lost revenue to the Town of Scarborough; and,

WHEREAS, the proposed budget cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the \$10,000 Homestead Exemption for those under 65 years of age; eliminate the "circuit breaker" property tax and rent relief for anyone under 65 as well as take \$8 million in truck excise tax revenue from municipalities; would create a corporate tax exemption for large amounts of currently taxable property resulting in significant losses in local tax revenue; and,



Town of Scarborough, Maine

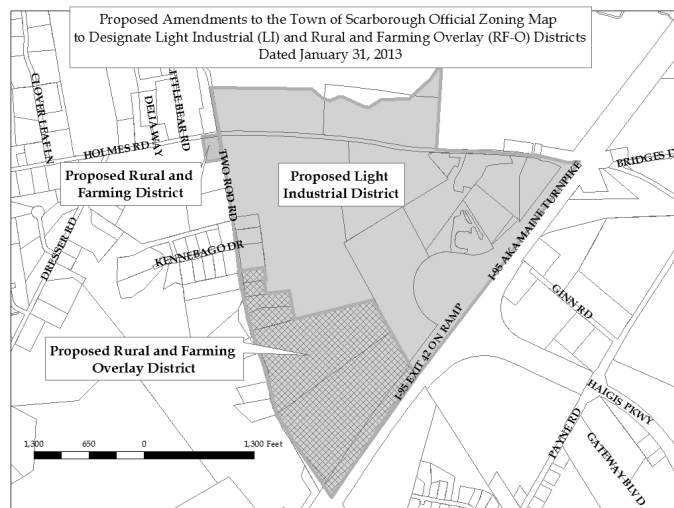
259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

Public Hearing Notice Scarborough Planning Board

The Scarborough Planning Board will conduct two, related Public Hearings on Monday, March 11, 2013, starting at 7:00 PM, at the Scarborough Town Hall.

First Public Hearing will consider proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a Light Industrial District and a Rural and Farming Overlay District.

Second Public Hearing will consider proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District, as depicted below:



For further information please see the Planning Board agenda on the Town's website or contact Dan Bacon in the Planning Department.

Daniel Bacon
Town Planner
730-4041

Advertise:
Feb. 27 &
March 4, 2013

Town of Scarborough, Maine

Planning Board

March 11, 2013

AGENDA

1. Call to Order 7:00 P. M.)
2. Roll Call
3. Approval of Minutes (February 19, 2013)
4. The Planning Board will conduct a public hearing to receive input on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, to establish a Light Industrial District and a Rural and Farming Overlay District*
5. The Planning Board will conduct a public hearing to receive input on the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District*
6. Biddeford Savings Bank requests Planned Development review for mixed-use development for property at 206 U. S. Route One*
7. Ram Management Co., Inc. requests site plan amendment review for construction of a 16,200 square foot office building at 200 U. S. Route One
8. Scarborough Property Holdings, LLC requests site plan review for mixed use development at the corner of Payne Road and Ginn Road
9. Administrative Amendment Report
10. Town Planner's Report
11. Correspondence
12. Planning Board Comments
13. Adjournment

*Public comments will be allowed on these items.

NO NEW ITEMS SHALL BE TAKEN UP AFTER 10:30 P. M.

Town of Scarborough

Planning Board

March 11, 2013

MINUTES

Members Present

Ms. Corthell
Mr. Fellows
Mr. Mazer
Mr. Thomas

Staff

Mr. Bacon, Town Planner
Mr. Chace, Assistant Planner
Ms. Logan, Recording Secretary

1. Call to Order

Mr. Fellows called the meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; Messrs. Bouffard, Chamberlain and Paul were absent. Mr. Fellows authorized Ms. Corthell to vote.

3. Approval of Minutes (February 19, 2013)

Mr. Mazer moved to approve the minutes of February 19, 2013; Mr. Thomas seconded.

Voted 3-0-1 Mr. Fellows abstained.

4. The Planning Board will conduct a public hearing to receive input on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, to establish a Light Industrial District and a Rural and Farming Overlay District*

5. The Planning Board will conduct a public hearing to receive input on the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District*

Mr. Bacon stated that he would give a presentation on both items together. He stated that these amendments would create a Light Industrial District bounded by Holmes Road, Two Rod Road and the Maine Turnpike; he stated that this was near Exit 42 and Payne Road and included Beech Ridge Speedway, the old Town landfill, Scarborough Auto Parts, undeveloped land and six or seven residences on Two Rod Road. Mr. Bacon stated that the Comprehensive Plan and Scarborough Economic Development Corp. noted the lack of light industrial areas in Town. He showed the current B-2 and RF zoning in the area and a map showing the change to the proposed Light Industrial Zone with an RF Zone overlay to the south to accommodate the existing homes. He stated that one of the key pieces was to make sure a light industrial use fit into the area where it was partially commercial but with some residential use.

Mr. Bacon stated that the area did not have public sewer or water so there were uses that were not allowed if they required the use of water or created large amounts of wastewater. He stated that the focus was on directing truck traffic to Holmes Road to minimize the impact on Two Rod Road and provide options to that neighborhood to remain residential or to convert to small businesses. He listed uses that would be

allowed in the Light Industrial District and service type uses geared toward the houses on Two Rod Road. He stated that access would only be allowed from Holmes Road with connection between properties encouraged; he noted that there would be buffering standards.

Mr. Fellows opened the public hearing; no one spoke for or against the proposed rezoning; Mr. Fellows closed the public hearing.

Mr. Mazer stated that he had no issues. Mr. Thomas stated that it made sense to create areas for commercial development and he supported the rezoning. Ms. Corthell commended the Long Range Planning Committee for its work and stated that the LI Zone was a good match for the area and she liked the options for the residents. Mr. Fellows stated that this was a balanced approach with the incorporation of public input to the Long Range Planning Committee. He stated that the Board gave a positive opinion to the Town Council.

6. Biddeford Savings Bank requests Planned Development review for mixed-use development for property at 206 U. S. Route One*

Mr. Chace noted that this was a continuation of a discussion regarding the Planned Development for which there were three steps. He stated that once the Master Plan was approved the site plan would be addressed. He stated that the Board had asked for more concepts of the layout of the site with traffic circulation, coordination of the drive-through activities and the view of the drive-through aisles from Route One. He stated that five conceptual plans were presented and the staff agreed that only two of them met most of the Planned Development standards. He noted that this site was adjacent to the Ram Management property and there was discussion between the owners regarding cross-access between the two sites.

Mr. Mike Eon, the developer, stated that the site had much better access for Biddeford Savings than their existing site on Route One. Mr. Andrew Johnston, of SMRT, explained that they tried to attract customers with their layout and meet the Design Standards. He stated that they looked at different scenarios for the layout and determined that there were a lot of conflicts with circulation and pedestrians by accessing the site through the rear from the street. He noted that all but one bank drive-through in Scarborough had circulation all the way around the building. Mr. Johnston stated that the traditional layout with parking in the front created efficient circulation on the site but there would be a mass of parking on the street and the buildings would be hidden in the back with no pedestrian circulation so that layout would not fit the standards.

Mr. Johnston stated that the site layout with a second access for right in and right only turns was not viable because of the hazards of people trying to turn left and they would much prefer the only access to be at the traffic light. He stated that the two viable options were close in layout to the original Master Plan; he stated that they had lined the driveway up with Hannaford Drive to take advantage of the sequence of the traffic light and had cut off the front access between their two buildings to create the access around the two separate uses and make the driveway less visible from the street. He stated that there would be bypass lanes for drive-throughs on both buildings and the only conflict would be parking near the drive-through exit from the coffee shop.

Mr. Johnston stated that they liked the last layout best because it would take out the conflict with the one way traffic around the coffee shop. He showed the connection to the abutting property and stated that the benefit of the connection was to get people from that site to the traffic light. He stated that if the connection were two-way it would cause a bottleneck of cars trying to turn left into the abutting site causing cars

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 20, 2013
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Ahlquist called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. The following were present:

Judith L. Roy, Vice-Chair	Katherine A. St. Clair
Jessica L. Holbrook [Absent]	Edward NMI Blaise, III
Richard J. Sullivan, Jr.	James E. Benedict
Ronald D. Ahlquist, Council Chair	

Item 4. General Public Comments.

- Emily Ward of 22 Cammock Road expressed her concern with the way Ms. Corthell had been treated by not being re-appointed to the Planning Board and was confused as to the process that had been followed.
- Martin Tripp of 26 Oceanwood Drive voiced his concern regarding the way the town was spending money. He felt the schools were too expensive and he felt that the police department was being underfunded. Things need to change.
- Susan Wilder of Tide Mill Lane stated she felt the Planning Board has become bias in that the majority of its members are in the construction field. She requested the Council not approve the appointment of Mr. Dupont and re-appoint Ms. Corthell.

Chairman Ahlquist noted that there was a special guest with us this evening and asked Ms. Russell to come and introduce herself. Ms. Erin Russell stated that she lives in Scarborough and as part of a school project she was attending this evenings meeting.

Item 5. Minutes. March 6, 2013 – Regular Meeting. Motion by Councilor Roy, seconded by Councilor Blaise, to move approval of the minutes of the March 6, 2013, regular Town Council meeting.

Vote: 6 Yeas.

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 during the meeting.

Order No. 13-15, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance. Councilor Benedict gave a brief overview on this item. Chairman Ahlquist opened the public hearing. As there were no comments either for or against, the hearing was closed at 7: 13 p.m.

Item 8. Presentation of Legislative Sentiment. Representative Amy Volk of District 127 presented a Legislative Sentiment to Harvey Rosenfeld for his service to the Town of Scarborough as the former President of SEDCO and his retirement.

Harvey Rosenfeld was surprised by the recognition and thanked the Town Council and town staff stating it has been a great place to work. He thanked Representative Volk for present this recognition.

Councilor Roy read a letter from Senator Collins commending Mr. Rosenfeld for his many years of service to the Town of Scarborough.

OLD BUSINESS:

Order No. 13-04. Second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a Light Industrial District and a Rural and Farming Overlay District. Dan Bacon, Town Planner gave a brief overview on the proposed amendments in this Order as well as in Order No. 13-05.

Motion by Councilor Roy, seconded by Councilor St. Clair, to move approval of the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a Light Industrial District and a Rural and Farming Overlay District, as follows:

Proposed Amendments to the Zoning Ordinance to Establish a Light Industrial and Rural and Farming Overlay District

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:

1. Create a new Section XXI.B. Light Industrial District - LI which shall read as follows:

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 VIII 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.

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 and storage, exclusive of mini-warehouse/storage facilities.
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).

D. SPECIAL EXCEPTIONS

1. Public utility buildings including substations, pumping stations and sewage treatment facilities.

2. Outdoor storage, exclusive of fuel stored in bulk.

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.

- 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:

- 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 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.

2. Create a new Section XXIC. Rural and Farming Overlay District – RF-O which shall read as follows:

Section XXIC. RURAL AND FARMING OVERLAY DISTRICT – RF-O.

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

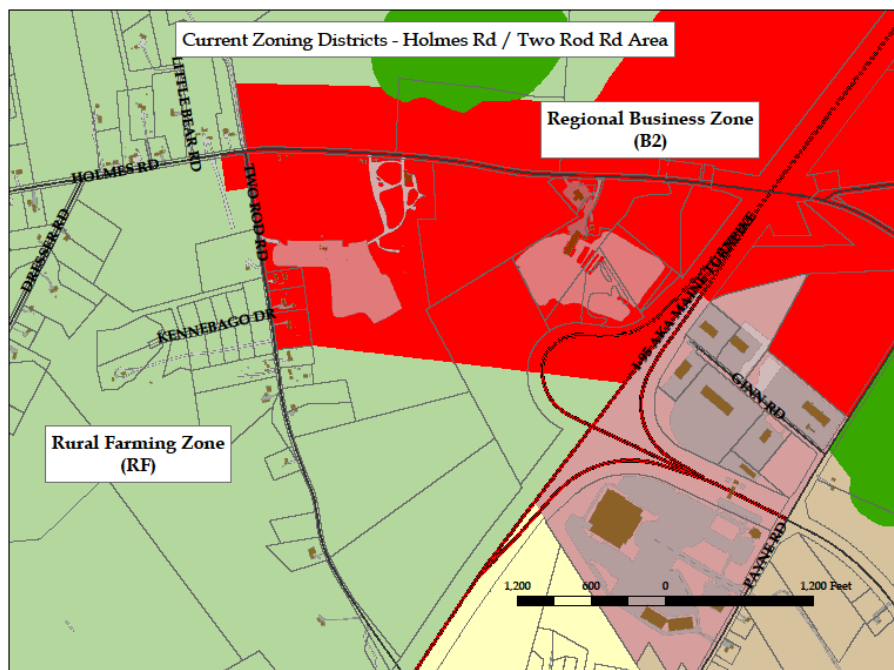
Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

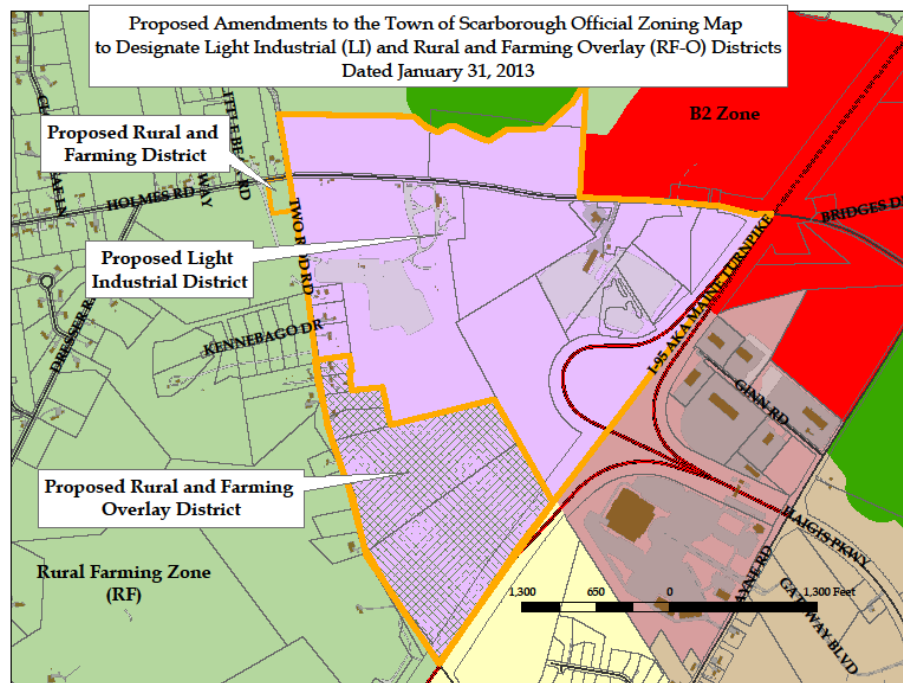
F. SIGNS

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

Vote: 6 Yeas.

Order No. 13-05. Second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District. Motion by Councilor Roy, seconded by Councilor St. Clair, to move approval of the second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to update the zoning districts in the vicinity of Holmes Road and Two Rod Road to the Light Industrial District and the Rural and Farming Overlay District, as follows:





Vote: 6 Yeas.

Order No. 13-22. Act on the request to approve the names posted to the various committees/boards as recommended by the Appointments Committee at the Town Council meeting held on Wednesday, March 6, 2013. Motion by Councilor Benedict, seconded by Councilor Roy, to move approval on the names posted to the various committees/boards as recommended by the Appointments Committee at the Town Council meeting held on Wednesday, March 6, 2013, as follows:

Ad Hoc Transportation Committee

Appoint Jennifer Williams

Conservation Commission

Re-appoint J. Anton Bodor, as a full voting member with a term to expire in 2015

Appoint Jean-Marie Caterina, as a full voting member with a term to expire in 2015

Long Range Planning Committee

Appoint Cory Fellows, as a full voting member

Pest Management Committee

Appoint Chris Herrick, as the representative from the Conservation Commission

Planning Board

Re-appoint Cory Fellows, as a full voting member with a term to expire in 2015

Appoint John Dupont, as 2nd Alternate with a term to expire in 2015

The Portland International Jetport Noise Advisory Committee

Guy Gledhill

Zoning Board of Appeals

Re-appoint Leroy Crockett and Rick Loisel, as full voting members with terms to expire in 2015

Appoint Michael J. Richard, as 2nd Alternate, with a term to expire in 2015

Vote: 6 Yeas