

MINTUES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 4, 2024
HYBRID REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chair Sither called the regular meeting of the Scarborough Town Council to order at 7:01 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 and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

Councilor Scott W. Doherty	Councilor Cory R. Fellows
Councilor Donald W. Cushing, Jr.	Councilor William J. Donovan
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson – Vice Chair
Chair April V. Sither	

Item 4. General Public Comments.

- James Hebert of Victory Lane, spoke in support of the Transportation Plan that had been presented earlier in the evening.
- Stanis Moody-Roberts of County Road, spoke on the north Scarborough transportation and the Transportation Workshop that had been held earlier. He went on to reviewed information that he had presented at prior meetings.
- Daniel Dickinson of Holmes Road, he asked the Council to assist him in researching the Fed-X project. He felt that careful planning was not followed. He felt that he is not being provided access to the back lot.

Item 5. Minutes: November 20, 2024 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the November 20, 2024, meeting minutes as written.

Vote: 7 Yeas. Motion Passes.

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

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

Item 8. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- **Route One Traffic Signal Coordination** -
 - Adaptive Technology activated
 - Provide your experience
- **Black Point Road Reconstruction** -
 - December 3 Staff Review
 - Schedule meeting with PNIA
- **Post-Election Debrief** -
 - Establish Internal Protocols
 - Feedback to the State

- **Hurd Park Concessions** -
 - Emma's Eats returning for 2025
- **Council Goals** -
 - TBD in January/GPCOG to facilitate the Goals Workshop
 - Request Senior Staff/Town Council Workshop first
- **Conservation Request** -
 - Land Trust has requested 9 properties be transferred with covenants and restrictions to assure conservation in perpetuity
 - Initiate Disposition of Town-Owned Property Policy
- **All-Board Summit** -
 - January 29,2025, details TBD
- **Community Services Director** -
 - Solicitation Closed - 15 applicants
 - Initial Interviews Scheduled
- **Naming of a Veterans Bridge** -
 - Will be brought forward at next meeting

Order No. 24-112, 7:00 p.m. Public hearing and second reading, on a Moratorium in the Light Industrial District. [Councilor Anderson] Councilor Anderson gave a quick overview on this Order. She then opened the public hearing. Chair Sither noted that this is only a public hearing. The following individuals spoke on this Order:

- Daniel Dickinson of Holmes Road, provided a map that shows the Light Industrial and where his property is located. He felt that moratorium only affects him. He went on to make comments as to why he did not support the moratorium.
- Art Ledue, owner of Able Projects LLC, asked what constituted this moratorium being brought forward? The Chair would follow up with the speaker. He did not support this recommendation.
- Rocco Risbara of Black Point Road, knows what Mr. Dickinson is going through and asked the Council to really look at whether this is necessary.
- Laurie Baxter of Kennebago Drive, spoke on the concerns of the well water in this area as well as traffic concerns. She supported the moratorium.
- Denise Hamilton of Two Rod Road, spoke in support of the moratorium and why she supported it.
- Richard Pelton of Two Rod Road, spoke on when the change to the Light Industrial was made and supported the moratorium.
- Greg Hastings of the Dunham Group, felt the Town should be preserving the industrial land.

There being no further comments either for or against, the hearing was closed at 7:54 p.m. The second reading on this Order will be held on Wednesday, January 8, 2025.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 24-114. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance to add Section X.A Wetland Setbacks and Vegetated Buffers. *[Planning Director, Town Engineer]* Chair Sither noted that the next three Orders are related and staff would be speaking on them together. Angela Blanchette, Town Engineer and Autumn Speer, Planning Director, gave a brief overview on this Order. The following individuals spoke on this Order:

- Roger Hale of Broadturn Road, spoke against the proposed changes and felt that the Town should stay with what the State mandates.
- Ben DeVine a former Scarborough resident, voiced his concerns on the proposed amendments being offered and the affect that it could have across the board.
- Tom Dunham of the Dunham Group spoke on behalf of a property on Mussey Road. They did not support the proposed recommendations.
- Peter Slovinsky of Iron Clad Road and a member of the Conservation Commission, spoke in support of the proposed amendments
- Peter Michaud of Fogg Road and Downs, welcomed the new Councilors and to the new Chair. He went on to voice his concerns about the proposed changes.
- Stanis Moody-Roberts of County Road, supports the proposed amendments.
- Dan Shapiro of Highland Pines Road, voiced his support on the proposed amendments.
- Kate Borduas of Evergreen Farm Road, former Councilor, member of the Conservation Commission and Library Board, spoke in support of the proposed amendments.
- Matthew Stucke of Pleasant Avenue, felt that this should be moved forward to continue the conversation.
- Andrew Mackie of the Scarborough Land Trust, spoke in support of the proposed amendments being recommended.
- Randi Hogan, Chair of the Conservation Commission, spoke in support of the proposed amendments being recommended.
- Able Plaud of Second Avenue and a member of the Conservation Commission, voiced his support for the proposed recommendations.
- Mike Wiley of Sagebrush Drive, voiced concerns around the presentation.
- Cathleen Miller of Broadturn Road and a member of the Conservation Commission, spoke in support of the proposed changes.
- Rocci Risbara of Black Point Road, did not agree with the proposed amendments and voiced his reasons why.
- Daniel Dickinson of Holmes Road, did not support the proposed amendments and voiced his reasons why.
- Vinnie Mieatta a Developer, did not support the proposed amendments and voiced his reasons why.
- Marvin Gates of Black Point Road, supported that the recommendation be moved forward to the Planning Board for their review.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance to add Section X.A Wetland Setbacks and Vegetated Buffers and schedule the public hearing upon receipt of the Planning Board recommendation. Proposed amendments as follows:

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 Zoning Ordinance of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are in underlined in red; deletions are struck through):

CHAPTER 405 TOWN OF SCARBOROUGH ZONING ORDINANCE

SECTION X.A WETLAND SETBACKS AND VEGETATED BUFFERS

A. Applicability

Wetland setback requirements shall apply to all new development requiring site plan or subdivision approval. Redevelopment projects shall maintain the minimum wetland setbacks under this Ordinance or that which was previously permitted at the property.

This ordinance shall not apply to wetlands addressed in Chapter 405C Town of Scarborough Shoreland Zoning Ordinance.

This ordinance does not preclude wetland fill permitting at the State and Federal level. If a wetland is approved to be filled in its entirety, no wetland setback or buffer is required. If a wetland is approved for partial impact, the wetland setback and buffer requirements will be based on the new wetland boundary.

This ordinance shall not apply to properties in receipt of or in process of receipt of approval for wetland fill as of the date of adoption of this ordinance.

B. Definitions

Coastal Wetlands: Coastal Wetland means all tidal and subtidal lands; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland that is subject to tidal action during the highest astronomical in which an activity is proposed. Coastal wetlands may include portions of coastal sand dunes.

Forested Wetland: Forested wetland means a freshwater wetland dominated by woody vegetation that is 6 meters tall, or taller.

Fresh Water Wetland: Freshwater wetland means freshwater swamps, marshes, bogs, and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and not considered part of a great pond, coastal wetland, river, stream, or brook.

Vegetated Buffer: A vegetated buffer is part of the wetland setback area that maintains or enhances the natural vegetation cover from the natural resource for a specified distance. Limited activity may take place in the vegetated buffer.

Wetland Setback: A wetland setback is a defined distance between a coastal wetland, freshwater wetland or forested wetland, and any upland development. The wetland setback also includes a vegetated buffer.

C. Wetland Setback and Vegetated Buffer Required

The following setback and minimum vegetated buffer width standards apply:

<u>Environmental Resource Type</u>	<u>Vegetated Buffer</u>	<u>Wetland Setback (includes vegetated buffer)</u>
<u>Wetlands</u>	<u>15'</u>	<u>25'</u>

*Where any provision of this Section conflicts with a State or Federal law or regulation, another section of this Site Plan Ordinance, Zoning Ordinance, or another local ordinance or regulation, the more restrictive provision shall apply.

The required minimum vegetated buffer is a portion of the wetland setback area directly adjacent to the wetland and maintains or enhances the natural vegetation cover from the wetland for a specified distance.

All wetland setbacks and vegetated buffers shall be marked with permanent pins every 50-100' and signage along the 15 foot buffer line as determined by the Planning Board. All required boundary markers shall be installed by a qualified professional before project construction commences.

Wetland Setbacks are not subject to variance procedures.

The Planning Board may consider crossing wetland setbacks through the subdivision and site plan approval process if the following applies:

- 1) The crossing must be located at the narrowest span of wetlands; and
- 2) The crossing must be designed to move flow between the segregated wetlands; and
- 3) Minimum footprint of the roadway or utility crossing must be demonstrated to reduce wetland impacts; and
- 4) Open bottom culverts shall be included every 50 feet; and
- 5) It is demonstrated that no other alternative route is feasible

D. Permitted Activities

Activities that do not involve the erection or construction of any structure or impervious surface, will not alter the natural surface configuration by the addition of fill or by excavation, will not result in site alterations, and is otherwise permitted by the Zoning Ordinance are permitted as shown in the following table. Uses not specifically identified shall be prohibited.

Standards and Permitted Activity use table abbreviations are as follows:

- P – Permitted by Right
- NO – Not a Permitted Activity

<u>Permitted Activity</u>	<u>Setback Area – Inside of Vegetated Buffer</u>	<u>Setback Area - Outside of Vegetated Buffer</u>
<u>Pesticides Permitted</u>	<u>NO</u>	<u>NO</u>
<u>Fertilizer Permitted^A</u>	<u>NO</u>	<u>P</u>
<u>Tree Cutting or Vegetation Removal</u>	<u>NO</u>	<u>P</u>
<u>Invasive Species Control^B</u>	<u>P</u>	<u>P</u>
<u>Planting/establishment of Non-invasive species^C</u>	<u>P</u>	<u>P</u>

<u>Lawns</u>	<u>NO</u>	<u>P</u>
<u>Forest Management Activities^D</u>	<u>NO</u>	<u>P</u>
<u>Outdoor Lighting</u>	<u>NO</u>	<u>P</u>
<u>Fences^F</u>	<u>NO</u>	<u>P</u>
<u>Stormwater Retention or Detention Basin</u>	<u>NO</u>	<u>NO</u>
<u>Stormwater Conveyance Structures</u>	<u>NO</u>	<u>P</u>
<u>Sewage Disposal Facilities</u>	<u>NO</u>	<u>NO</u>
<u>Soil Erosion and Sediment Control Measures^G</u>	<u>NO</u>	<u>P</u>
<u>Shoreline Stabilization</u>	<u>NO</u>	<u>NO</u>
<u>Living Shorelines</u>	<u>P</u>	<u>P</u>
<u>Maintenance to existing structures and improvements within existing footprint^E</u>	<u>P</u>	<u>P</u>
<u>Repair, maintenance and improvements of existing roadways, utilities and sidewalks</u>	<u>P</u>	<u>P</u>
<u>Installation of piers or docks, provided that all required local, state, and federal approvals have been granted</u>	<u>P</u>	<u>P</u>
<u>Wildlife refuges, passive recreation, conservation nature trails, and open spaces as permitted or required by the Zoning Ordinance or Subdivision Regulations</u>	<u>P</u>	<u>P</u>
<u>Trailhead Parking</u>	<u>NO</u>	<u>NO</u>
<u>Grading, Fill or Excavation Activities</u>	<u>NO</u>	<u>Only for permitted activities listed above</u>

^APermitted fertilizers must be low phosphate slow release in areas of fresh water impact and slow release nitrogen in areas of coastal water impacts, both at a rate recommended from a soil test.

^BInvasive species control shall be completed under the guidance and approval of a Licensed Forester, ISA Certified Arborist, Registered Landscape Architect, or Qualified Resource Buffer Professional.

^CDepending on the buffer type, revegetation of buffers must use appropriate native plants.

^DWhen forest management activities are permitted, harvesting up to 20% of the total volume of each acre of trees 4.5 inches DBH or greater in any 10-year period is allowed.

^EReconstruction and modifications of existing structures is permitted; however, footprint expansion must move landward to the greatest extent practical.

^FFences may be constructed along the vegetated buffer line; however, they must have no footings and no ground disturbance within five (5) feet of the vegetated buffer.

^GConstruction disturbance limit is 15 feet from the wetland. When silt fence is required, it shall be placed outside of the 15 feet vegetated buffer line.

Vote: 5 Yeas. 2 Nays [Councilors Cushing and Doherty]

Order No. 24-115. First reading and refer to the Planning Board, the proposed amendments to Chapter 405B Site Plan Review Ordinance Section V. Site Conditions and Environmental Considerations to add reference to wetland setbacks. [Planning Director, Town Engineer] Chair Sither opened this Order for public comments. The following individual spoke on this Order:

- Rocco Risbara of Black Point, wanted to clarify that these Ordinance recommendations are not talking about the marsh, but about any property and he then spoke on the process that had been followed and didn't agree with it.
- Peter Michaud of Fogg Road, asked the Town Council to please notify the public of these changes in the same way they did with the Revaluation.

Motion by Councilor Anderson, seconded by Councilor Shupe, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405B Site Plan Review Ordinance Section V. Site Conditions and Environmental Considerations to add reference to wetland setbacks and schedule the public hearing upon receipt of the Planning Board recommendations. Proposed amendments as follows:

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405B Town of Scarborough Site Plan Review, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are in underlined in red; deletions are struck through):

CHAPTER 405B TOWN OF SCARBOROUGH SITE PLAN REVIEW

V. Site Conditions & Environmental Considerations

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

A. Wetland Setbacks and Vegetated Buffers

All required wetland setbacks and vegetated buffers shall be shown on the proposed subdivision as required by Chapter 405 Zoning Ordinance Section X.A Wetland Setbacks and Vegetated Buffers.

BA. Conservation, Erosion, & Sediment Control [amended 04/21/2021]

- 1. All sites must comply with Chapter 420 – Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance.
- 2. Stripping of vegetation, re-grading and other development shall be performed in such a way as to minimize erosion.
- 3. Development shall preserve prominent natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.
- 4. Wherever feasible, natural vegetation shall be retained, protected, and supplemented.
- 5. The extent of disturbed area and the duration of exposure shall be proposed by the applicant for consideration by the Applicable Reviewing Authority. The proposal shall

conform to time schedules acceptable to the Applicable Reviewing Authority or to the Town Planner and Town Engineer if the Applicable Reviewing Authority so directs.

- 6. Disturbed soils shall be stabilized as efficiently as possible.
- 7. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
- 8. The permanent vegetation and mechanical erosion control measures shall be installed in conformance with a specified schedule as approved by the Applicable Reviewing Authority or by the Town Planner and Town Engineer if the Applicable Reviewing Authority so directs.
- 9. Until the disturbed area is stabilized, sediment in the runoff shall be trapped and contained by the use of debris basins, sediment basins, silt traps, silt fencing or other acceptable measures.
- 10. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing the sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any resulting damages in an efficient manner.
- 11. Any developer conducting an activity on or across a stream, watercourse or swale or upon a floodway or right-of-way thereof shall maintain, as nearly as possible, the state of the stream, watercourse, swale, floodway or right-of-way during the activity. Following the activity, the water feature shall be returned to its original, or equal, condition.
- 12. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

CB. Site Conditions

- A-1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order by the Code Enforcement Officer or other authorized personnel. The developer shall make provisions for the disposal of oil, grease, and any other materials or equipment which may pose a threat to public health and safety. The site shall be regularly sprayed to control dust from construction activity.
- B-2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials. Such material shall be removed or destroyed upon the request, and to the satisfaction, of the Code Enforcement Officer and must be accomplished prior to the issuance of an occupancy permit.
- C-3. No substantial change shall be made in the elevation or contour of any lot or site by the removal or addition of earth, except as shown on an approved site plan. Minimal changes in elevations may be made only after approval by the Code Enforcement Officer. All permitted changes necessitated by field conditions shall be shown on the as built plans.
- D-4. Prior to or during construction, the Code Enforcement Officer may require the installation or construction of improvements in order to prevent or correct a temporary

condition on the site that could cause personal injury, damage to property, erosion, flooding, heavy construction traffic, creation of steep grades, or pollution. Required improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads, and other improvements specific to a condition. All temporary improvements shall remain in place and operation until otherwise directed by the Code Enforcement Officer.

Vote: 5 Yeas. 2 Nays [Councilors Cushing and Doherty].

Order No. 24-116. First reading and refer to the Planning Board, the proposed amendments to Chapter 406 Subdivision Ordinance Section 4. Purpose, Interpretation, and Review Criteria. *[Planning Director, Town Engineer]* Chair Sither opened this Order for public comments.

Motion by Councilor Anderson, seconded by Councilor Shupe, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 406 Subdivision Ordinance Section 4. Purpose, Interpretation, and Review Criteria and schedule the public hearing upon receipt of the Planning Board recommendations. Proposed amendments as follows:

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 406 Subdivision Ordinance, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are in underlined in red; deletions are struck through):

**CHAPTER 406
SUBDIVISION ORDINANCE
TOWN OF SCARBOROUGH, MAINE**

SECTION 4. PURPOSE, AND INTERPRETATION, AND REVIEW CRITERIA

The purposes of this ordinance are to promote the development of an economically stable and sound community; to provide safe and adequate streets, utilities and other services to new land development; to provide convenient and safe traffic circulation and access; to assure generally the development of areas in a manner consistent with any comprehensive plan for the Town of Scarborough; to clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A. § 4404, to protect the environment and conserve the natural and cultural resources identified in the Scarborough Comprehensive Plan as important to the community; to minimize the potential impacts from new subdivisions on neighboring properties and on the town; and to provide uniform procedures and standards for observance by the Planning Board and Subdividers. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements for the protection of public health, safety and welfare. To this end, in evaluating any proposed subdivision of land within the Town of Scarborough, Maine the Planning Board shall determine that such subdivision will meet the design standards set forth in this Ordinance, will comply with all other pertinent State and Local codes and ordinances, and will comply with the following review criteria:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams

- for disposal of effluents; and the applicable state and local health and water resources regulations;
- B. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
 - C. The proposed subdivision will not cause an unreasonable burden on an existing water supply if one is to be utilized;
 - D. The proposed subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
 - E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;
 - F. The proposed subdivision will provide for adequate sewage waste disposal;
 - G. The proposed subdivision will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
 - H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
 - I. The proposed subdivision is in conformance with this Subdivision Ordinance, the Scarborough Comprehensive Plan, the Scarborough Zoning Ordinance, the Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance, the Scarborough Shoreland Zoning Ordinance (if applicable), the Scarborough Site Plan Review Ordinance (if applicable) the Scarborough Post-Construction Stormwater Infrastructure Management Ordinance (if applicable) and all applicable State and Local codes and regulations; in making this determination, the Planning Board may interpret the Comprehensive Plan and applicable local ordinances, codes and regulations;
 - J. The subdivider has adequate financial and technical capacity to meet the standards of this Ordinance;
 - K. Whenever situated in whole or in part, within 250 feet of any pond, lake, stream, river, wetland or tidal waters, the proposed subdivision will not adversely affect the quality of such body of water or wetland or unreasonably affect the shoreline of such body of water or wetland;
 - L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
 - M. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the Planning Board shall determine whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
 - N. All wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of

wetlands may be done with the help of the local soil and water conservation district. Boundary locations of wetlands must be permanently marked;

O. All required wetland setbacks and vegetated buffers shall be shown on the proposed subdivision as required by Chapter 405 Zoning Ordinance Section X.A Wetland Setbacks and vegetated Buffers.

Ø.P. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38 M.R.S.A., section 480-B, subsection 9;

P-Q. The proposed subdivision will provide for adequate storm water management including green infrastructure and low impact development practices. Post-development stormwater flow rates must be equal to or less than pre-development stormwater flow rates;

Ø.R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or coastal wetland as these features are defined in Title 38 M.R.S.A., section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

R-S. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Vote: 5 Yeas. 2 Nays [Councilors Cushing and Doherty].

The Chair called for a brief recessed at 9:40 p.m. The meeting was reconvened at 9:47 p.m.

Order No. 24-117. Act on the request, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance, to approve the acceptance of public infrastructure, as noted and recommended by the Town Engineer. [Town Engineer] Angela Blanchett, Town Engineer, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the request, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance, to approve the acceptance of public infrastructure, of Peaceful Lane, located in the Peaceful Lane Subdivision, as noted and recommended by the Town Engineer.

Vote: 7 Yeas. Motion Passes.

Order No. 24-118. Act on the recommendation to appointment Jason Kenney of ecomaine, as the Representative from Scarborough, to serve on the Long Creek Watershed Management District Board of Directors. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Fellow, to move approval on the recommendation to appointment Jason Kenney of ecomaine, as the Representative from Scarborough, to serve on the Long Creek Watershed Management District Board of Directors.

Vote: 7 Yeas. Motion Passes.

Order No. 24-119. Act on the recommendations on Council Chair Appointments. [Chair Sither]
Chair Sither read the Council Committee/Liaison recommendations.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of Council Chair Appointments.

Motion by Council Chair Sither, seconded by Councilor Cushing, to amend the main motion to include Councilor Anderson as the Alternate to the Long Range Planning Committee.

Vote on amendment: 7 Yeas. Motion Passes.

Vote on main motion as amended:

Standing Council Committees:

- Finance Committee: Jon Anderson*, Karin Shupe, Don Cushing
- Ordinance Committee: Karin Shupe*, Cory Fellows, Bill Donovan
- Communications: Don Cushing*, Jon Anderson, Scott Doherty
- Appointments and Negotiations Committee: Bill Donovan*, Cory Fellows, Karin Shupe
- Rules & Policies Committee: Cory Fellows*, Don Cushing, Scott Doherty
- Fair Hearing Authority: Jon Anderson*, Scott Doherty, Bill Donovan

*Denotes Chair

Town Council Liaison Appointments:

- ADA Advisory Committee - April Sither (Currently inactive)
- Board of Assessment Review - Don Cushing
- Board of Education - Bill Donovan
- Chamber of Commerce - Don Cushing
- Coastal Waters/Harbor Advisory Committee - Scott Doherty
- Community Services/Rec Advisory Board - Karin Shupe
- Conservation Commission & PMAC - Karin Shupe
- Eastern Trail Alliance - April Sither
- Firing Range - Cory Fellows
- Historic Preservation - Scott Doherty
- Housing Alliance - Bill Donovan
- Library Trustees - Jon Anderson
- Long Range Planning Committee - Cory Fellows – Alternate: Jonathan Anderson
- Planning Board - Cory Fellows
- Parks and Conservation Land Board - Karin Shupe
- Personnel Appeals Board - Jon Anderson
- Open Space - Karin Shupe
- School Building Advisory Committee - Bill Donovan, April Sither
- SEDCO - Jon Anderson
- Senior Advisory Board - April Sither
- Shellfish Conservation Commission - Scott Doherty
- Sustainability Committee - Bill Donovan
- Transportation Committee - Jon Anderson
- Vulnerability Assessment - April Sither

Outside Committees/Boards

Ecomaine - Don Cushing

METRO - Jon Anderson

PACTS Policy Committee - Don Cushing

GPCOG - April Sither

MMA Policy Committee - Bill Donovan

Vote: 7 Yeas. Motion Passes.

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

Item 10. Standing and Special Committee Reports and Liaison Reports and Item 11. Council Member Comments.

- Councilor Anderson noted that the Finance Committee would be meeting Thursday, December 12th at 5:00 p.m.
- Councilor Cushing asked that members of the Communications Committee contact him with regards to scheduling their meeting.

Order No. 24-120. Act on the request for an executive session pursuant to M.R.S.A. Title 1, §405(6)(D) regarding labor negotiations between the Town of Scarborough and the Public Works Teamsters Union Local #340. *[Assistant Town Manager/HR Director]* Chair Sither noted that this item was not ready for discussion and made a motion to table this Order.

Motion by Council Chair Sither, seconded by Councilor Fellows, to move approval on the request to table Order No. 24-120, to the December 18, 2024 Town Council meeting.

Vote: 7 Yeas. Motion Passes.

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

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 9:56 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk