



Long Range Planning Committee Meeting
January 10, 2025
8-9:30 am

In Person: **Council Chambers**

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

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

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

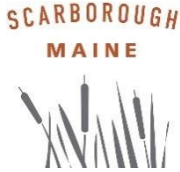
Alternates: Judith Fischer, Vacant

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Cory Fellows and Jon Anderson

- I. Roll Call and Identify Voting Members.
- II. Review Minutes December 13, 2024.
- III. General Public Comment - Items not covered on the agenda (3-minute limit per speaker)
- IV. Discuss and consider a recommendation to Ordinance Committee for proposed amendments to the Zoning Ordinance to permit landscape contractor uses as a special exception in the Running Hill District.
 - Public Comment (3-minute limit per speaker)
- V. Discuss and consider a recommendation to Ordinance Committee for proposed amendments to the Light Industrial Zoning District, the Rural Farming Overlay District and the Zoning Map of the Town for Scarborough.
 - Public Comment (3-minute limit per speaker)
- VI. Elect Chair and Vice-Chair.
- VII. Committee Member Updates - 9:15
- VIII. Staff Updates – 2024 Recap
- IX. Adjourn – Next Meeting February 14, 2024

MINUTES



**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.

Present:

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

Alternates: Judith Fischer, Vacant

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Cory Fellows and Jon Anderson

- I. Roll Call and Identify Voting Members – All Present
- II. Review Minutes November 8, 2024 – Approved 4:0 (Portia Hirschman recused)
- 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.

Autumn presented a recap of the previous discussion from the October meeting. The request originally came from Paul Beavers concerning Landscape Contractor uses being considered and treated as agricultural uses. Staff proposes an option which creates a new use "Landscape Contractor" and identifies districts the use would be permitted in. The use would be allowed the RF district subject to performance standards including minimum lot size and setbacks. The proposal also allows for Planning Board approval flexibility for the number of motor vehicles and trailers onsite and associated parking, as well as hours of operation and other on-site operations to avoid adverse impact on abutting uses. The draft also amends agriculture housing to include landscape contractors.

Allen asked for clarification for the business hours. Rachel asked questions about typical hours of operation as well. Weekends were of specific concern. Peter brought up that we do not

regulate machinery movement on a farm on the weekend and would recommend treating this use the same. Robin brought up concerns about property management concerns and hours.

The committee recognizes that additional conversations and discussion should continue to occur about uses in the RF district outside of this topic.

Peter asked a question about the possibility of using the Special Exception process for use. Autumn then presented the second component of the request for a similar Landscape Contractor use in the Running Hill District. Staff's recommendation for this use is to require Special Exception approval and noted that could be also required for the RF district.

Concern was expressed about the Red Brook watershed in this specific area (RH). Storage of materials is a concern and an additional performance standard addressing material storage will be added to the draft. More discussion was had about the appropriateness of the use in RF and RH. Robin does not want to see Landscape Contractors in the RF district. Rick summarized the request and is not comfortable just saying no. Peter recommends moving forward with a special exception request. Staff asked for a vote on the matter. Robin asked Karen to speak about seasonal housing needs for businesses. Karen mentioned the needs for housing for businesses. Cory spoke about affordable housing and additional accessory housing should be supported.

Peter made a motion to move the proposal forward to Ordinance Committee to approve Landscape Contractors being permitted in the RF district with special exception approval and subject to performance standards. (No open storage of materials will be added as well)

Approved 5:0

Staff requested the same motion for the RH district. Allen expressed his support. Peter quoted the district and stated he could not support this type of use. Discussion ensued about the uses and the sewer requirements in the district. Karen gave a recap of the Haigis District for the Town led sewer extension versus the Downs, who paid for the extension. Jon spoke about the TIF conversations that are being explored. The committee has acknowledged this area should be revisited as well. Robin was willing to add landscape contractor use in the RH district. Peter expressed his confusion about the RH district and his lack of support for the matter as presented. Rick spoke about the need to perhaps postpone this discussion until the sewer matter is resolved. Peter recommends the applicant pursue a contract zone. Robin and Rick recommend the Council address the sewer question in RH. Corey also agrees that RF and RH should be reviewed. Jon brought up the idea of reviewing the plans for the west side of the turnpike as well. Corey shared this would be brought before the Council for goal setting.

No action taken on the RH portion of the discussion.

- 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.

Due to time constraints this item was not discussed.

V. Public Comment

Mr. Jones spoke about his request for the consideration with Landscape Contractor uses in RH.

Denise Hamilton spoke about the LI item and mentioned the neighbor meeting that occurred the night before. Denise stated she has sent in her recommendations for the district as well.

Daniel Dickinson spoke about the LI item. He talked about the 2006 Comprehensive plan encouraging water and sewer and LI in this district. There may be potential to connect the two districts (RH and RF) with one highway crossing. There are potential users that may pay for the extension. The comprehensive plan for 20 years has encouraged the extension of sewer and water. Bringing sewer and water is important and should be moved forward.

VI. Staff Updates

Autumn briefed the group on the public hearings going to the Planning Board. Helen introduced herself as our new Development Review Planner.

VII. Committee Member Updates

Jon shared details about the meeting held last night – key takeaways are that residents are generally ok with the LI district and uses, the concerns are performance standards and potential special exceptions.

Corey expressed his excitement to be working with the group and shared he is on the Ordinance Committee and the Planning board Liaison as well.

Robin shared updates about the Open Space Plan and the Vulnerability Assessment.

Rachel updated the committee about the workload and the Downs development, Aroma Joes and Market Basket subdivision. She also briefed the group on the sketch plan for 10 lot subdivision on Payne Rd.

Portia mentioned the Transportation Study is on-line. Peter echoed comments and stated the workshop was successful.

Allen request an agenda item to add Chair and Vice Chair in January.

VIII. Adjourn 9:27 – Next Meeting January 10, 2024

LRPC January 10, 2025

Agenda Item 4. Discuss and consider a recommendation to Ordinance Committee for proposed amendments to the Zoning Ordinance to permit landscape contractor uses as a special exception in the Running Hill District.

BACKGROUND

Staff received a request in November 2024 to review Landscape Contractor uses in the Running Hill Mixed Use District. The property located at 108 Running Hill was found to be in violation in November 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.

This item was considered at the December LRPC meeting in conjunction with a similar request in the RF District. The recommendation to permit Landscape Contractor uses as a special exception with performance standards in the RF district was recommended to be moved to the Ordinance Committee. No action was taken on the same proposal for RH.

The applicants have requested the LRPC take action on the item, so they better understand their next steps.

The proposal includes:

- Defining Landscape Contractor (included with the RF amendment)
- Creating Performance Standards
- Amending the permitted use table for RH to include the use Landscape Contractor with a Special Exception

ATTACHMENTS

1. Draft Proposed Amendments

1. CHAPTER 405 SECTION VI. DEFINITIONS

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 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.

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

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. Landscape Contractor subject to the performance standards of Section IX.(CC)

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	

¹ When 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	45 feet

		stories or 20 feet in height over at least 50% of the building footprint	
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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.

- 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;
- Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and;
- 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.

3. CHAPTER 405 SECTION IX PERFORMANCE STANDARDS

BB. PERFORMANCE STANDARDS – LANDSCAPE CONTRACTOR RURAL FARMNG DISTRICT

- Minimum lot area required shall be four acres.
- 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.

3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the landscape contractor business or parked on-site 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.
6. The Planning Board may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.
7. No open storage of materials shall be permitted.

CC. PERFORMANCE STANDARDS – LANDSCAPE CONTRACTOR RUNNING HILL - GORHAM ROAD MIXED USE DISTRICT

1. The number of motor vehicles and trailers for equipment and supplies operated in connection with the landscape contractor business or parked on-site must be approved by the Planning Board to avoid an adverse impact on abutting uses.
2. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.
3. Sale of plant materials, garden supplies, or equipment is prohibited.
4. The Planning Board may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.
5. No open storage of materials shall be permitted.

LRPC January 10, 2025

Agenda Item 5. 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 approved an amended moratorium on December 18, 2024 for a 90-day time period.

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

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 curb 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~~

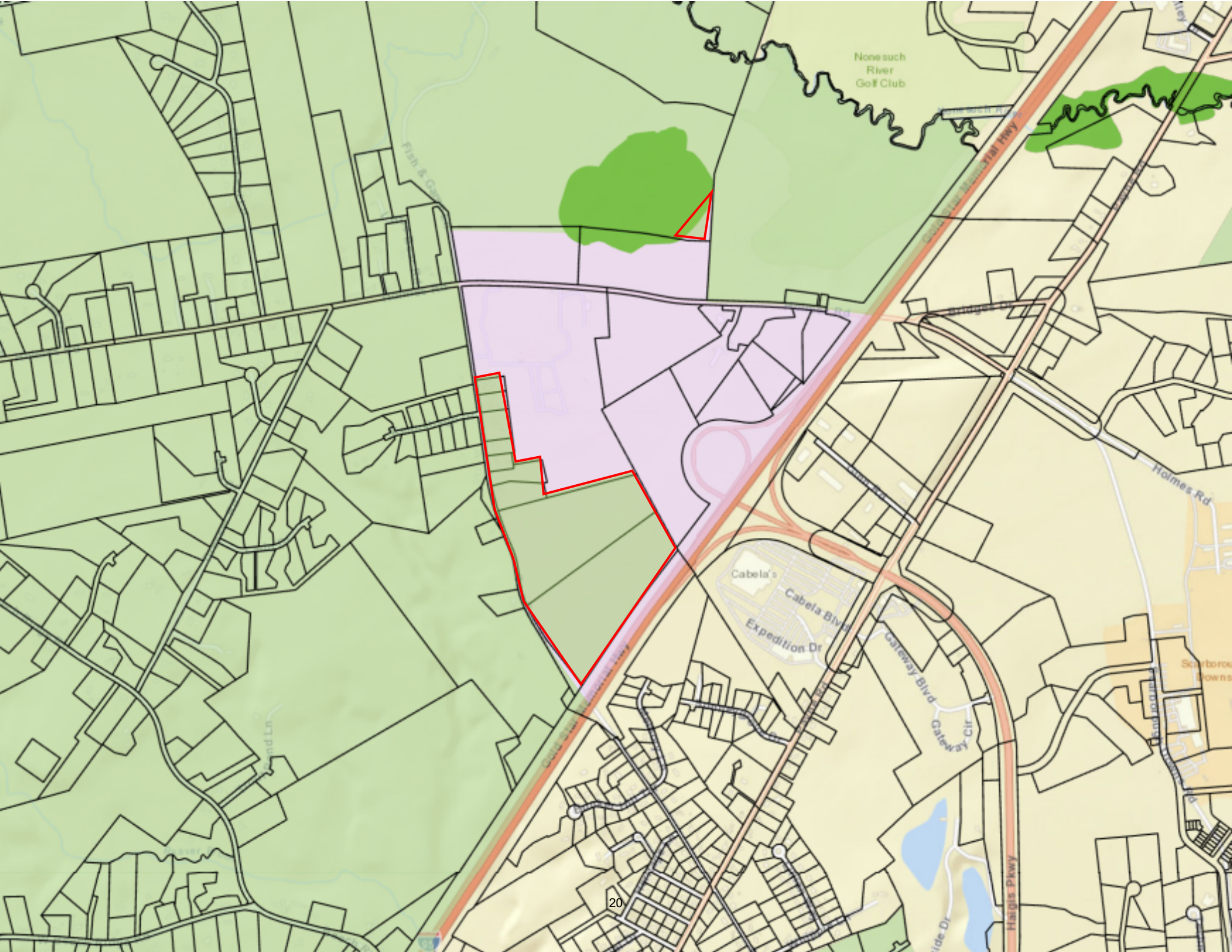
~~The use, modification, or expansion of buildings or structures existing as of the date of adoption of this section or the construction of new buildings shall be governed by the Space and Bulk Regulations of the RF District.~~

~~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 Hwy

Holmes Rd

Cabela's
Cabela Blvd
Expedition Dr

Gateway Blvd
Gateway Cir

Harris Pkwy

Scarborough
Downs

20

**TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A TEMPORARY
MORATORIUM IN THE LIGHT INDUSTRIAL DISTRICT**

Approved on December 18, 2024 – Expires on March 18, 2025

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

WHEREAS, there have recently been an increasing number of applications regarding the establishment or expansion of certain uses in the LI, including the distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing and cultivation facilities; 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 concerns related to distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing, and cultivation facilities in the LI District and to prevent public harm from an overburden of public facilities and 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, develop and implement amendments to the Zoning Ordinance which appropriately and adequately regulate distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing, and cultivation facilities in the LI District 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 the following uses in the Town of Scarborough's Light Industrial District on or after the effective date of this Ordinance: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed structure.

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 the following uses in the Light Industrial District: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed. No person shall develop, establish, operate, or expand the following uses in the Light Industrial District related to any application for any approval submitted after the effective date of this ordinance: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facility; (3) Cannabis Testing Facility, and; (4) Marijuana Cultivation Facility conducted within a fully enclosed structure.

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 Town, 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.

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI). Hours should not be outside of Good Neighbor Ordinance, but preferably normal business hours

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

A. PURPOSE

Need building size max

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. *needs more info on what this would consist of; otherwise, it's very subjective*
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. *Per the Performance Standards this isn't allowed in LI-O; only speaks about in residential districts*
9. Accessory agricultural activities subject to the performance standards of Section IX.P.

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

If zoning is changed there would only be Holmes Road access

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

- ~~10. Manufacturing and assembly.~~ No, as these are generally 24/7; unless specific allowed hours are stated in the ordinance
11. Research, development and light industrial. Performance standards are too subjective
12. High technology facilities, subject to the performance standards of Section IX (M). Performance Standards doesn't have this as allowed in LI
- ~~13. Warehousing Facility, exclusive of mini-warehouse/storage facilities.~~ This doesn't add to the esthetics of the neighborhood nor is it allowed per the Performance Standards [Amended 06/20/18]
- ~~14. Distribution, wholesale trade and transportation, including truck terminals~~ **in existence as of ??.** what is the Town's definition of existence? Approved and Permitted? Applied?
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. contradicts #7 as there are currently these items only on Holmes Road
16. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars). Roads are not equipped to handle heavy equipment being delivered or sold and leaving. Creates safety concerns
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). All of this is only allowed if it existed before Jan 1, 2013??
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 these are not acceptable near residential neighborhood

- ~~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. IF FEDEX is approved, will they be required to bring public water and sewer within a certain time period???

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

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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.

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~~Access to Planned Developments from Holmes Road shall be strictly controlled to limit the number of curb 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**~~

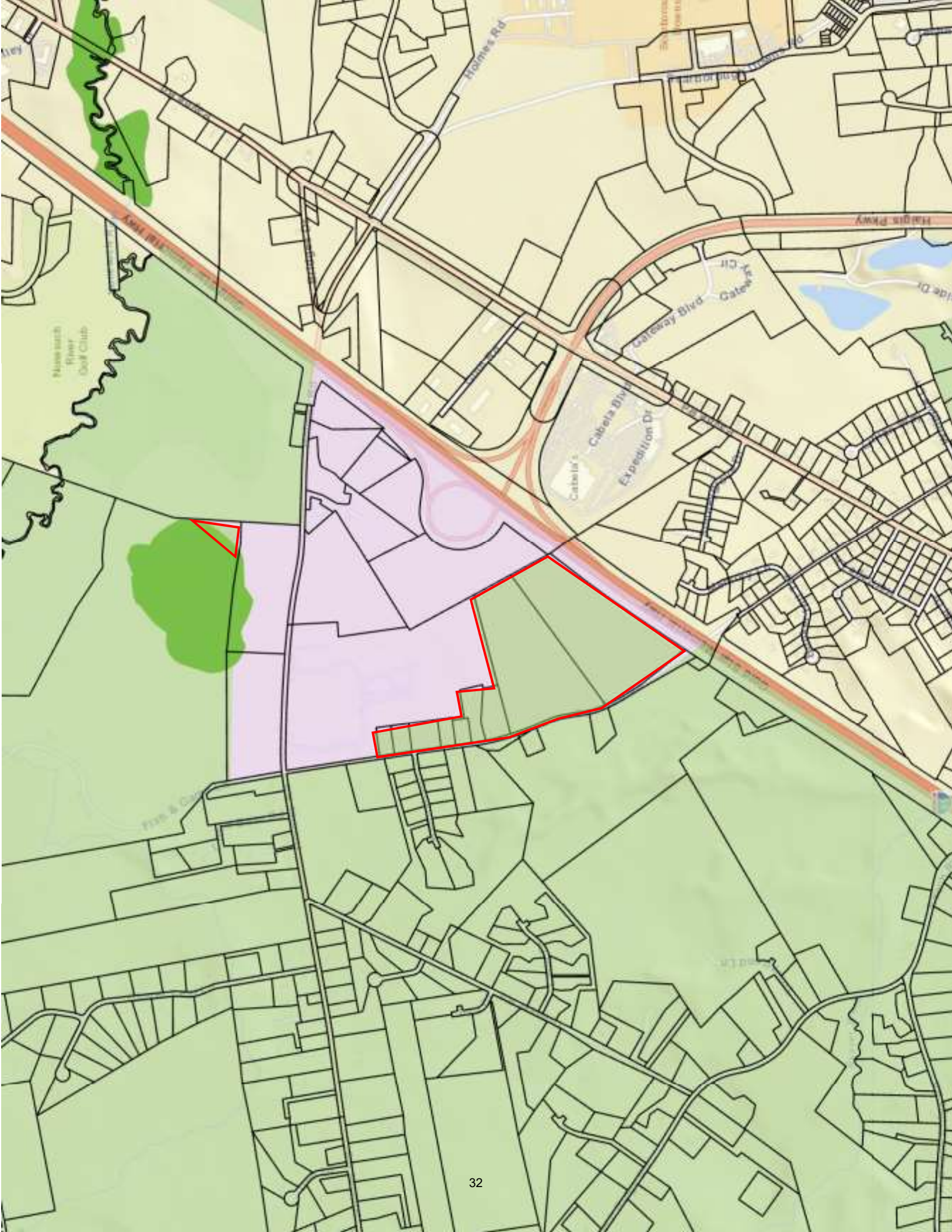
~~The use, modification, or expansion of buildings or structures existing as of the date of adoption of this section or the construction of new buildings shall be governed by the Space and Bulk Regulations of the RF District.~~

~~**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.~~



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

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.

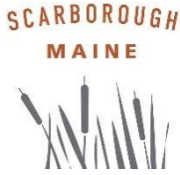
Autumn continued to give an overview of permitted uses and standards in the LI district, including required landscaping buffers for developments in the zone. She went on to summarize that there are two larger parcels along Two Rod Road that, with the current zoning remain inaccessible. These parcels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

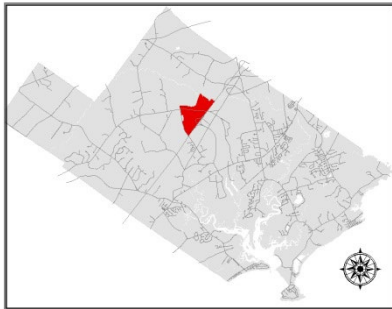
Denis Hamilton of Two Rod Rd also spoke about the shared access clause in the LI ordinance and the process of the original zoning changes in 2012 and 2013. She thanked the committee for their consideration.

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

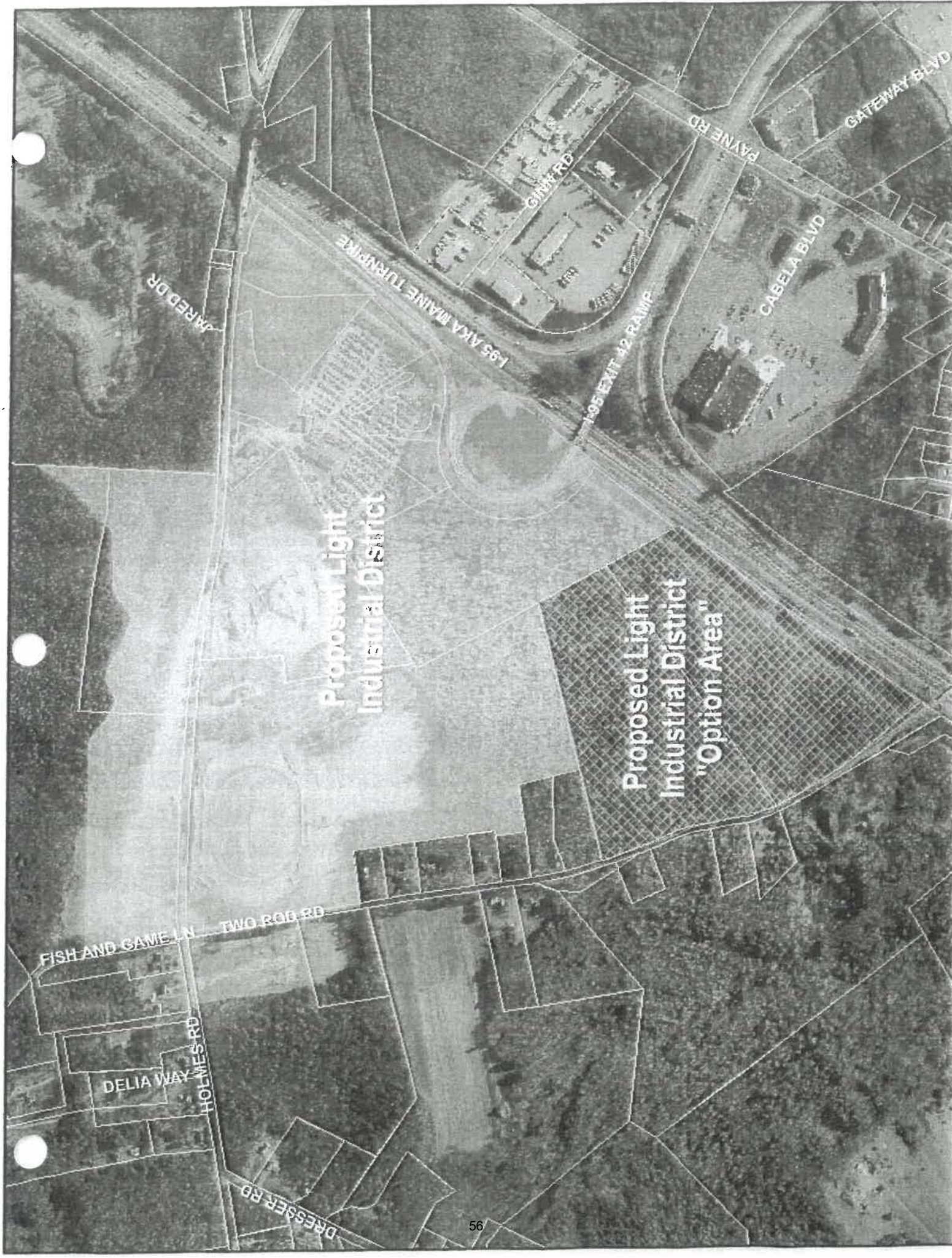
Access to Planned Developments from Holmes Road shall be strictly controlled to limit the number of curbs cuts along this roadway. Planned Developments shall make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections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



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.

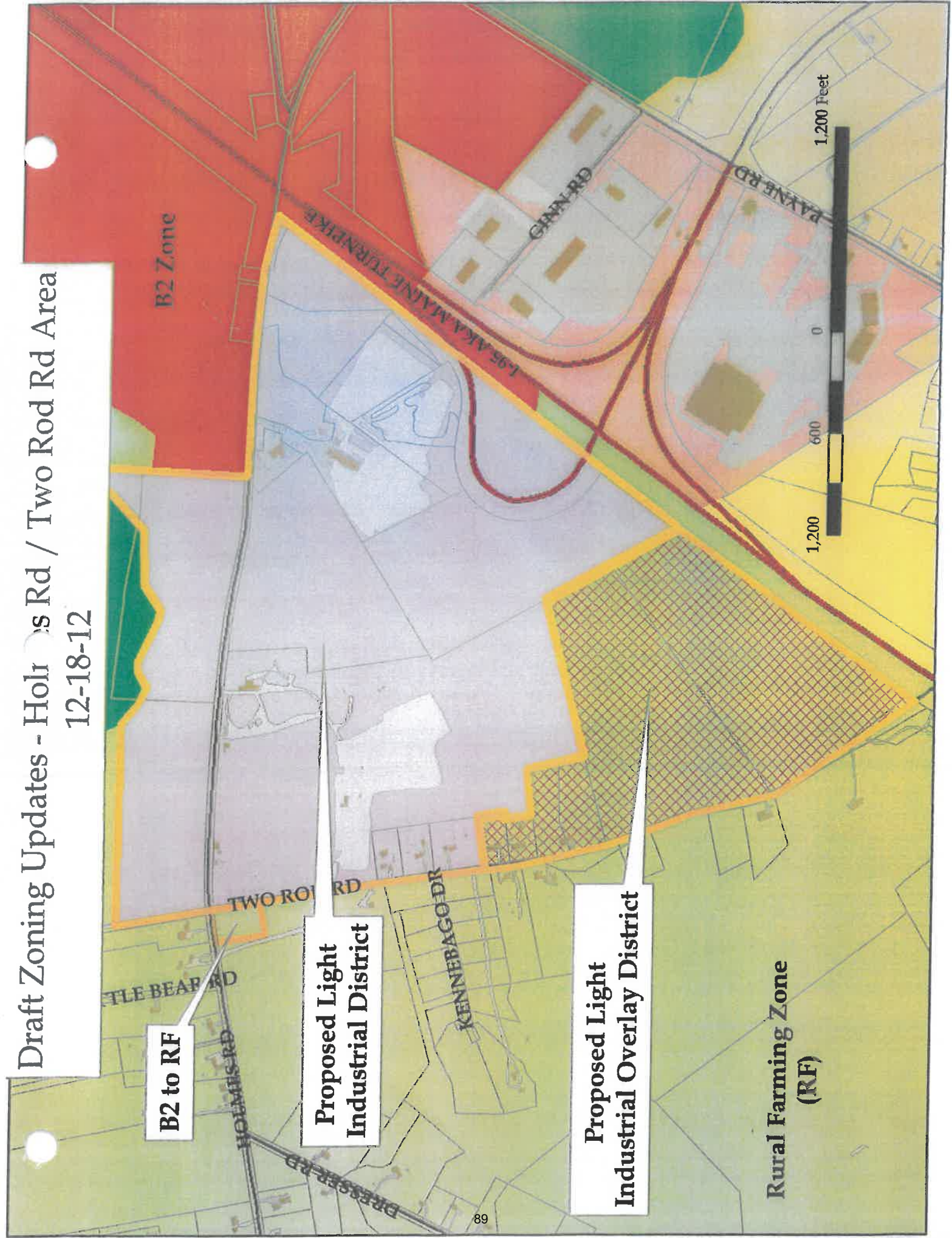
Draft Zoning Updates - Holmes Rd / Two Rod Rd Area
12-18-12

B2 to RF

Proposed Light
Industrial District

Proposed Light
Industrial Overlay District

Rural Farming Zone
(RF)



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.

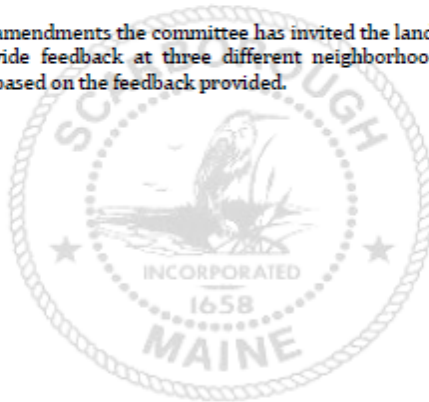
Given this, the LRPC has been working for a number of months on a zoning package that would establish a light industrial district and a light industrial overlay district and apply them to different properties in this area. The light industrial district (LI) is proposed to allow a relatively wide range 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.

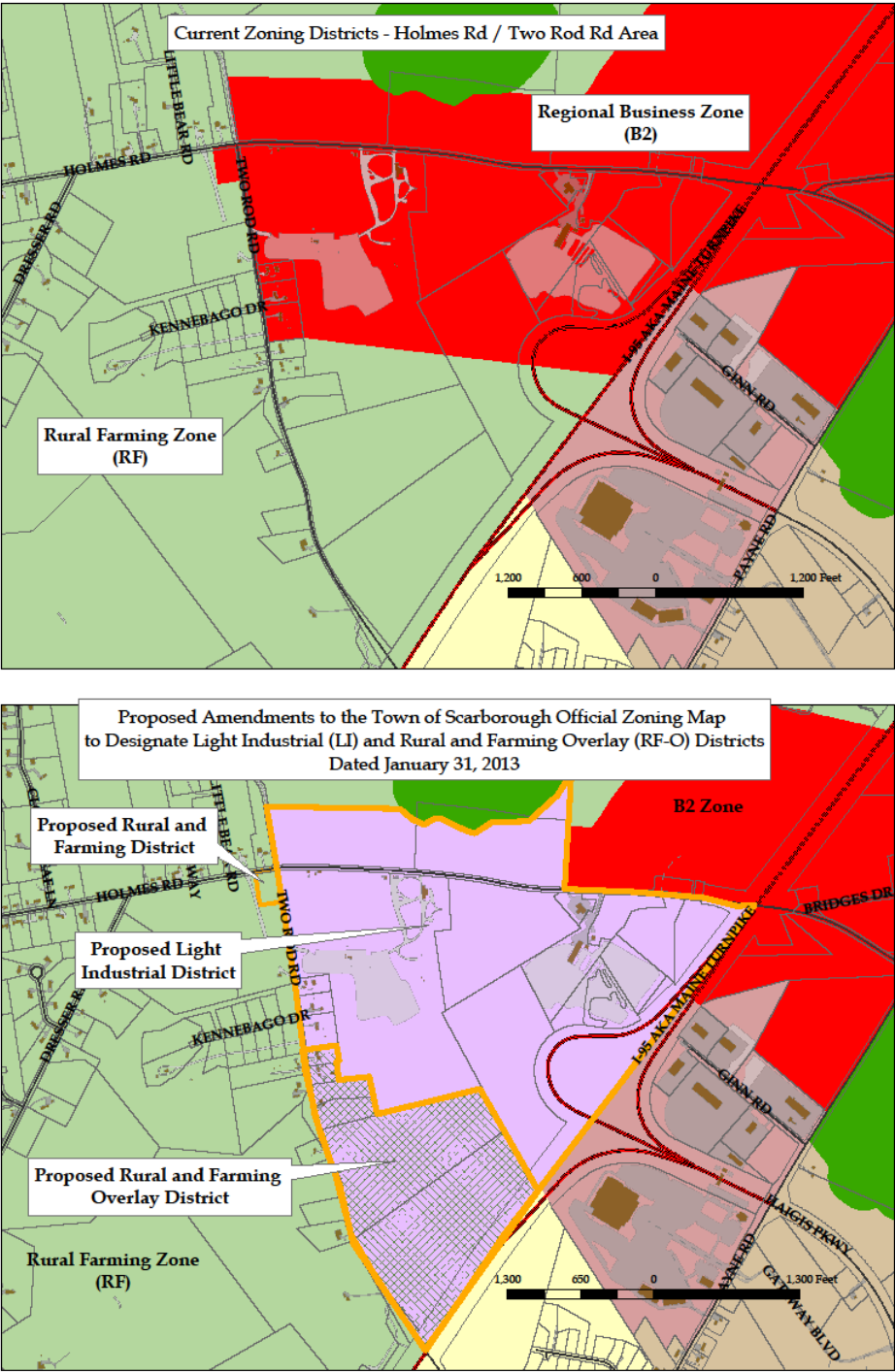
F. SIGNS

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

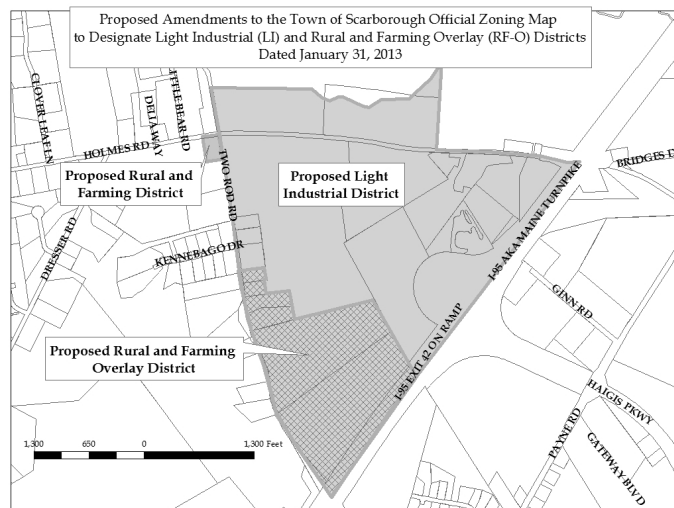
259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

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 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.

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

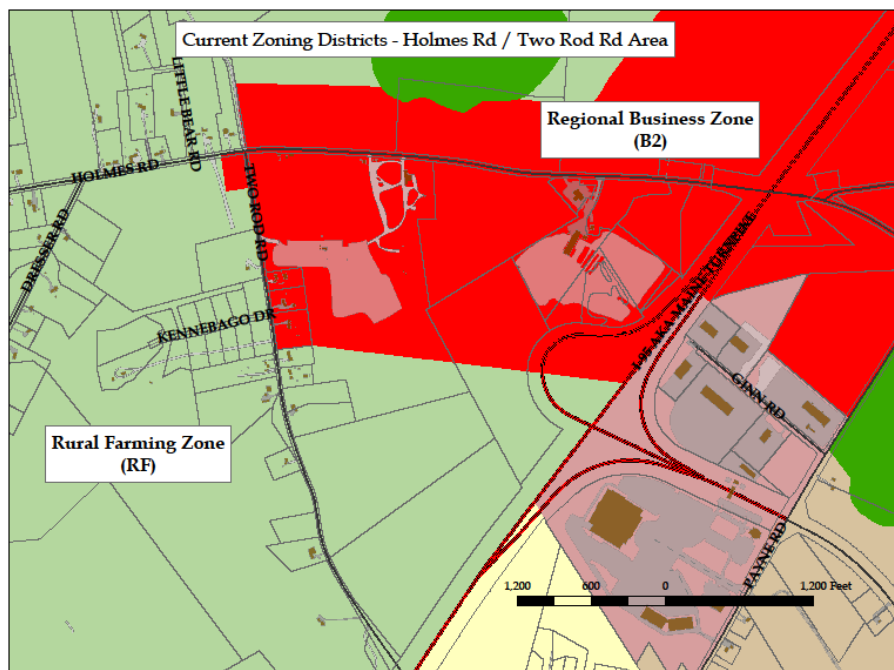
Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

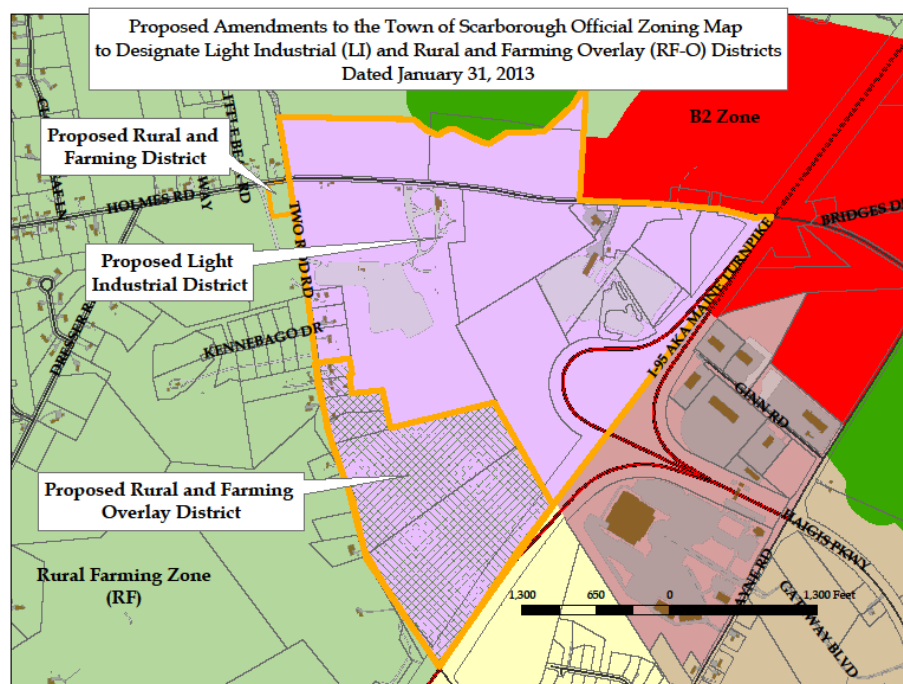
F. SIGNS

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

Vote: 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

LONG RANGE PLANNING COMMITTEE YEAR IN REVIEW 2024

JANUARY 2024

- Review request to increase building height permitted in the TVC District(s) – **No action**
- Chapter 405B Site Plan Standards and Commercial Design Standards Merger/Update – Draft Site Layout Standards – **Moved forward and approved by Council**

FEBRUARY 2024

- Chapter 405B Site Plan Standards and Commercial Design Standards Merger/Update – Site Layout Standards and Architecture – Discuss Potential for 2025 Budget Initiative – **Moved forward and approved by Council**

MARCH 2024

- Chapter 405B Site Plan Standards and Commercial Design Standards Merger/Update – Site Layout Standards and Architecture - **Moved forward and approved by Council**
- Planning CIP request for 2025: North Scarborough Running Hill Master Plan - **Ongoing**
- Review and discuss existing Parking Standards - **Ongoing**

APRIL 2024 – CANCELLED

MAY 2024

- Review Draft Environmental Standards from Conservation Commission – **Moved forward and under Council consideration**
- Review and discuss existing Parking Standards - **Ongoing**
- Review request to consider farm stand and farm stores in the Rural Farming District – **Moved forward and approved by Council**

JUNE 2024

- Review request to consider farm stand and farm stores in the Rural Farming District – **Moved forward and approved by Council**
- Continue the review and discussion concerning existing Parking Standards - **Ongoing**

JULY 2024

- Continue the review and discussion concerning existing Parking Standards - **Ongoing**

AUGUST 2024

- Review request for Mobile Food Vendor uses, allowed districts, applicable standards and license requirements – ***Moved forward and under Council consideration***
- Continue review and discussion concerning existing Parking Standards - ***Ongoing***

SEPTEMBER 2024

- Discuss and formulate questions for the MTA Gorham Connector project at Town Council's request - ***Provided***
- Review request for Mobile Food Vendor uses, allowed districts, applicable standards and license requirements - ***Moved forward and under Council consideration***

OCTOBER 2024

- Review request to consider Landscape Contractor uses in the Rural Farm zoning district – ***RF moved forward to Ordinance Committee***
- Review request to review the Light Industrial zoning district - ***Ongoing***

NOVEMBER 2024

- Review request to review the Light Industrial zoning district - ***Ongoing***
- Review request to consider Landscape Contractor uses in the Rural Farm zoning district – ***RF moved forward to Ordinance Committee***

DECEMBER 2024

- Review request to consider Landscape Contractor uses in the Rural Farm zoning district and Running Hill district – ***RF Moved forward to Ordinance Committee***
- Review request to review the Light Industrial zoning district - ***Ongoing***