

MINUES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 8, 2025
HYBRID REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Council Chair Sither 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 Kristen M. Barth, Town Clerk. Thomas J. Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

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

Item 4. General Public Comments. None at this time.

Item 5. Minutes: December 18, 2024 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the minutes from the December 18, 2023, Town Council meeting, as written.

Vote: 7 Yeas. Motion Passes.

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

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

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

- **Eastern Trail- Close The Gap** -
 - DEP/ACOE Permits forthcoming
 - Bid Document Complete
 - Construction Services Contract executed
- **Beach Fees** -
 - Community Services Advisory Board - Proposed Changes
 - Tentatively scheduled for February consideration
 - Publicity in January 1, 2025 e-newsletter
- **Council Goals** -
 - January 25 - GPCOG to facilitate
 - Senior Staff/Town Council Workshop January 23, 2025
- **Community Services Director** -
 - Thorough/inclusive selection process undertaken
 - Employment Offer extended

- **Route One Resiliency Project** -
 - Stakeholder Meeting- Concept Design Discussed
 - road raised 4 feet
 - culverts replaced with bridge span
 - bike/pedestrian accommodations
 - USDOT “Protect” Grant - Feb. 20 deadline
 - Town Council to authorize submission of grant
 - Local match will be required
- **Unpermitted “Junkyard” - 10 Burnham Road** -
 - 30+ vehicles/scrap parts
 - Potential action to authorize clean up and lien property
- **Open Space Plan is available**
- **Cliff Walk at Prouts Neck**

Order No. 24-109, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section VI. Definitions, Section IX Performance Standards, Section XVIII.A. Town and Village Centers District (TVC), Section XVIII.B. Haigis Parkway District (HP), Section XVIII.C. Town and Village Centers Transition District (TVC2), Section XVIII.D. Town and Village Fringe District (TVC3), Section XVIII.E. Town and Village Centers 4 District (TVC4), Section XIX Regional Business District (B2), Section XIX.A General Business District (B3), Section XX Business Office Research District (BOR), Section XX.C Crossroads Planned Development (CPD), Section XXI Industrial District (I). [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Council Chair Sither, opened the public hearing. There being no comments either for or against, the hearing was closed at 7:20 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section VI. Definitions, Section IX Performance Standards, Section XVIII.A. Town and Village Centers District (TVC), Section XVIII.B. Haigis Parkway District (HP), Section XVIII.C. Town and Village Centers Transition District (TVC2), Section XVIII.D. Town and Village Fringe District (TVC3), Section XVIII.E. Town and Village Centers 4 District (TVC4), Section XIX Regional Business District (B2), Section XIX.A General Business District (B3), Section XX Business Office Research District (BOR), Section XX.C Crossroads Planned Development (CPD), Section XXI Industrial District (I), as follows:

**CHAPTER 405
ZONING ORDINANCE
TOWN OF SCARBOROUGH**

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

SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024;]

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

Mobile Food Vendor:

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time. Mobile food vendors are subject to Chapter 1015.A Mobile Food Vendor License Ordinance.

Mobile Food Vendor Court:

A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site. Mobile food vendors courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards and Chapter 405B Site Plan review requirements.

SECTION IX PERFORMANCE STANDARDS

BB. Mobile Food Vendor Court. The establishment of a mobile food vendor court shall be through the site plan process. In addition, all mobile food vendors in the mobile food vendor court shall adhere to licensing requirements found in Chapter 1015.A Mobile Food Vendor License Ordinance.

The following standards shall apply to all mobile food vendor courts:

1. Minimum setbacks for the zoning district in which the mobile food vendor court is located shall apply to all mobile food vendor pad sites.
2. Each mobile food vendor located at a mobile food vendor court shall be located on a pad site that meets the standards in this ordinance.
3. Each mobile food vendor pad site shall be equipped with electrical connections.
4. Mobile food vendor pad sites shall be designed to maintain a five (5) foot clear space around each mobile food vendor.
5. Mobile food vendor pad sites shall be designed so that mobile food vendors shall be parked on asphalt, concrete or other approved surfaces. Appropriate spill control and counter-measures plan with sufficient materials to address typical shall be provided for every pad site.
6. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set-up within any ADA accessible parking space.
7. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set up within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
8. Mobile food vendor pad sites shall be designed so that no mobile food vendor is located in the public right-of-way, impedes traffic, interferes with the general ingress and egress to and from any property, public or otherwise, or presents an unsafe condition for patrons, pedestrians, or other vehicles.
9. Mobile food vendor courts shall provide temporary or permanent public restroom facilities.

**SECTION XVIII.A. TOWN AND VILLAGE CENTERS DISTRICT TVC [09/05/2007]
[Amended 01/20/16; 05/20/2020: xx/xx/xx]**

**C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS
RESIDENTIAL USES**

NON-RESIDENTIAL USES:

The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy within the Oak Hill TVC District and 8,000 square feet of floor area per unit of occupancy within the Dunstan TVC District:

7. Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services
8. Personal services
9. Restaurants with no drive-through service [Amended 11/07/07]
10. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
11. Professional offices
12. Business services and business offices
13. Financial, insurance and real estate offices
14. Health clubs
15. Non-municipal government offices
16. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
17. Funeral homes
18. Place of worship
19. Group day care homes, day care facilities, and nursery schools
20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
21. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
22. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [adopted 10/07/15]
23. Hotels and Motels

**SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP [Amended 05/20/2020; 02/17/2021;
09/04/2024][Amended xx/xx/2024]**

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

NON-RESIDENTIAL USES [Amended 06/20/18; Amended 02/17/2021]

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

1. Professional offices
2. Financial, insurance, and real estate offices
3. Business services and business offices
4. High technology facilities, subject to the performance standards of Section IX(M) of this ordinance
5. Research, development and light industrial with no outdoor storage, subject to the performance standards of Section IX(M.1) of this ordinance

6. Hotels and motels, provided all guest rooms are accessed by interior corridors
7. Restaurants, with no drive-through service [Amended 02/17/2021]
8. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
9. Group day care homes, nursery schools and day care centers
10. Retail sales and services with less than 20,000 square feet of retail floor area per unit of occupancy, excluding car washes, automobile repair and service facilities, and outdoor sales and services
11. Municipal buildings and uses
12. Public utility facilities
13. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.
14. Health clubs
15. Personal services
16. Non-municipal government offices
17. Medical/diagnostic facilities
18. Places of assembly, amusement, recreation, culture or government, exclusive of arcades, video arcades, amusement parlors, video gambling, casino gambling and off-track betting, fully enclosed within a building or buildings
19. Golf courses and campgrounds
20. Educational institutions
21. Places of worship and adjunct uses, places of worship
22. Small-scale energy facilities, subject to the performance standards of Section IX(W)
23. Commercial outdoor recreation, subject to the performance standards of Section IX(U)
24. Telecommunication Facilities
25. Food processing facilities, subject to the performance standards of Section IX.(M.2.)
26. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[adopted 10/07/15]
27. Climate Controlled/Internal Access Storage Facility, subject to Section IX(H) Performance Standards and only within an approved subdivision. [10/04/17]
28. Cannabis Manufacturing Facility. [Adopted 01/08/2020; Amended 09/04/2024]
29. Cannabis Testing Facility. [Adopted 01/08/2020; Amended 09/04/2024]

SECTION XVIII.C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT, TVC2 [09/05/2007][Amended 08/19/09][Amended 05/20/2020; 07/19/2023][xx/xxx2024]

B. PERMITTED USES [Amended 08/19/09; 07/19/2023]

NON-RESIDENTIAL USES: [Amended 08/19/09]

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

9. Retail sales and services, excluding car washes, and outdoor sales and services
10. Business services and business offices
11. Professional offices
12. Financial, insurance and real estate offices
13. Personal services
14. Non-municipal government offices
15. Restaurants with no drive-through service [Amended 08/19/09]

16. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]

- 17. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
- 18. Funeral homes
- 19. Group day care homes, Day care center facilities and Nursery schools
- 20. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
- 21. Health clubs
- 22. Hotels and motels (must be served by public sewer) [Amended 08/19/09]
- 23. Bed and breakfast establishments [Amended 08/19/09]

The following non-residential uses are not limited in square footage of floor area per unit of occupancy.

- 24. Municipal buildings and uses
- 25. Elementary and secondary schools
- 26. Place of worship
- 27. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
- 28. Libraries and museums

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy and are permitted only in planned developments. [Adopted 08/19/09]

- 29. Restaurants with drive-through service

SECTION XVIII.D. TOWN AND VILLAGE FRINGE DISTRICT, TVC3 [adopted 11/07/2007][Amended 03/04/09][Amended 04/06/2011][Amended 05/20/2020; 07/19/2023][Amended xx/xx/2024]

NON-RESIDENTIAL USES:

The following non-residential uses are limited to 1,000 square feet of floor area per unit of occupancy.

- 9. Retail sales and services, excluding car washes, and outdoor sales and services

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

- 10. Business services and business offices
- 11. Professional offices
- 12. Financial, insurance and real estate offices
- 13. Personal services
- 14. Non-municipal government offices
- 15. Restaurants with no drive-through service
- 16. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
- 17. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
- 18. Funeral homes
- 19. Group day care homes, Day care center facilities and Nursery schools

20. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
21. Health clubs, except that health clubs are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]

The following non-residential uses are limited to 36,000 square feet of floor area per establishment.

22. Hotels, motels and bed and breakfast establishments except that hotels and motels are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]

The following non-residential uses are not limited in square footage of floor area per unit of occupancy.

23. Municipal buildings and uses
24. Elementary and secondary schools
25. Place of worship
26. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
27. Libraries and museums

SECTION XVIII.E. TOWN AND VILLAGE CENTERS 4 DISTRICT – TVC-4

[Amended 07/19/2023] [Amended xx/xx/2024]

A. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy:

1. Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services except as otherwise provided.
2. Gasoline filling stations existing as of July 1, 2012.
3. Sales, services and storage of marine-related equipment and watercraft including outdoor sales, display and storage.
4. Food processing facilities.
5. Personal services.
6. Restaurants with no drive-through service.
7. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
8. Professional offices.
9. Business services and business offices.
10. Financial, insurance and real estate offices.
11. Health clubs.
12. Non-municipal government offices.
13. Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions.
14. Place of worship.
15. Fully enclosed places of assembly, amusement, culture, and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting.
16. High technology facilities.
17. Research, development and light industrial uses.

- 18. Group day care homes, day care facilities, and nursery schools.
- 19. Accessory uses (excluding outdoor storage) including accessory agricultural activities.
- 20. Fuel distribution facilities existing as of September 1, 2012.
- 21. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[Adopted 10/07/15]

The following non-residential uses are permitted in both conventional and planned developments without regard to floor area per unit of occupancy:

- 22. Municipal buildings and uses

The following non-residential uses are permitted only in planned developments:

- 23. Restaurants with drive-through service

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

- 24. Single family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets. Subject to the performance standards in Section IX.Z.
- 25. Two family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets
- 26. Townhouses limited to not more than eight (8) units per building
- 27. Accessory dwelling units subject to the performance standard in Section IX.J

The following residential uses are permitted only in planned developments:

- 28. Dwelling units and/or live/work units in a mixed use building only on a lot having its primary frontage on East Grand Avenue, Pine Point Road, or Snow’s Canning Road

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09][Amended xx/xx/24]

C. PERMITTED USES

- 1. Retail business and service establishments including warehousing and wholesale distribution of products other than fuel stored in bulk, but exclusive of Mini-Warehouse/Storage Facilities junkyards, salvaging operations, outdoor sales and services, and gasoline stations. Personal services. [07/17/91] [08/17/94] [11/16/94] [12/03/97] [03/20/02][Amended 08/19/09]
- 2. Personal services [Amended 08/19/09]
- 3. Professional offices [Amended 08/19/09]
- 4. Financial insurance and real estate offices [Amended 08/19/09]
- 5. Business services and business offices [Amended 08/19/09]
- 6. Non-municipal government offices. [7/17/91] [Amended 08/19/09]
- 7. Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting. [4/03/02]
- 8. Clubs and lodging houses.
- 9. Passenger transportation facilities.
- 10. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [7/17/91] [Amended 05/05/10]
- 11. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required. [6/01/94]
- 12. High Technology Facilities, subject to the performance standards of Section IX(M) of this Ordinance. [08/17/94] [04/16/08]

13. Hotels and Motels. [11/02/94]
14. Restaurants. [11/16/94]
15. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
16. Golf Course. [12/21/94]
17. Municipal Buildings and Uses. [07/05/95]
18. Place of Worship. [05/05/99]
19. Funeral Homes. [02/21/07]
20. Health Clubs [Adopted 08/19/09]
21. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions [Adopted 08/19/09]
22. Libraries and museums [Adopted 08/19/09]
23. Elementary and secondary schools [Adopted 08/19/09]
24. Group Day Care Homes, Day Care Center Facilities and Nursery Schools [Adopted 08/19/09]
25. Telecommunication Facilities [Effective 11/15/14]
26. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

SECTION XIXA. GENERAL BUSINESS DISTRICT B3 [04/16/2008] [xx/xx/2024]

C. PERMITTED USES – CONVENTIONAL AND PLANNED DEVELOPMENT

NON-RESIDENTIAL USES:

The following non-residential uses are permitted in both conventional and planned developments, subject to the limitation on the maximum floor area per unit of occupancy set forth in Sections F and G:

1. Retail sales and services, excluding outdoor sales and services
2. Personal services
3. Restaurants
4. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
5. Professional offices
6. Business services and business offices
7. Financial, insurance and real estate offices
8. Health clubs
9. Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting
10. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
11. Hotels and motels
12. Non-municipal government offices
13. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
14. Clubs and lodging houses
15. Passenger transportation facilities
16. Funeral homes
17. Places of worship
18. Group day care homes, day care facilities, and nursery schools, subject to the standards of Section IV(I)(6) of this Ordinance, but special exception approval by the Zoning Board of Appeals is not required

19. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
20. Telecommunication Facilities [effective 11/15/14]

The following non-residential uses are permitted in both conventional and planned developments without regard to the limitation on floor area per unit of occupancy.

21. Municipal buildings and uses
22. Elementary and secondary schools
23. Libraries and museums
24. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

SECTION XX. BUSINESS OFFICE-RESEARCH DISTRICT BOR.

[Adopted 11/07/07][Amended 12/01/10; Amended 05/20/2020; Amended 04/21/2021; Amended xx/xx/2024]

B. PERMITTED USES

1. Medical/diagnostic facilities
2. Places of worship
3. Municipal buildings and uses
4. Non-municipal government buildings and use
5. Instructional and educational services
6. Nonresidential institutional uses
7. Business and professional offices
8. Business services
9. Financial, insurance and real estate offices
10. Personal service establishments
11. Retail business and service establishments with less than 5,000 square feet of gross floor area, excluding car washes
12. Restaurants with no drive-through service
13. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
14. Funeral homes
15. Health clubs
16. Motor vehicle (automobile) sales, repair and service facilities existing as of September 1, 2007
17. High technology facilities, subject to the performance standards of Section IX(M) of this ordinance [04/16/08]
18. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
19. Hotels and motels existing as of September 1, 2007
20. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars) existing as of September 1, 2007
21. Mini-Warehouse/Storage Facilities existing as of September 1, 2007
22. Contractor's offices, shops and storage yards existing as of September 1, 2007
23. Telecommunication Facilities
24. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]
25. Cannabis Manufacturing Facility [Adopted 01/08/2020]

26. Cannabis Testing Facility. [Adopted 01/08/2020]

SECTION XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

[Adopted 08/21/13; Amended 10/07/15; 05/16/18; 05/20/2020; 04/21/2021; 05/17/2023; 11/15/2023; 09/04/2024; xx/xx/2024]

B. PERMITTED USES (CPD)

i. The following uses are permitted only in planned developments:

7. Single-family dwellings but only as part of a planned development that includes a variety of housing types.
8. Two-family dwellings but only as part of a planned development that includes a variety of housing types.
9. Multifamily dwellings.
10. Multiplex dwellings.
11. Townhouses, limited to no more than eight (8) dwelling units per building.
12. Senior housing.
13. Residential and long-term care facilities for the ill, aged, or disabled. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply.
14. Dwelling units in a mixed use building.
15. Live/work units.
16. Accessory units.
17. Retail business and service establishments.
18. Personal service establishments.
19. Restaurants with no drive-through service, excluding coffee houses.
20. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
21. Coffee Houses, drive-through service permitted. Coffee houses with drive-through service must be compatible with the character of the specific district subject to Planning Board review.
22. Hotels and motels.
23. Business and professional offices.
24. Financial, insurance and real estate offices.
25. Business services.
26. Medical/diagnostic facilities.
27. Health clubs.
28. Non-municipal government buildings and uses.
29. Elementary and secondary schools.
30. Instructional and educational services.
31. Libraries.
32. Museums.
33. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions.
34. Funeral homes.
35. Places of worship.
36. Adjunct uses, Place of worship.
37. Golf courses.
38. Casinos or slot machine facilities, as defined in Chapter 31 of Title 8 of the Maine Revised Statutes, that are located within the same planned development as a harness racing facility and

are licenses by the State of Maine in accordance with the requirements of Chapter 31 of Title 8 of the Maine Revised Statutes, including the requirements that the casino or slot machine facility must be approved by the voters of the Town in a municipal referendum and that the Town Council has entered into a revenue-sharing agreement with the owner and/or operator of the casino or slot machine facility.

39. Pet care facilities. [Adopted 05/16/18]

iii. The following uses are permitted only in planned developments and are subject to specific performance standards set forth in Section IX.

40. Home occupations.

41. High technology facilities.

42. Family day care homes.

43. Group day care homes and day care facilities.

44. Nursery schools.

45. Passenger transportation facilities.

46. Small-scale energy facilities.

47. Telecommunication facilities.

48. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance with the exception of size limitation. Small batch processing facilities shall be limited to no more than 10,000 square feet of floor area included any accessory uses, such as retail area, a tap room, sampling area, storage or warehousing. [Adopted 10/07/15; amended 05/17/2023]

49. Research, development and light industrial. [Adopted 05/16/18]

50. Gasoline filling stations whether as a principal or accessory use and located so that all fueling facilities are located within one thousand (1,000) feet of the point of intersection of the centerlines of Payne Road and Holmes Road. Gasoline filling stations shall also be subject to the performance standards of Section IX.(X.) of this Ordinance. [Adopted 05/16/18]

v. The following uses are permitted only in planned developments and are subject to the additional development standards of subsection D, of this district, including the standards on location and buffers under subsection D.14.: [Adopted 05/16/18]

51. Manufacturing and assembly.

52. Food processing facilities.

53. Mini-warehouse/storage facilities.

54. Contractors offices, shops and storage yards.

55. Motor vehicle repair and service facilities including auto body shops, facilities for the repair or recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.

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

57. Cannabis Manufacturing Facility. [Adopted 01/08/2020 Amended 09/04/2024]

58. Cannabis Testing Facility. . [Adopted 01/08/2020 Amended 09/04/2024]

SECTION XXI. INDUSTRIAL DISTRICT - I.

B. PERMITTED USES

1. Manufacturing and assembly. [Amended 07/18/12]

2. Research, development and light industrial.

3. High technology facilities, subject to the performance standards of Section IX(M).
4. Food processing facilities.
5. Warehousing Facility. [Amended 06/20/18]
6. Distribution, wholesale trade and transportation, including trucking terminals. [3/19/75] [05/01/96]
7. Mini-Warehouse/Storage Facilities, subject to the performance standards of Section IX(H) of this Ordinance. [12/03/97]
8. Instructional and educational services.
9. 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.
10. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars). [05/01/96]
11. Restaurants, with less than 2,000 square feet of floor area and with no drive-up, drive-through or drive-in service. [05/06/98]
12. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
13. Lumber yards, fuel storage and distribution yards (excluding tank farms) and building material yards (building material yards may include storage of rock, sand and gravel provided no excavation occurs on site). [05/01/96][07/18/12]
14. Retail sales or services if such sales or services are accessory to principal permitted uses. [05/01/96]
15. Professional offices, including addiction treatment facilities subject to the Performance Standards of Section IX.L. with a maximum of 2,500 square feet of floor area per use. [11/16/2005][07/18/12]
16. Business services and business offices.
17. Contractor's offices, shops and storage yards. (05/01/96)
18. Municipal buildings and uses, not including places of assembly.
19. Non-municipal government buildings and uses.
20. Health Clubs. [05/04/02]
21. Personal Services. [05/20/98][07/18/12]
22. Pet Care Facility. [09/04/02]
23. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance. [5/17/95][07/18/12]
24. Recycling Facility, 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.[03/06/96][07/18/12]
25. Water dependent sports practice facilities. [07/18/12]
26. Accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10; 07/18/12]
27. Telecommunication facilities. [05/01/96]
28. Cannabis Manufacturing Facility [Adopted 01/08/2020]
29. Cannabis Testing Facility. [Adopted 01/08/2020]
30. Cannabis Cultivation Facility conducted within a fully enclosed structure. [Adopted 01/08/2020; 09/04/2024]
31. Utility-Scale Solar Energy Systems, subject to the performance standards of Section IX.(O.1.) of this Ordinance. [Adopted 11/03/21]

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 07/19/2023; xx/xx/2024]

B. The following minimum off-street parking requirements shall be provided and maintained. Where a use is not specifically mentioned in this provision, the Planning Board shall determine the minimum parking requirements. The number of parking spaces required shall be determined by the Planning Board based on the nature of the use, the intensity of the proposed use and the parking demand expected to be generated by the specific proposal.

1. Standards for off-street parking.

Restaurants & drinking establishments without drive-thru or take-out services	1 per 4 table or booth seats, plus 1 per 2 counter or bar seats, plus 1 for each 60 square feet of customer standing or waiting area, plus 1 for every 2 employees, based on highest employee occupancy
Restaurants & drinking establishments with drive-thru and/or take out services	Standards described above apply, provided that the minimum number of parking spaces is 10, plus 6 stack spaces for each drive-up window, at least 3 of which must be designated for the ordering station, located so as not to impede pedestrian or vehicular circulation on the site of any adjacent street
<u>Mobile Food Vendor Court</u>	<u>1 per mobile food vendor pad site; not including the required parking spaces for any other use on site. ADA parking shall be provided. Parking requirements shall be subject to Planning board site plan approval.</u>

L. Electrical Vehicle Charging Infrastructure. The purpose of this provision is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and to establish minimum requirements for such infrastructure to serve both long-term and short-term parking needs.

Table 1. EV Charging Infrastructure Requirements
(Table based on table in section B.1)

USE	Number of Parking Spaces Required *FA = Floor Area *GLA = Gross Leasable Area	Electric Vehicle Charging Station (EVCS) Requirements				
		EVCS-installed parking spaces	EVCS-ready parking spaces	EVCS-capable parking spaces	TOTAL SPACES	Minimum type of EVCS
Commercial						
Retail sales & services (> 25,000 sq. ft.)	4 per 1,000 sq. ft. of FA	5%	10%	10%	25%	50% Level 2 50% Level 3
Retail sales & services (< 25,000 sq. ft.)	4 per 1,000 sq. ft. of FA		5%	20%	25%	Level 2

<u>Mobile food Vendor Court</u>	<u>1 per mobile food vendor pad site</u>	-	-	-	-	<u>NA</u>
Health Club	3.5 per 1,000 sq. ft. Of FA, except that areas occupied by, and only to be used for specific activities (i.e. tennis or racquetball courts, exclusive of gymnasiums) require 3 per court.	5%	10%	10%	25%	Level 2
Hotels, motels and other transient lodging establishments	1 for each guest room.	10%	10%	80%	100%	Level 2
All other commercial uses	Refer to Table 1 in Ch. 405 Section XI. Off-Street Parking Regulations for required number of parking spaces		5%	20%	25%	Level 2

Vote: 6 Yeas and 1 Nay (Councilor Doherty). Motion Passes.

Order No. 24-110, 7:00 p.m. Public hearing and second reading on the proposed new Chapter 1015A Mobile Food Vendor Ordinance. *[Planning Director]* Autumn Speer, Planning Director, gave a brief overview on this Order. Council Chair Sither, opened the public hearing. There being no comments either for or against, the hearing was closed at 7:22pm.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the second reading on the proposed new Chapter 1015A Mobile Food Vendor Ordinance, as follows:

CHAPTER 1015.A MOBILE FOOD VENDOR ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following new Ordinance – Chapter 1015.A Mobile Food Vendor Ordinance is hereby adopted, as follows:

CHAPTER 1015.A MOBILE FOOD VENDOR ORDINANCE

A. Applicability

No person shall carry on the business of operating to sell food or beverage from a mobile food vendor within the limits of the Town of Scarborough without first having obtained a license from the Town of Scarborough. Mobile food vending may only occur on locations in Section B below.

B. Permitted Mobile Food Vendor Locations

Approved Mobile Food Vendor Court. Mobile food vendors may operate at approved Mobile Food Vendor Courts with permission of the property owner.

One-time Events. Mobile food vendors may operate on private property for a private one-time event provided the unit is not operational for more than thirty-six (36) hours. All other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).

Private Catered Events. Mobile food vendors may operate at a private catered event. A private catered event is an event that sells food and beverages coinciding with an event and only to the attendees of the event. Private catered events are not open to the general public and advertising to the public is prohibited.

Town Sponsored Events. Mobile food vendors may operate at Town sponsored events. Site locations shall be approved by Public Safety Departments.

C. Definitions

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

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

D. Application Process

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

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

1. Name of applicant, as well as physical street address, mailing address, telephone number(s), and e-mail address.
2. Legal name of business or entity.
3. Proof of a State of Maine health certificate at the time of application
4. Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
5. Phone number for the private property owner on which the mobile food vendor unit will be placed.
6. Name, phone number and driver's license number of business owner and all employees or other persons authorized to operate the mobile food vendor.
7. Valid and current vehicle/trailer registration of mobile food unit.
8. Description of product being sold and menu.
9. The name(s) and applicable pad site location(s) of the approved mobile food vendor court at which the mobile food vendor will be located, and/or the permitted location at which the mobile food vendor will be located.
10. Identification of where the food prep operations will occur. If a commissary kitchen is located in the Town of Scarborough, it will be inspected as well.

E. Public Hearing Required

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

F. Approval Authority

Upon submission to the Town and prior to any public hearing, an application shall receive a recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Tax Collector, for the Town Council's consideration.

An initial application for a license to operate as a mobile food vendor within Scarborough shall be approved by the Town Council following a public hearing as described in Section E of this ordinance upon a determination that the application complies with the provisions of this ordinance.

G. License Renewal

The Town Clerk shall renew a license issued under Section F above to operate a mobile food vendor unit on or before May 1st of each year, provided the applicant must still meet all of the licensing standards set forth in this ordinance.

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

H. License Revocation

Any license issued pursuant to this ordinance may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine, or upon a determination that any owner or operator has violated any condition of a license, made a material misstatement on the application for the license, or has kept or operated her/his mobile food vending unit in an unsafe, unclean or unsatisfactory condition.

I. License Posting Required

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

J. License Requirements. Any applicant for a license under this ordinance must demonstrate each of the following:

1. General Standards

- a. A license shall only be granted if the applicant demonstrates compliance with all applicable Federal, State and local requirements, the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, and that the applicant is not delinquent in the payment of any personal taxes or fees owed to the Town of Scarborough.
- b. An applicant must additionally and specifically demonstrate that the applicant:
 - i. Meets all State of Maine Health Department regulations;
 - ii. Holds a State of Maine Eating Place Mobile License;
 - iii. Complies with the State of Maine rules relating to eating and lodging places, as periodically amended; and

- iv. Shall not sell anything other than food, beverages and associated related and incidental goods.

2. Equipment Standards

- a. Use of petroleum fuel powered generators is prohibited on mobile food vendor courts
- b. Mobile food vendors shall be attended at all times during operating hours.
- c. The allowable dimensions of a mobile food vendor (including all attachments, except hinged canopies that open to reveal food serving areas) shall be no more than 30 feet long, 13 feet tall, and nine feet wide.
- d. Mobile food vendors shall have a gray water holding tank.
- e. Mobile food vendor operators shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- f. Mobile food vendor operators shall ensure there is an adequate and safe source of electrical power.
- g. Mobile food vendor operators shall ensure all storage of food supplies and other business material is within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- h. The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.

3. Inspections Required

- a. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including but not limited to applicable fire and electrical codes and any other safety requirements imposed by the Town.
- b. If the cooking procedures involve producing grease laden vapors, a hood suppression system with a class k fire extinguisher must be in place in the food truck with current inspection tags attached.
- c. Mobile food vendors conducting cooking operations shall obtain an annual fire inspection from the Fire Department prior to operating its business.
- d. Open flame cooking, either within or outside a food vendor, is prohibited, except where such activity is specifically permitted by the Fire Department.
- e. The mobile food vendor will be subject to inspection upon submission of the license application through the Code Enforcement Department and the Fire Department, and may be subject to random inspection and upon reissuance of the permit. The inspection must be completed by April 15th.

4. Refuse and Waste

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

5. Signage

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

6. Noise, Lighting and Odors

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

7. Hours of Operation

- a. Mobile food vendors may operate beginning at 6:00 AM and ending at 10:00 PM, unless otherwise qualified or limited by the municipal review authority.

J. License Fee Required

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

K. Insurance Required

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

L. License Expiration

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

Vote: Vote: 6 Yeas and 1 Nay (Councilor Doherty). Motion Passes.

Order No. 24-111, 7:00 p.m. Public hearing and second reading on the proposed amendment to Chapter 311 Schedule of Fees, to add applicable Mobile Food Vendor fees and modify fee for Temporary Event Overflow Parking. *[Planning Director]* Autumn Speer, Planning Director, gave a brief overview on this Order. Council Chair Sither, opened the public hearing. There being no comments either for or against, the hearing was closed at 7:24pm.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading on the proposed amendment to Chapter 311 Schedule of Fees, to add applicable Mobile Food Vendor fees and modify fee for Temporary Event Overflow Parking, as follows:

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 311- the Town of Scarborough Schedule of License, Permit and Applications Fees, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

<u>Chapter 602A – Mass Gathering</u>	<u>Fee</u>
Application Fee, each event; 1,000 – 2,500 (Number of anticipate patrons) [amended 05/05/04; 05/21/2008; 06/06/2012]	\$175.00
Application Fee, each event; 2,501 – 5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$350.00
Application Fee, each event; >5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$500.00
<u>Chapter 602B – Temporary Overflow Parking Ordinance</u>	<u>Fee</u>
Parking Permit Fee [Adopted 12-06-2023]	\$300.00 per day requested. Not to exceed \$5,000. 00
<u>Parking Permit Fee (renewal, same application, no changes)</u>	<u>\$300.00 per day</u> <u>requested.</u> <u>Not to exceed \$3,000.00</u> <u>\$1,500.00</u>
<u>Chapter 1015A – Mobile Food Vendor License</u> <u>(adopted xx/xx/24)</u>	
<u>Mobile Food Vendor License (required for each unit)</u>	<u>\$250.00</u>

Vote: Vote: 6 Yeas and 1 Nay (Councilor Doherty). Motion Passes.

Order No. 24-114, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 Zoning Ordinance to add Section X.A Wetland Setbacks and Vegetated Buffers. *[Planning Director, Town Engineer]* Autumn Speer, Planning Director and Angela Blanchette, Town Engineer, gave a brief overview on this Order. Council Chair Sither, opened the public hearing. The following individuals spoke on this Order:

- Dan Bacon of MNR Holdings, spoke in regards to smart growth and development that the Downs has taken and have plans to take. He invited the Town Council to come for a site walk before the vote on this ordinance since there are new members. He provided additional comments in an email to the Council and touched on a few of those points.
- Crescencia Maurer of Meeting House Road, spoke in support of these wider setbacks and touched upon the environmental impacts. This would be a proactive measure.
- Aubrey Strouse of Beech Ridge Road, spoke in support of these setbacks. She stated that these are not large setbacks and developers should be able to accommodate the setback, the Town’s responsibility instead of DEP, and affordable housing in Scarborough.
- Cathleen Miller of Broadturn Road and a member of the Conservation Commission, spoke in support of these setback. She stated that protecting the Wetlands that are valuable to the Town and the residents.
- Dan Shapiro of Highland Pines Road, spoke in support of the setbacks and risks involved not have clear expectations and setbacks.

- Tom Nolan of Waldron Drive, in support of the setbacks for the same reason prior discussed and possible increase of the scope of the setback.
- Rich Jordan of Flycatcher, LCC, a professional wetland specialist who also works for the Downs spoke in regards to the complications of wetlands and the process that goes in building projects around them.
- Brian Rayback, an Environmental Attorney who works for businesses in the Community and the Downs. He stated that more needs to be done to protect wetlands instead of just setting a setback. He also addressed unintended consequences this could cause.
- Robin Saunders of Highland Avenue and a member of the Long Range Planning Committee, spoke in support of the setbacks. She stated that 25 feet is the bare minimum setback for wetlands and addressed concerns about how this would not affect future school locations.
- Randi Hogan, Chair of the Conservation, spoke in support of the setback. She state that in addition to the environment this is about the safety and success of the community, protecting something we cannot afford to lose and how important inland wetlands are as well.
- Elise Stromayer of Meeting House Road spoke in support of these setback and protecting the wetlands.
- Sylvan Thorncraft of Chamberlain Road spoke in support of these setbacks. She has been a long time resident and her father was on the Long Range Planning Committee about 40 years ago so she has seen a lot of things in Scarborough. There are a lot of upcoming changes and doing everything we can to protect the wetlands.
- Steve Pinette of Goldenwood Drive, who was the past President of the Friends of Scarborough Marsh spoke in regards to his main concern of degrading the wetlands and specific things that are already being seen due to stormwater discharge and elevated nutrients.
- Marvin Gates of Black Point Road, spoke in support of these standards. He mentioned how this is also about impacts people and properties downstream, not just the marsh.
- Rocky Risbara of Black Point Road, spoke about how their unintended consequences that will affect the Downs and he is requests a workshop to show some issues they have with the ordinance.
- Mo Erickson of Pine Point Road, spoke in support of this setbacks and how changes to the wetlands directly effects shellfish harvesters.
- Tillman Ransill of Chamberlain Road, spoke in regards to increasing the setback requirements over the 25 feet.
- Daniel Dickinson of Holmes Road, spoke in support of this setback; however, he has a current project in a light industrial district that would be negatively affected by this change. He would like a workshop to hash out details because something needs to be done for the wetlands but it could be worked on.
- Kate Borduas of Evergreen Farms Road, provided the following comments via letter:
“I am unable to attend the council meeting on January 8th but submit these comments in support of the proposed ordinance designed to create a twenty-five-foot buffer to protect wetlands. In truth, I would support a much larger buffer.

From my observations, this discussion has the unfortunate potential of devolving into an argument as to whether or not developers will be unfairly impacted by this proposal, and what, if anything, must the council do to protect the interests of present and future developers. I think this argument entirely misses the point.

I would draw attention to the Council and Staff to the principle of “Shifting Baseline Syndrome,” a phenomenon where conditions of the natural environment degrade over time, all while citizens

and policy makers falsely perceive less change because they are not aware what the natural environment was like in the past.

In other words, we are not currently divvying up or trying to protect an Edenic and fresh environment. Scarborough is largely built out and is covered by a large percentage of non-permeable surfaces, all of which negatively impacts natural hydrology. Precipitation should function as slow-moving sheet-flow while permeating the water table on the way into the larger watershed. Instead, rainfall now becomes run-off, moving with erosive velocity to the nearest wetlands, transporting with it all toxins and debris. That is what we need to stop.

We must do everything possible to protect our rapidly degrading environment. Adopt this ordinance.”

There being no further comments either for or against, the hearing was closed at 8:37 p.m. The second reading on this Order, will be scheduled for Wednesday, January 22, 2025.

Order No. 24-115, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405B Site Plan Review Ordinance Section V. Site Conditions and Environmental Considerations to add reference to wetland setbacks. [Planning Director, Town Engineer] Council Chair Sither, opened the public hearing. There were no comments either for or against, the hearing was closed at 8:38 p.m. The second reading on this Order, will be scheduled for Wednesday, January 22, 2025.

Order No. 24-116, 7:00 p.m. Public hearing on the proposed amendments to Chapter 406 Subdivision Ordinance Section 4. Purpose, Interpretation, and Review Criteria [Planning Director, Town Engineer] Council Chair Sither, opened the public hearing. There were no comments either for or against, the hearing was closed at 8:38 p.m. The second reading on this Order, will be scheduled for Wednesday, January 22, 2025.

Order No. 25-001, 7:00 p.m. Public hearing and action on the new request for a Cannabis Establishment License from Allen Meier d/b/a Daily Provider, LLC, located at 4 Commercial Road for a Medical Cannabis Cultivation Facility. [Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order. Council Chair Sither opened the public hearing. The following spoke on this Order:

- Jill Cohen, Attorney of the applicant explained that there are no changes to the cultivation space, this really is a paperwork change from adult use to medical.

There being no further comments either for or against, the hearing was closed at 8:40 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the new request for a Cannabis Establishment License from Allen Meier d/b/a Daily Provider, LLC, located at 4 Commercial Road for a Medical Cannabis Cultivation Facility.

Vote: 7 Yeas. Motion Passes.

Order No. 25-002, 7:00 p.m. Public hearing and action on the new request for a Combined Massage Establishment/Massage Therapist License from Cassandra Colston, located at 20 Mussey Road. [Town Clerk's Office] Kristen Barth, Town Clerk, gave a brief overview on this Order. Council Chair Sither opened the public hearing. There were no comments either for or against, the hearing was closed at 8:41 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for a Combined Massage Establishment/Massage Therapist License from Cassandra Colston, located at 20 Mussey Road.

Vote: 7 Yeas. Motion Passes.

Resolution 25-001. Act on the request from Quality Housing Coalition (QHC) for a Community Development Block Grant (CDBG) Application in support of the implementation of QHC's Housing Navigation Program, Project HOME, in Westbrook, Scarborough and Yarmouth [Town Manager/Applicant] Thomas J. Hall, Town Manager, gave a brief overview on this Resolve.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the request from Quality Housing Coalition (QHC) for a Community Development Block Grant (CDBG) Application in support of the implementation of QHC's Housing Navigation Program, Project HOME, in Westbrook, Scarborough and Yarmouth.

RESOLUTION 24-001

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Project HOME: Providing Stable Housing for Those in Need (Westbrook, Scarborough & Yarmouth)

Town of Scarborough

BE IT RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled that we support the Community Development Block Grant (CDBG) application which will be submitted to the Cumberland County Community Development Program. Through this grant, the Town of Scarborough is supporting Quality Housing Coalition Housing Navigation Program, Project HOME, in Westbrook, Scarborough & Yarmouth, that are actively engaged in ensuring that people who are housing insecure or experiencing homelessness have the support they need.

Signed and sealed this the 8th day of January, 2025, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by the Council Chair and Attested by the Town Clerk.

Vote: 7 Yeas. Motion Passes.

OLD BUSINESS:

Order No. 24-125. Second reading on the 2025 Bond Order for Municipal and School Capital Improvements. [*Finance Director*] Norman Kildow, Finance Director, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading on the 2025 Bond Order for Municipal and School Capital Improvements, as follows:

2025 BOND ORDER FOR MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Municipal and School Capital Improvement Projects are hereby approved for funding:

2024-2025 Capital

Air Handler Project Town Hall	\$ 121,711
Public Works Ventrac 4520 Tractor	50,406
Public Works Mid-Level Paving	488,978
School Bus Replacement Schedule	490,500
School District-Wide Interior Finishes	199,325
School HVAC Systems	320,694

2023-2024 Capital

School District-Wide equipment/infrastructure - IT	620,000
School Roof Restoration	500,000
School District-Wide HVAC Repairs	423,884
Public Works Mid-Level Paving	108,007

2019-2020 Capital (Land Bond)

50 Hanson Road - Silver Brook Preserve	210,000
162 Spurwink Road	<u>350,000</u>

Total \$3,883,505

BE IT FURTHER ORDERED, That a sum, not to exceed **\$3,883,505**, plus any additional premium, is hereby appropriated to provide for the costs of said projects and expenses associated with said projects; and,

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$3,883,505 plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding(s), form(s), premium(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council; and,

BE IT FURTHER ORDERED, That in furtherance of the voter-approved referendum question authorizing the issuance of up to \$2,500,000 in general obligation bonds of the Town of Scarborough, of which \$1,633,902 remain authorized but unissued, in furtherance of the prior-approved Council Order No. 19-085 relating thereto, and in order to continue to fund the prior-approved appropriation for the purchase of parks and conservation lands, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed **\$560,000**, plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding(s), form(s), premium(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Vote: 7 Yeas. Motion Passes.

NEW BUSINESS:

Order No. 25-003. Act on the request to name Pine Point Crossing Bridge 5260 [B&M RR & Snow Canning Road] - located on Pine Point Road, the Scarborough Veterans Memorial Bridge. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request to name Pine Point Crossing Bridge 5260 [B&M RR & Snow Canning Road] - located on Pine Point Road, the Scarborough Veterans Memorial Bridge.

Vote: 7 Yeas. Motion Passes.

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

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Anderson spoke about tomorrow's Finance Committee meeting. They will be discussing the sustainability reserve account and budget schedule.
- Councilor Cushing spoke in regards to upcoming Councilor Corner articles. There will be an overall theme of the year - growth.
- Councilor Fellows spoke in regards to the upcoming Long-Range Planning meeting. They will be discussing the light industrial district.
- Councilor Donovan spoke in regards to he and Nick Cloutier being involved in the Legislative Policy Committee.
- Chair Sither provided the following reminders: January 16th Joint Workshop with the School for a project update from the SBAC Chair and the representatives, January 23rd Department Heads meeting, and January 25th Goals meeting.

Item 11. Council Member Comments.

- Councilor Doherty spoke in regards to supporting the wetlands. He believes there should be a provision to grandfather those who have started projects up to the year 2030 and possibly increase the setback amount.
- Councilor Fellows spoke about missing the last workshop and meeting, but he watched the video to catch up and looks forward to continued discussions on the topic.
- Councilor Donovan spoke in regards to Autumn Speer having amendments to the wetlands at the next meeting which is second reading and hoped to get those amendments as soon as possible so the Council has time to review them.
- Councilor Cushing spoke in regards to being close on the wetland setbacks; however, the main objection is achieving wetland protections in a different way. If that different way cannot be shown, then it would fall back on the 25 feet setback. There might be a better and more creative approach that can be found in the next two weeks before second reading.
- Councilor Anderson wanted to thank the prior Town Council Chair McGee for attending the meeting tonight.

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

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 9:02 p.m.

Respectfully submitted, Kristen M. Barth - Town Clerk