

MINUTES
Ordinance Committee Meeting
Wednesday, February 12, 2025 – 5:00 P.M.

Item 1. Call to Order. Councilor Shupe, called the meeting to order at 5:00pm

Item 2. Roll Call. Committee members Councilor Karin Shupe (Chair), Councilor William Donovan, and Councilor Cory Fellows were present. Liam Gallagher, Assistant Town Manager was also present.

Item 3. Public Comment. None at this time. The following public comments were made:

- Denise Hamilton of Two Rod Road spoke in regards to the Light Industrial Moratorium She explained that truck terminals were not recommended in this area by the LRPC, Cannabis Labs use hazards chemicals which could be in a residential area that does not have public water and that the full ordinance needs to be revisited after the moratorium.
- Allen Paul of Wynmoor Drive and Chair of the LRPC spoke in regards to the steps the committee has taken and the history.
- Peter Freiling of Jasper Street and Zoning Board Member spoke in regards to the LI District is a district that having language that has never applied to the uses in the area which is a challenge for the Zoning Board. He is requesting the whole ordinance needs to be revisited and have clarity.

Item 4. Approval of minutes from January 15, 2025. Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval of the January 15, 2025 meeting minutes as written.

Vote: 3 Yeas. Motion Passes.

Item 5. Review and consider amendments to the Light Industrial Zoning District including discussing four uses identified in the December 18, 2024, moratorium language, addressing existing and proposed definitions and potentially adding performance standards. Autumn Speer, Planning Director gave an overview of this item. Discussion ensued between Committee members, Autumn Speer. The following recommendations were provided:

- Add Definitions for Truck Terminals and Wholesale Trade and Transportation
- Add LI to existing Performance Standards for High Technology Facilities (Section M)
- Amend LI to strike Cannabis Manufacturing and Cannabis Cultivation and add Mini-warehouse/storage facilities to permitted uses
- Amend LI by adding performance standards to apply to all uses (included hours of operation

Motion by Councilor Shupe, seconded by Councilor Donovan to move the recommendation made my LRPC and staff pertaining to the additional definitions and performance standards. However, Ordinance Committee wished to add performance standards to all uses in the LI District forward to the full Town Council on the March 5, 2024 meeting, as follows:

SECTION VI. DEFINITIONS

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

Cannabis Cultivation Facility:

Shall mean an adult use “cultivation facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. §102(13) or a Medical Cannabis Cultivation Facility as defined in the Scarborough Cannabis Establishment Licensing Ordinance, as may be amended. [Adopted 01/08/20; Amended 09/04/2024]

Cannabis Cultivation Manufacturing Facility:

Shall mean either an adult use “testing facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. § 102(54) or a medical “cannabis testing facility” as that term is defined in the Maine Medical Use of Cannabis Act at 22 M.R.S. §2422(5-C), as may be amended. [Adopted 01/08/20; 09/04/2024]

Cannabis Testing Facility:

Shall mean a facility licensed to develop, research and test marijuana, marijuana products for contaminants, safety or potency. "Testing" or "test" does not include cultivation or manufacturing. This term shall mean both an Adult Use Marijuana Testing Facility and Medical Manufacturing Testing Facility as defined in the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act, as may be amended. [Adopted 01/08/20; Amended 09-04-2024]

Distribution Facility:

A structure or building used for the receiving and shipping of finished goods and articles where goods are received and redirected for delivery to the ultimate customer at remote locations. [Adopted 06/20/18] and/or packaging. Food processing facility does not include a use in which the principal activity is

High Technology Facility:

The use of land, buildings or structures for research, development, light assembly, or light manufacturing activities that does not create any danger to health or safety in surrounding areas, does not create offensive noise, vibration, smoke, dust, odor, heat or glare, that by reason of the high value of the product in relation to its size and weight does not create large volumes of truck traffic, and that conforms to the performance standards of Section IX(M).

Manufacturing and Assembly:

The use of land, buildings or structures for the production, manufacturing, assembly, fabrication, processing or treatment of materials, goods, or products. Manufacturing and assembly use may include the accessory retail sales of materials or products produced or processed on the premises.

SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025]

[Adopted 07/18/12]

Mini-Warehouse/Storage Facilities: - Not allowed, but proposed

A facility consisting of a building or group of buildings located in a fenced and gated controlled-access compound and containing individual compartmentalized, and controlled-access storage units with individual locks for each storage unit, which are leased or rented to customers of the facility for storage of those customer's personal property, designed and utilized so that each customer had individual access to his or her unit exclusive of the access of other customers of the facility and which is designed to function as a self-service facility. [12/03/97]

Research, Development, and Light Industrial:

The use of land, buildings or structures for research, development, light assembly, or light manufacturing activities that does not create any danger to health or safety in surrounding areas and does not create offensive noise, vibration, smoke, dust, odor, heat or glare, and that conforms to the performance standards of Section IX(M.1). [Adopted 06/20/12]

Truck Terminals:

Facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck between different locations. Truck terminals serve as facilities for unloading products from an incoming vehicle and reloading quickly onto an outbound vehicle with no storage time in between. They are not designed or utilized for long-term warehousing. The terminal facility may include storage areas for trucks or buildings or areas for the repair of trucks associated with the terminal.

Warehouse Facility:

A structure or building where goods or materials are stored for distribution to other sites or locations. [Adopted 06/20/18]

Wholesale trade and Transportation:

The business of buying goods in large quantities and selling them in smaller quantities to other businesses or retailers. Wholesale transportation is the process of moving goods from manufacturers to retailers or businesses in bulk. Wholesale means the sale of goods or commodities for resale by a retailer, as opposed to the sale of goods or commodities to the ultimate consumer.

SECTION IX. PERFORMANCE STANDARDS.

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[Amended 05/05/2010; 01/02/16; 10/04/17;05/06/2020; 05/20/2020; 07/20/2022; 10/05/2022; 05/03/2022; 05/17/2023; 07/19/2023;10/18/2023; 09/04/2024; 11/20/2024; 01/08/2025]

M. PERFORMANCE STANDARDS – HIGH TECHNOLOGY FACILITIES [adopted 04/16/08][Amended 07/18/12]

All high technology research facilities, light assembly, and light manufacturing uses permitted in the B2, B3, BOR, RH, RH2, CPD, LI, I and HP districts may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and if the Planning Board finds that the proposed use, with any reasonable conditions the Planning Board deems necessary, will conform to the following standards and requirements:

1. The use will not create any unhealthy or offensive smoke, dust, odor, or airborne discharge;
2. The use will not create any offensive noise or vibration to abutting landowners;
3. The use will not involve the handling, storage, or disposal of hazardous waste material in a manner that will threaten public health;
4. The use will not include any outdoor storage of equipment or material;
5. The use will not create unsafe traffic conditions or excessive traffic that would either adversely affect neighborhood character or unduly burden the ability of the Town to maintain the existing roads;
6. The design and external appearance of any proposed building and site improvements will constitute an attractive and compatible addition to its neighborhood and be consistent the Design Standards for Scarborough's Commercial Districts;
7. All activities associated with the use(s) shall take place entirely within its principal structure(s)

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 ~~FF~~, or may be reviewed as a Planned Development applying the qualitative standards and flexible design allowable under subsections ~~J~~ and ~~K~~ 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 ~~K~~ Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES

NOTE: The requirements of subsection ~~GF~~.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 ~~GF~~:

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.

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

9. Accessory agricultural activities subject to the additional 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 ~~-, subject to the additional performance standards of Section IX (M).~~

11. Research, development and light industrial, subject to the additional performance standards of Section IX (M.1).

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

13. Warehousing Facility, exclusive of mini-warehouse/storage facilities.[Amended 06/20/18]

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

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

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

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

18. Municipal buildings and uses.

19. Transmission towers subject to the additional 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 additional 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]

29. Mini-warehouse/storage facilities.

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

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. PERFORMANCE STANDARDS

All permitted uses in the Light Industrial district may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and if the Planning Board finds that the proposed use, with any reasonable conditions the Planning Board deems necessary, will conform to the following standards and requirements:

1. The use will not create any unhealthy or offensive smoke, dust, odor, or airborne discharges;
2. The use will not create any offensive noise or vibration to abutting landowners;
3. The use will not involve the handling, storage, or disposal of hazardous waste material in a manner that will threaten the public health; and
4. The design and external appearance of the proposed buildings, structures, and site improvements will constitute an attractive and compatible addition to the neighborhood and be consistent with the Town's Site Plan standards.
5. The use will be limited to operating only during daytime hours. Daytime hours mean the hours between 7:00 a.m. and 9:00 p.m. Monday through Thursday; between 7:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday.

FF. 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

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

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 <u>KJ.</u> of this district
Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection <u>KJ.</u> of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection <u>KJ.</u> 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

GF. 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.

- 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
- 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, and
- 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

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

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.

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

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.

HG. 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.

IH. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT

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

IJ. 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 **KJ.** 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.

KJ. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS

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

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 ~~FE~~ of this district.

Vote: 3 Yeas.

Item 6. Future Meetings and Agenda Items.

- EV Sustainability
- Landscape Contractor Use

Item 7. Adjournment. Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval to adjourn the regular meeting of the Scarborough Ordinance Committee.

Vote: 3 Yeas. Motion Passes.

Meeting adjourned at 5:54pm

Respectfully submitted,

Kristen Barth
Town Clerk