

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 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 Yolande P. Justice, Clerk to the Council. 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.

- Stannis Moody-Roberts of County Road, noted that he had been watching the workshop from home went on to compliment the town for engaging the efforts regarding the Open Space Master Plan. He also commented on the CIP request that could potentially fund a Trail Network Master Plan. He noted that may be an announcement as soon as tomorrow from the MTA.
- Matthew Keith of Pleasant Avenue, commented on a preschool meeting that the School Board had held this past week and wanted to make the Council aware that the public/private partnership with Shooting Stars was set to expire in about a year due to no grant funding. If we want to continue the program would have to find a way to fund it. He just wanted to put this on the radar with the School and Town. [Via Zoom]
- Katherine Billings of Honeysuckle Lane, stated that she has been a regular early morning visitor to Higgins Beach for the last 10 years. One of her concerns about the beach fees, specific to Higgins, is that Higgins Beach is a very popular place early in the morning for surfers, dog walkers and regular walkers and the five dollar fee before 9:00 a.m. accommodates quite a few people and the issue is that we also have 12 parking spaces on Bayview Avenue. If you could consider retaining the early morning reduced fee for those who utilize the beach before 9:00 a.m. she would appreciate it. [Via Zoom]

Item 5. Minutes: February 19, 2025 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of meeting minutes from the February 19, 2025, Town Council meeting, as written.

Vote: 7 Yeas. Motion Passes.

Item 6. Adjustment to the Agenda. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to move Item 10. Standing and Special Committee Reports and Liaison Reports to after Item 8. Town Manager's Report.

Vote: 7 Yeas. Motion Passes.

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

Item 8. Town Manager's Report. Thomas J. Hall, Town Manager, noted that Andrew Mackie, Executive Director of the Land Trust, was unable to stay and offer public comment, so on his behalf he would like to mention that during the workshop there had been discussion around land in other communities and whether this is something we should concern ourselves with. The Land Trust's point of view, is they predominantly are focused on Scarborough, but as a case in point 88 Mitchell Hill Road is the property address where they received 26 acres in the Town of Gorham, just on the other side of the Nonesuch River and the Land Trust actually bought four acres on the Scarborough side using their private funds. The Land Trust would like to create this kind of ribbon of conservation throughout the entirety of Scarborough.

Mr. Hall went on to give the following updates:

- **Federal Funding Exposure** -
 - Review of Potential Exposure to Federal Funding for Town and School
 - measured approach
- **Eastern Trail- Close The Gap** –
 - DEP/ACOE Permits Received
 - Plans/Specifications under review by MDOT and FHWA
 - Consultant Inspection for Construction Inspection Services
 - Bid Solicitation expected early March 2025
- **Black Point Road Reconstruction Project** -
 - Bid Solicitation early March
 - Bid Award early April
 - Substantial Completion targeted for June 13, 2025
- **Budget Preparation** -
 - Department Request Received
 - Budget Development underway
 - Presentation on March 26, 2025
- **School Building Project** -
 - Community Survey closed
 - Elimination of Options underway
 - Site Selection -objective evaluation of 9 remaining sites
- **Gorham Connector** -
 - Turnpike Authority is asking MDOT to this project back over
 - Reset on the Project
- **Final Items** -
 - Tax Bills were mailed out a couple of weeks ago – some delay with the Postal Service
 - Received notice that the Leader newspaper will no longer be printing their newspaper, but will be on line only – looking at ways to resurrect having a printed copy for residents
 - Nomination Papers for the Board of Education are available today, March 5th and turned in by close of business on April 2nd

The Town Manager responded to questions from the Town Council.

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

- Councilor Anderson gave an update on the last Finance Committee meeting and noted that the next meeting would be Thursday, March 13, 2025 at 5:00 p.m. He went on to give an update on the Transportation Committee meeting and the next meeting would be on Tuesday, March 25 at 6:30 p.m.. He added that Steve Burk would be stepping down as a member of the Committee as the Business Liaison Representation since 2012 and thanked him for his support during his tenure. Councilor Anderson added, he would be bringing forward a Proclamation in support for a Scarborough Song that had been sung by the Middle School Choir.
- Councilor Donovan gave update on the Housing Alliance; the Sustainability Committee is busy with the Vulnerability Study, it's Open Space Plan and Transportation Plan; the SBAC-II is working hard to get to the May/June timeframe so it can get on the ballot; adding that the Council Chair may have further comments.
- Councilor Fellows stated that the Rules & Policies Committee would be meeting on Wednesday, March 19th at 5:00 p.m.; the Firing Range Committee would be meeting on Tuesday, March 18th at 6:00 p.m. the Long Range Planning Committee would be meeting on Friday, March 14th at 8:00 a.m. and the Planning Board would be meeting on Monday, March 17th at 6:30 p.m.
- Councilor Chair Sither stated that she had made the Councilors aware of a workshop with the Board of Education relating to an update from the SBAC-II Committee, this going to be the School Board providing some guidance to the Building Committee Chair, so our attendance at that meeting is not required. She and the Town Manager felt that the next joint workshop with SBAC-II Committee could be scheduled the first week in April. She received an email from the Board Chair of the Main Trust for local news, they are the nonprofit who own all the newspapers that going digital, emailed her to have a meeting – she would keep the Council updated as to what transpired.
- Councilor Shupe noted the Ordinance Committee would be meeting on Wednesday, March 12th at 5:00 p.m.; the Parks & Conservation Land Board is scheduled to meet on Thursday, March 13th at 10:00 a.m.; the Community Services Advisory Board meeting; Conservation Commission on the 26th and the Conservation Commission would be meeting Wednesday, March 26th at 6:00 p.m.
- Councilor Cushing gave an update on the Communications Committee. He went on to comment about the local newspapers being online only and hopefully we can come up with a solution to come up with another local newspaper. The next Communications Committee meeting would be held on Thursday, March 20th at 5:00 p.m.
- Councilor Doherty stated that the Coastal Waters and Harbor Committee would be meeting on Tuesday, March 11th at 5:30 p.m. They will be discussing parking at the Co-Op.

OLD BUSINESS:

Order No. 25-012. Second reading on the proposed amendments to Chapter 311 – Schedule of License, Permit and Application Fees relating to Beach Passes. [Community Services Advisory Board] Council Chair Sither gave a brief overview on this Order. Councilor Shupe also commented on this Order.

The following individuals spoke on this Order:

- Art Dillon of Black Point Road and a member of the Community Services Advisory Board, spoke in support of the Community Services Advisory Board's recommendation. The Board took a very methodical approach to the recommendations before the Council, with Scarborough residence first and foremost in mind.

- Emily Loder, Vice Chair of the Community Services Advisory Board, thanked the Council for their consideration of the work that the Board had done in looking into the beach fees. She felt that this was starting place and if this doesn't work it, we can re-evaluate it in another year.
- Nina McKee of Black Point Road, asked if Scarborough Beach was part of this discussion. Council Chair noted that they are not.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the proposed amendments to Chapter 311 – Schedule of License, Permit and Application Fees relating to Beach Passes.

Motion by Councilor Shupe, seconded by Councilor Donovan, to move approval to amend the main motion, to limit the Non-Resident Beach Pass at 350 at a price of \$200 per pass.

Vote on Amendment: 6 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

Motion by Councilor Donovan, Councilor Anderson, to move approval to amend the main motion as amended, to adjust the metered parking space on Bayview Avenue Fee from \$1.00 to \$5.00.

Vote on Amendment: 6 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval to amend the main motion as amended to change “DAILY PARKING RATES (WITHOUT PASS) Daily Parking from 530am 7:00am to 5:30 p.m. [Ferry Beach, Higgins Beach and Hurd Park”]

Vote on Amendment: 7 Yeas. Motion Passes.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to amend the main motion as amended to add the following language to make active duty military passes free to residents: Active Duty Military Pass (Residents) – Applications must be filed with the Town Clerk and applicant must present one of the following: 1) Your military identification card (CAC), 2) provide official military documents like a Leave and Earnings Statement (LES) or 3) a signed statement from your unit commander verifying your current active duty status

Vote on Amendment: 7 Yeas. Motion Passes.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to amend the main motion as amended to add the following language for income restricted passes for free to qualified residents: Income Restricted Pass (Residents) - To qualify the applicant's household Adjusted Gross Income (AGI), including all adult members, must not exceed \$60,000. Applicants must prequalify by validating their income with the Social Services Department by providing a copy of their Form 1040 from the most recent tax return. Upon validation by the Social Services Department, the applicant may then file an application with the Town Clerk's Office.

Vote on Amendment: 7 Yeas. Motion Passes.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to amend the main motion as amended to remove the additional vehicle pass: Resident - Additional Vehicle Registered to the Same Address \$5.00 FREE.

After a brief discussion Councilors Anderson and Donovan withdrew their motion.

Motion by Councilor Cushing, seconded by Councilor Doherty, to amend the main motion as amended to have these amendments sunset on March 1, 2026 and charge the Town Manager to solicit proposals for a parking lot management system for all three beaches.

After a brief discussion Councilors Cushing and Doherty withdrew their motion.

Vote on Main Motion as Amended:

Chapter 311 – 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 Application Fees, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes	Fee
Resident And/Or Taxpayer Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park) (amended 05/05/04; 05/18/11)(amended 05/02/2012) (amended 05/07/2014)	\$40.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Season Beach Pass limited to 350 annually - (includes Ferry Beach Higgins Beach and Hurd Park) (Amended 05/05/04; 05/02/2012; 05/07/2014; 12/20/17; 03/05/2025)	\$200.00
Higgins Beach – Metered parking spaces on Bayview Avenue Fee [adopted 05/17/17; Amended 03/05/2025]	\$5.00 Hourly
Pass Card for Meters [adopted 12/20/17)	\$1.00
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Season Pass - (includes both Ferry Beach, Higgins Beach and Hurd Park)	FREE
Resident Income Restricted Pass – To qualify, the applicant’s Adjusted Gross Income (AGI), including all adult members, <u>must not exceed \$60,000</u> . Applicants must prequalify by validating their income with the Social Services Department by providing a copy of their Form 1040 form the most recent tax return. Upon validation by the Social Services Department, the applicant may then file an application with the Town Clerk’s Office. [Adopted 03/05/2025	FREE
Resident Veteran Lifetime Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Season Pass.) (Adopted 05/19/2010)	FREE
Active Duty Military Resident Pass – Applications must be filed with the Town Clerk and must present one of the following: 1) Your military identification card (CAC), 2) Provide official military documents, e.g. Leave and Earnings Statement (LES) or 3) A signed	FREE

statement from your Unit Commander, verifying your current active duty status. [Adopted 03/05/2025]	
<u>DAILY PARKING RATES (WITHOUT PASS)</u>	
Daily Parking from 7:00 a.m. to 5:30 p.m.: Ferry Beach, Higgins Beach and Hurd Park (Amended 05/05/04; 05/02/2012; 12/20/17; 03/05/2025)	\$20.00
Daily Parking <u>Bus</u> Fee - (Amended 05/05/04; 12/20/17; 03/05/2025)	<u>\$50.00</u>

Vote: 6 Yeas. 1 Nay [Councilor Doherty].

NEW BUSINESS:

Order No. 25-020. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance Section VI. Definitions, Section IX.M Performance Standards – High Technology Facilities, Section XXI.B Light Industrial District (LI). *[Planning Director]* Autumn Speer, Planning Director, gave a brief overview on this Order and responded to questions from the Town Council.

The following individuals spoke on this Order:

- Denise Hamilton of Two Rod Road and speaking on behalf of herself and her husband, voiced her concerns with the proposed recommendations and hoped that the Town Council would extend the moratorium to allow for the process to take place. The moratorium for marijuana was given the full 180 days whereas we were cut down to a half of that. She felt this ordinance needs more work.
- Greg Braun, attorney at Bergen Parkinson in Kennebunk and Saco. He was here tonight on behalf of several of the property owners in the industrial district, specifically Mr. Daniel Dickinson owner/operator 121 Two Rod Road LLC, 151 Two Rod Road LLC and White Pine LP. He referenced the letter that had been submitted earlier, which indicated that the Town of Scarborough should not prohibit Cannabis Manufacturing Facilities and Marijuana Cultivation Facilities conducted in fully enclosed structures in the Light Industrial Zone and the town should not enact performance standards which limit all activity to operating during daytime hours only.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance Section VI. Definitions, Section IX.M Performance Standards – High Technology Facilities, Section XXI.B Light Industrial District (LI). Town Council public hearing will be scheduled upon receipt of Planning Board Review, as follows:

Amendment 1:

CHAPTER 405 – TOWN OF SCARBOROUGH ZONING ORDINANCE

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 underlined; deletions are struck through):

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. [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.

Amendment 2:

CHAPTER 405 – TOWN OF SCARBOROUGH ZONING ORDINANCE

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 underlined; deletions are struck through):

SECTION IX. PERFORMANCE STANDARDS.

[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)

Amendment 3:

CHAPTER 405 – TOWN OF SCARBOROUGH ZONING ORDINANCE

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 underlined; deletions are struck through):

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

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a conventional development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop five (5) acres or more of land are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection ~~K~~ J Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES

NOTE: The requirements of subsection G F.1. of this district relating to sewage disposal may limit the type or scale of the uses that can occur in this district.

The following uses are permitted on any lot in the district subject to the requirements of Section G F:

1. Personal service establishments.
2. Instructional and educational services.
3. Business and professional offices.
4. Business services.
5. Contractor's offices, shops and storage yards.
6. Non-municipal government buildings and uses.
7. Motor vehicle repair and service facilities existing as of January 1, 2013 including auto body shops and facilities for the repair of recreational vehicles.
8. Accessory uses.
9. Accessory agricultural activities subject to the 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 09/04/2020]~~
26. Cannabis Testing Facility. [Adopted 01/08/2020; Amended 09/04/2024]
27. ~~Marijuana Cultivation Facility conducted within a fully~~
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.

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.

~~F~~ E. SPACE AND BULK REGULATIONS

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

Minimum area of lot	20,000 square feet
Minimum lot frontage	200 feet for lots abutting Holmes Rd and Two Rod Rd; 100 feet for lots abutting all other streets

Maximum percent of lot coverage by buildings	50%
Maximum percent of lot coverage by buildings and other impervious surfaces	85%
Minimum front yards	50 feet
Minimum side and rear yards	25 feet except that all side and rear yards abutting residential districts shall be a minimum of 100 feet or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.
Maximum building height	45 feet

2. The following space and bulk regulations are applicable to planned developments:

Minimum area of lot	20,000 square feet
Minimum lot frontage	200 feet for lots abutting Holmes Rd and Two Rod Rd; For all other streets the lot frontage requirement shall be determined under subsection <u>K J.</u> of this district
Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection <u>K J.</u> of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection <u>K J.</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

G F. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. Sewage Disposal: All new, expanded, or redeveloped buildings in the district shall be connected to the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and Chapter 404A the Town of Scarborough Plumbing Ordinance.

- a. The design sewage flow of the use will be less than two thousand (2,000) gallons per day based on the Maine State Plumbing Code, and
- b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
- c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and
- d. The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.

2. Streetscape Buffer Strip: For all new, expanded, or redeveloped buildings, a landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street or highway except for existing lots fronting on Two Rod Road which are subject to the requirements of F.4. The width of the buffer strip shall be a minimum of thirty (30) feet when it is adjacent to Holmes Road, one hundred (100) feet when it is adjacent to Two Rod Road, one hundred (100) feet when it is adjacent to the Maine Turnpike (I-95) and associated Maine Turnpike on/off ramps, and ten (10) feet when it is adjacent to any other street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance. In the case of Holmes Road and other streets the buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip. In the case of Two Rod Road, access roads or driveways are not allowed through the street buffer strip except in accordance with standard F.3. below.

3. Vehicular Access Prohibited from Two Rod Road:

- a. Vehicle access to and from the Two Rod Road to serve new, expanded, or redeveloped buildings in the district via any means including public streets, private ways, driveways, other private accessways, or combinations thereof shall not be permitted, except for emergency vehicle access approved by the Fire Department and Planning Board and as allowed for under 3.b.
- b. Buildings existing as of January 1, 2013 on lots that have frontage on Two Rod Road and that have their exclusive vehicle access from Two Rod Road may continue to have one point of vehicle access onto Two Rod Road. If the gross floor area of all existing buildings on a lot is increased by more than twenty (20) percent, or if the building is removed or the property is redeveloped, vehicular access to the property must not be from Two Rod Road as per 3.a.

4. Lots Abutting Two Rod Road: A building existing as of January 1, 2013 that is on a lot that has frontage on Two Rod Road and that has its exclusive vehicle access from Two Rod Road that is converted from a residential use to a nonresidential use in whole or in part, must conform to the following additional requirements:

- a. A twenty-five (25) foot wide vegetated or landscaped buffer strip shall be maintained along the front property line adjacent to Two Rod Road and shall be improved/maintained in accordance with the Site Plan Review Ordinance.
- b. One driveway not more than sixteen (16) feet in width shall provide access to Two Rod Road.
- c. Any parking for more than two vehicles or service areas shall be located to the side or rear of the existing building.
- d. Any expansion of the buildings on the lot or the construction/placement of new accessory buildings on the lot shall be limited to a cumulative total of twenty percent of the gross floor area of all buildings existing as of January 1, 2013 and shall be compatible with and maintain the architectural character of the existing buildings.
- e. Any material storage or outdoor service areas shall be located to the side or rear of the existing building and shall be located within a landscaped or fenced area to screen it from view from the street.

5. Residential Buffering: Where a lot in the LI District abuts a lot in residential use or a residential or rural zone, a vegetated buffer shall be established and maintained in accordance with E. The buffer shall soften the transition from the LI District to adjacent residential areas and shall buffer buildings, parking,

and service areas. In the design of sites, components of the project that generate large amounts of traffic, activity, noise, or similar potential impacts should be located away from residential areas and/or designed to mitigate adverse impacts on adjacent residential areas. Exterior light must be designed to eliminate spillover to adjacent residential uses or a residential or rural zone as per the Site Plan Review Ordinance.

6. Buffering of Parking: Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Site Plan Review Ordinance.

H G. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

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

I H. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT

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

J I. PLANNED DEVELOPMENT STANDARDS

The following development standards shall apply to all planned developments. In addition to these requirements, planned developments may incorporate the flexible design standards under subsection **K J.** of this district subject to Planning Board review and approval.

1. Unified and Coordinated Design, Signage, and Lighting

Development and redevelopment of larger parcels in the LI District requiring Planned Development Review shall exhibit a high level of site planning and design. Planned Developments with multiple buildings and/or building lots shall establish a unified and coordinated layout and themes that are exhibited throughout the development. Likewise, a coordinated signage and lighting plan shall be required of the Planned Development that establishes a theme within the development.

2. Open Space and Natural Resource Conservation

Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

3. Access Management and Interconnections

Access to Planned Developments from Holmes Road shall be strictly controlled to limit the number of curbs cuts along this roadway. Planned Developments shall make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections and to reduce the overall number of curb cuts on Holmes Road and to provide access to interior properties that do not have street frontage on Holmes Road.

K J. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS

The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

- 1. Flexible lot coverage** – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes “green building” technology or approaches that compensate for the additional lot coverage proposed. Examples of “green building” approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection F. of this district.

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

The Council Chair called for a brief recess at 9:25 p.m. The meeting was reconvened at 9:35 p.m.

Order No. 25-022. First reading and schedule a public hearing and second reading on the proposed Second Amendment to the Contract Zone for The Larrabee Farm Wetland Mitigation Project at 281 Beech Ridge Road (Assessor’s Map R013, Lot 6A) in Scarborough. (Applicant/Planning Director) Autumn Speer, Planning Director, gave a brief overview on this Order and responded to questions from the Town Council.

The following individuals spoke on this Order:

- Stannis Moody-Roberts of County Road, noted that he had sent out emails trying to figure this out. He was concerned with regards to wetland mitigation projects. Wetlands must be monitored and maintained in perpetuity and that a long-term Steward must be appointed who is legally responsible to ensure that the constructed Wetlands and the overall Wetland Mitigation Project is managed and maintained for perpetuity.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the first reading on the proposed Second Amendment to the Contract Zone for The Larrabee Farm Wetland Mitigation Project at 281 Beech Ridge Road (Assessor’s Map R013, Lot 6A) in Scarborough and schedule a public hearing and second reading for Wednesday, March 19, 2025, as follows:

**SECOND AMENDMENT TO EXHIBIT 8 CONTRACT
ZONE AGREEMENT BETWEEN
GRONDIN AGGREGATES LLC
[The Larrabee Farms Wetlands Mitigation Project] AND
THE TOWN OF SCARBOROUGH**

This Second Amendment to Contract Zoning Agreement (hereinafter, the "Second Amendment") is made as of the ____ day of March 2025 by and between the Town of Scarborough, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter, "the Town"), Grondin Aggregates LLC, a limited liability company, located in Gorham, Maine (hereinafter, "Grondin"), pursuant to the Contract Zoning provisions of Section II, Subsection I of the Zoning Ordinance of the Town of Scarborough (hereinafter, the "Zoning Ordinance").

WHEREAS, Grondin entered into a Contract Zoning Agreement with the Town dated as of the 16th day of August, 2006 (hereinafter, the "Original Agreement") creating Contract Zoning District Number 8 (hereinafter, the "District") as described in Section XXIII of the Zoning Ordinance, said Agreement having been recorded in the Cumberland County Registry of Deeds in Book 24332, Page 285; and,

WHEREAS, the Original Agreement was amended pursuant to the terms and provisions of a First Amendment to Contract Zoning Agreement between the Town and Grondin dated May 7, 2008 recorded in said Registry of Deeds in Book 26,231, Page 88 (“the First Amendment”) in order to allow the importation and storage of aggregate materials from outside the District to be used in the mixing and processing of materials excavated or quarried onsite to create aggregate products for end users; and

WHEREAS, by allowing such mixing, Grondin agreed to reducing the original 20-year time period for subjecting the entire property to conservation easements and conveying certain portions of the property subject to the Agreement to the Town to 10 years from the date of the First Amendment; and

WHEREAS, the ability of Grondin to undertake such mixing and processing within the District did expedite the extraction of on-site materials however, the wetlands mitigation and preservation market has stalled; and

WHEREAS, the approximately 20.67 acre site, also known as 414 Gorham Road, that was deeded to the Town of Scarborough in the original contract zone is not encumbered by conservation easements or easements limiting the use of the property, shall revert back to Rural Farming (RF) zoning district; and

WHEREAS, the eastern portion encompassing 130.73 acres (Exhibit B) of the site has been completed and has been deeded to the Town of Scarborough prior to the approval of this contract zone amendment, and the zoning will revert back to Rural Farming (RF). The Town will have full rights to use this property within the limitations set by the conservation easements (Exhibit C) placed on the property by the Maine DEP and US Army Corp of Engineers; and

WHEREAS, Grondin wishes to complete the remaining 137.5acre (Exhibit A) wetland project as designed as well as complete the aggregate storage but requires additional time to do so.

WHEREAS, the Town and Grondin wish to further amend the Agreement to reflect these changes in the use of the Property.

NOW THEREFORE, in consideration of the mutual promises made by the parties to one another, the parties covenant and agree as follows:

1. Sections 5 and 6 of the First Amendment are deleted, and Section 3(p) of the Original Agreement as amended by the First Agreement is further amended to read as follows:

(p) Conservation Easement(s): Upon approval by the Maine DEP and the U.S. Army Corps of Engineers, and prior to approval by the Town Engineer of the plan for wetlands creation under Section 3(h), each wetland mitigation project will be entered into a Conservation Easement. Ultimately, and within a time period of no more than 20 years from the date of approval of this Agreement by the Town of Scarborough, the entire property with the exception of the land area shown on Exhibit A in the Original Agreement that was previously conveyed to the Town for a school or other municipal use, will be entered into a conservation easement to be held by the Town, or a land trust or similar entity designated by the Town, if such conveyance is approved by the Scarborough Town Council. The conservation easement or easements shall be permanent

and shall limit the uses of the property to wetlands mitigation and monitoring, open space preservation, passive outdoor recreation, excluding use by motorized vehicles other than service and emergency vehicles, and may allow hunting provided hunting is limited to those areas where the hunting will not create a danger to persons using the property for walking, hiking, jogging, bicycling, picnicking and other passive recreational activities. The conservation easement or easements shall allow the uses permitted under Section 3(c) above. As is required under state and federal wetland statutes, the Maine DEP and the U.S. Army Corps of Engineers will have third party oversight in the easement.

2. The Town and Grondin agree that the remaining 137.5 acre project must be completed and reclaimed by no later than December 31, 2028.
3. Section 4 of the Original Agreement is amended as follows:
4. Property Conveyance: Grondin shall have the right to convey its fee interest in the property, in whole or in part, as necessary to satisfy applicable requirements of the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection in connection with the wetlands mitigation project and sale of the authorized wetlands mitigation credits; provided, however, that any parcel conveyed shall first be encumbered by conservation easement or easements limiting its use to the uses permitted by this Agreement. Portions of the property conveyed for wetlands compensation and restricted in perpetuity by conservation easement or easements to wetlands preservation shall not be considered lots under the Zoning Ordinance or the Subdivision Ordinance. Upon completion of all phases of the wetlands mitigation and sale of the authorized wetlands mitigation credits or at the end of 20 years after the date of this Agreement, whichever occurs first, Grondin agrees to convey as a gift any remaining portions of the property to the Town, or to a land trust or similar entity designated by the Town, if such conveyance is approved by the Scarborough Town Council, subject to the same use limitations prescribed for conservation easements under Section 3(p) of this Agreement, under the following two options:
 - a) If Grondin is unable to secure a customer by June 30, 2027 that would require the entirety of the remaining property to need a large wetlands mitigation project, the remaining 137.5 acres will be reclaimed per the standards of a normal pit operation and the property will be deeded over to the Town per the original agreement and the subsequent amendments by December 31, 2028.
 - b) If Grondin is able to secure a customer by June 30, 2027, requiring the entirety of the remaining property needing a large wetlands mitigation project, it will thus reclaim the pit through those means and it agrees to do so by December 31, 2028. The property will be transferred to the Town once until Grondin's monitoring and guarantees to the state and federal agencies is complete, no later than December 31, 2038 (a 10-year monitoring period is required for these projects).

In both above scenarios, Grondin must notify the Town by June 30, 2027, whether it has been able to secure a customer. The existing access road from Beech Ridge Road shall remain in its current state at the time of approval of this Second Amendment.

4. The Zoning Map of the Town of Scarborough is amended as shown in Attachment 1 of this Second Amendment to remove certain parcels from this contract zone.
5. Except as specifically amended herein, all terms and conditions of the Agreement as amended by the First Amendment shall remain in full force and effect.
6. Grondin shall record this Second Amendment in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first set forth above.

WITNESS _____

By: GRONDIN AGGREGATES, LLC

Larry Grondin, its Manager

WITNESS _____

By: TOWN OF SCARBOROUGH

Thomas J. Hall, its Town Manager.
(duly authorized by vote of the
Scarborough Town Council on

_____, 2025

ATTACHMENT 1:



Vote: 7 Yeas. Motion Passes.

Order No. 25-022. First reading and schedule a public hearing and second reading, on the proposed Third Amendment to the Haigis Parkway Tax Increment Financing (TIF) District and Development Program. *[Applicant/Planning Director]* Thomas J. Hall, Town Manager, gave a brief overview on this Order:

Motion by Councilor Donovan, seconded by Councilor Anderson, to move approval of the first reading, on the proposed Third Amendment to the Haigis Parkway Tax Increment Financing (TIF) District and Development Program and schedule a public hearing and second reading for Wednesday, March 19, 2025, as follows:

**TOWN OF SCARBOROUGH, MAINE
TOWN COUNCIL ORDER
Adopting the Third Amendment to The Gateway at Scarborough – Haigis Parkway
Municipal
Development and Tax Increment Financing District Development
Program**

WHEREAS, the Town of Scarborough (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing (“TIF”) districts and development programs within the Town; and

WHEREAS, the Town designated The Gateway at Scarborough – Haigis Parkway Municipal Development and Tax Increment Financing District (the “District”) and adopted a Development Program for the District in order to capture the value of real property improvements made within the District and to enable the use of TIF revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development (“DECD”) on June 3, 2003; and

WHEREAS, the Town approved and adopted the First Amendment to the District and Development Program for the District on December 20, 2006, in order to change the district name to “The Gateway at Scarborough-Haigis Parkway,” to extend the district term by 5 years, and to authorize a credit enhancement agreement with New England Expedition (NEX) Gateway to support its construction/financing costs related to its project in the District, which received approved from DECD on February 23, 2007; and

WHEREAS, the Town approved and adopted the Second Amendment to the District and Development Program for the District on January 19, 2022 in order to capture 100% of the increased assessed value and to use all TIF revenues for municipal project costs, other than those obligated under the CEA with NEX Gateway, and to extend the term of the District by 5 years for a total term of 30 years, , which received approved from DECD on December 21, 2023; and

WHEREAS, the Town desires to adopt a Third Amendment to the District and Development Program (the “Third Amendment”) to add additional project costs, and to continue to achieve the District’s original goals; and

WHEREAS, the Town Council has held a public hearing on March 5, 2025 upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the Third Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S. § 5226; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the adoption of the Third Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department approving the Third Amendment to The Gateway at Scarborough – Haigis Parkway Municipal Development and Tax Increment Financing District and Development Program.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Town of Scarborough hereby adopts the Third Amendment to The Gateway at Scarborough

– Haigis Parkway Municipal Development and Tax Increment Financing District and Development

Program, pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

- a. Pursuant to Title 30-A M.R.S. Section 5226(5) pertaining to TIF district and development program amendments, this Third Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.
- b. The Third Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town of Scarborough and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Scarborough, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the Third Amendment to the Development Program to the Department for review and approval pursuant to the requirements of 30-A M.R.S. § 5226.

Section 4. The foregoing adoption of the Third Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Third Amendment to the Development Program by the Department, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents related

to the Third Amendment to the Development Program as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Third Amendment to the Development Program by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Third Amendment to the Development Program.

Section 6. This Order shall take effect immediately upon adoption.

Vote: 7 Yeas. Motion Passes.

Order No. 25-023. First reading and waive the second reading to extend the Town-wide Moratorium that the Town Council approved on December 18, 2024, in the Light Industrial District for an additional 30 days until April 17, 2025. [Town Council Chair] Council Chair Sither gave a brief overview on this Order. The following individuals spoke on this Order:

- Greg Braun, attorney at Bergen Parkinson in Kennebunk and Saco, representing several of the property owners in the industrial district, specifically Mr. Daniel Dickinson owner/operator 121 Two Rod Road LLC, 151 Two Rod Road LLC and White Pine LP, stated for the record the property owners in the light industrial uh Zone object to and would ask the Town Council to vote down uh this uh this request.
- Denise Hamilton Two Rod Road, stated that we had agreed to the moratorium as a compromise, but it was reduced it to 90 with the understanding that the process for changes to the Ordinance would get through the whole process, but it is coming up short. She encourage the Town Council to support this Order.

Motion by Councilor Donovan, seconded by Councilor Anderson, to move approval of the first reading and waive the second reading to extend the Town-wide Moratorium that the Town Council approved on December 18, 2024, in the Light Industrial District for an additional 30 days until April 17, 2025, as follows:

TOWN OF SCARBOROUGH ORDINANCE EXTENDING THE TEMPORARY MORATORIUM IN THE LIGHT INDUSTRIAL DISTRICT

WHEREAS, on December 18, 2024, the Town Council adopted a 90-day emergency moratorium on the development, establishment, operation, or expansion of the following uses in the Town of Scarborough's Light Industrial District (LI District): (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed structure ("the Moratorium"); and

WHEREAS, the Town is currently in the process of revising and developing appropriate land use regulations for the LI District; and

WHEREAS, during the term of the Moratorium, the Town has continued to review and develop adequate regulations to prevent serious public harm from the development of the above uses within the LD District in the Town;

WHEREAS, the Moratorium will expire on March 18, 2025;

WHEREAS, State law requires a moratorium to be of a definite term of not more than 180 days, which may be extended for additional 180 day periods, upon a finding that:

- A. The problem giving rise to the need for the moratorium still exists; and
- B. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium;

WHEREAS, the Town Council finds that the problem giving rise to the need for the Moratorium still exists; and

WHEREAS, during the term of the Moratorium the Town has made reasonable progress to alleviate the problem giving rise to the need for the Moratorium but requires an additional amount to develop regulations governing the above uses within the LI District; and

WHEREAS during the period of this extension of the Moratorium, the Town will continue to diligently work to develop and adopt appropriate land use regulations concerning the LI District; and

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

The Temporary Moratorium in the Light Industrial District adopted by the Town Council on December 18, 2024, is hereby extended for an additional 30 days until April 17, 2025, unless earlier extended, repealed or modified by the Town Council.

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

Motion By Council Chair Sither, seconded by Councilor Anderson, to move approval to suspend the rules to continue past 10:00 p.m.

Vote 6 - 1 Cushing . Motion Passes.

Order No. 25-024. Act on the request from the Chief of Police, to accept a donation in the amount of \$1,000 from the Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli of Scarborough. [Chief of Police] Police Chief Mark Holmquist gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request from the Chief of Police, to accept a donation in the amount of \$1,000 from the Bank of America Charitable Gift Fund on behalf of Robert and Joan Carpenter Troccoli of Scarborough.

Vote: 7 Yeas. Motion Passes.

Order No. 25-025. Act to authorize the Town Manager to sign the License Agreement Renewals with Ryan McPherson, d/b/a Nonesuch Oysters, LLC, and with Matt Hassler, d/b/a Salt Wind Sea Farm, for use of the south side of the Town Pier for working floats. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Donovan, seconded by Councilor Anderson, to move approval to authorize the Town Manager to sign the License Agreement Renewals with Ryan McPherson, d/b/a Nonesuch Oysters, LLC, and with Matt Hassler, d/b/a Salt Wind Sea Farm, for use of the south side of the Town Pier for working floats.

Vote: 7 Yeas. Motion Passes.

Order No. 25-026. Act on the request to establish the Sustainability Reserve Fund, pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date. [Sustainability Committee] 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 establish the Sustainability Reserve Fund, pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date.

Vote: 7 Yeas. Motion Passes.

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

Item 11. Council Member Comments.

- Council Chair Sither noted that her only comment is a very polite request, I ask that you please wait to be recognized to speak during a meeting and I make this request respectfully for all of us. I apply the rules evenly to everybody at all times. In response to a comment from Councilor Doherty, the Council Chair stated that her comment was not directed at any one person, it happened multiple times throughout the evening and my request would be to wait and be acknowledged your turn to speak.

Item 12. Adjournment. Motion by Councilor Donovan, 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 10:06 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council