

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 7, 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, was also present. Those Councilors present:

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

At this point Council Chair Sither turned the podium over to Fire Chief Kindelan.

- Fire Chief Kindelan thanked the Council for the opportunity to speak this evening. As many of you are already aware that your Scarborough Public Safety family, consisting of Fire, Rescue, Police. And Dispatch, are grieving the loss of Fire/ EMS. Lieutenant Shannon Haley, 39 years old, who passed away unexpectedly after a medical event on Friday, May 2nd, while off duty. As you would suspect, this tragic news shook our public safety family to the core. The Fire Chief focused on why she chose to serve the Town of Scarborough, a community she would faithfully serve over 16 years, always prioritizing the Scarborough Fire department and the community needs over her own.

She was also a licensed, registered nurse, practicing on her off time. Lieutenant Haley was also a strong leader within our apartment. She had a firm yet empathetic leadership style. Serving her crews and her charge with so much dedication and passion as she did the others in the community.

He stated that he continues to be proud of all of our members who are with us tonight, which is Shannon shift, She would be working today if she were here. Like so many, I will personally will miss Shannon terribly. Especially her regular “Hey Chief Aronie” as she passed me in the station on mornings when she was there.

On behalf of the Fire Department, he thanked the Town Council, the Town Senior staff, the Mutual Aid Communities and the entire Scarborough Community for the outpouring of support that has been shown over the past few days. It's truly a remarkable experience that the hundreds of condolences and offers to support us that have come in. Thank you for keeping all of us in your thoughts as we prepare her final celebration of life. Saturday, May 10th from 11:00 a.m. to 3 p.m. at the Landing at Pine Point.

Council Chair Sither called from a moment of silence honoring Lieutenant Shannon Haley.

Item 4. General Public Comments.

- Susan Hamill of Bay Street, noted that the Planning Board Packet contained all the emails/correspondence that had been sent in relating to specific agenda item. She would like to see the Town Council do the same.

Item 5. Minutes: April 16, 2025 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the meeting minutes of the April 16, 2025, regular Town Council meeting, as written.

Vote: 6 Yeas. Motion Passes.

Item 6. Adjustment to the Agenda. Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval to amend the Agenda and move Item 10. to follow Item 8. Town Manager's Comments.

Vote: 6 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 Report. Thomas J. Hall, Town Manager, gave the following updates:

- **FY26 Budget Update** -
 - Finance Committee reviews on April 14, 15, 17 and May 1
 - Budget Roundtables Held on April 10, 15 and 29
 - Finance Committee Recommended Adjustments
- **Black Point Road Reconstruction Project** -
 - Awarded to Shaw Brothers- notably below Engineer's Estimate
 - Significant progress
 - Substantial Completion targeted for June 13, 2025
- **Eastern Trail- Close The Gap** -
 - Bid Opening on April 24, 2025
 - 6 Bidders
 - Apparent Low Bidder - Shaw Brothers
 - \$500K budget shortfall
- **Sale of Beach Passes** -
 - On sale May 1, 2025
 - First day sales: 207 non-resident (350 limit) and issued 1,060 resident beach passes (includes senior passes)
- **SBAC2 Site Selection** -
 - vernal pool evaluations nearly complete
- **Audit Award** -
 - GFOA Award - Certificate for Excellence in Financial Reporting
 - 20th Consecutive Year
- **Hurd Park** -
 - Parking Lot Closure on May 12-14 for Sealcoating and Striping
- **Road Construction** -
 - Mitchell Hill Road Project – 45 day closure this summer – notice will be given

- **LD Update** -
 - LD1093 RE: Scarborough Beach State Park
- **Short Term Rental Workshop** -
 - Meeting on May 15th at Public Safety Building at 5:00 p.m.
- **May 21st Meeting** -
 - Meeting will start at 6:00 p.m.

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

- Councilor Fellows gave an update on the Planning Board and the Long Range Planning Committee is scheduled to meet Friday, May 9th at 8:00 p.m.
- Council Chair Sither added further comments regarding the SBAC II Committee Survey was available online until Monday, May 12th and the paper copy was available until Friday, May 9th.
- Councilor Shupe gave an update on the Conservation Commission, the Parks and Conservation Land Board meets tomorrow Thursday, May 9th at 10:00 a.m., the Community Services Advisory Board meets Thursday, May 9th at 6:00 p.m. and the Ordinance Committee meets Wednesday, May 14th at 5:00 p.m..
- Councilor Cushing gave an update on the Communications Committee and spoke briefly on the not having a local newspaper and hoped that at some point it would be replace.
- Councilor Doherty spoke on the Coastal Waters and Harbor Committee and the increase of mooring fees.

Proclamation 25-002. Act on the request to recognize the second week in May as *Lung Cancer Action Week*. [Councilor Anderson] Councilor Anderson a brief overview on this Proclamation. The following spoke on this Order:

- Peggy Pennoyer of High Point Road, thanked the Town Council for supporting this Proclamation and for recognizing the importance of Lung Cancer Action Week and to Councilor Cushing who had been a former Chair of the Lung Association in Maine.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval of Proclamation 25-002, recognizing the second week in May as *Lung Cancer Action Week*:

Proclamation 25-002
Recognizing the Second Full Week of May as
“Lung Cancer Action Week”

BE IT RESOLVED by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

WHEREAS, the American Lung Association’s *LUNG FORCE* initiative has been working to ensure that fewer people are diagnosed with lung cancer and those living with the disease live longer since 2014 in the Town of Scarborough; and,

WHEREAS, lung cancer is the leading cause of cancer deaths; and,

WHEREAS, lung cancer screening saves lives, and advocacy and increased awareness will result in more high-risk individuals getting screened; and,

WHEREAS, public support for research funding will result in new treatments and better methods of early detection; and,

WHEREAS, *LUNG FORCE* is a national initiative led by the American Lung Association to defeat lung cancer.

BE IT RESOLVED, that the Town of Scarborough hereby designates the second week in May as *Lung Cancer Action Week* throughout the town of Scarborough and encourages all residents of Scarborough to learn more about lung cancer, risk factors, and early detection and take action.

Signed and sealed this the 7th day of May 2025, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by the Council Chair and attested by the Clerk to the Council.

Vote: 6 Yeas. Motion Passes.

Order No. 25-034, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405 Zoning Ordinance, Section XI Off Street Parking Regulations to amend Electric Vehicle Charging Systems (EVCS) requirements. *[Planning Director]* Autumn Speer, Planning Director, gave a brief overview on this Order and responded to questions from the Council. There being no comments either for or against the hearing was closed at 7:30 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 XI Off Street Parking Regulations to amend Electric Vehicle Charging Systems (EVCS) requirements.

Motion by Councilor Anderson, seconded by Councilor Shupe, to move approval to amend the main motion to include the Planning Board recommendation to remove the 300 foot distance requirements for shared EVS Parking, as follows:

RED – NEW ADDITIONS AND DELETIONS

GREEN – MOVED

HIGHLIGHTED - PLANNING BOARD RECOMMENDATIONS 4.22.25

SECTION XI. OFF-STREET PARKING REGULATIONS. [Amended 01/06/2010; 01/04/2023; 07/19/2023; 01/08/2025; xx/xx/2025]

Applicability

Off-street parking spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity.

All new or redevelopment parking facilities shall be required to install electrical vehicle charging station (EVCS) infrastructure. For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.

Such spaces shall be provided in accordance with the provisions of this Section, prior to the issuance of a certificate of occupancy for the structure or use. As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]

Single family and two-family dwellings in existence as of January 6, 2010, shall be exempt from ~~the~~ number of parking spaces and EVCS requirements in Section XI is provision. [adopted 01/06/10]

Single family and two-family dwellings not constructed in an approved subdivision shall be exempt from EVCS parking standards in Section XI, but not the total number of parking spaces required.

~~As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]~~

~~Off street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]~~

Definitions

Charging levels: Mmeans the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug
- Level 2 charging is through a 240V, AC plug
- Level 3 charging is through a 480V, direct-current (DC) plug.

EVCS-capable: Mmeans parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

EVCS-installed: Mmeans parking spaces equipped with electrified EVCS.

EVCS-ready (non-residential): Means parking spaces with necessary conduit installed and the electrical panel and equipment where EV charger circuits are to originate be designed with sufficient space to accommodate future capacity to install required EVCS.

EVCS-ready (residential): Electrical panel with at least 50 amp service and a 240V grounded alternating current outlet installed near where cars will be parked (garage, driveway, etc.).

Electric vehicle infrastructure: Mmeans conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space: Mmeans any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electrical capacity: Means shall mean, at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle: Mmeans any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Redevelopment: Mmeans the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

Off-Street Parking Required

~~**D.** In specific cases where two or more uses occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.~~

~~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.

~~C. On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.~~

For all non-residential uses, the number of required EVCS spaces shall round up to an even number.

The following minimum off-street parking requirements, including EVCS requirements, shall be provided and maintained:

RESIDENTIAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Single Family	2 for each dwelling unit		100%	
Two Family	2 for each dwelling unit		100%	
Multi-family	2 for each dwelling unit Containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms	5%	30%	65%
Accessory Unit	None required			
Senior Housing	1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy	10%	20%	70%

INSTITUTIONAL AND CIVIC USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Elementary and Middle School	1 per teacher and staff member, plus 1 space per 2 classroom.	5%	5%	15%
High School	1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students.	5%	5%	15%
College	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.	5%	5%	15%
Group Day Care Homes, Day Care Centers, Nursery Schools	1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio		5%	20%
Hospitals, Boarding Care Facilities for the Elderly, nursing homes, residential and long-term care facilities for the ill, aged or disabled	1 per 3 beds, plus 1 for each employee based on the expected average employee occupancy.		5%	20%

Place of assembly, amusement, culture and places of worship	1 for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.		5%	20%
Funeral Home	10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms		5%	20%
RECREATIONAL USES		EVCS Install	EVCS Ready	EVCS Capable
Health Club [amended 01/06/2010]	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%
Water Dependent Golf Driving Ranges	1.5 spaces for each tee area		5%	20%

COMMERICAL AND RETAIL USES		EVCS Install	EVCS Ready	EVCS Capable
Retail sales & services (< 25,000 sq ft)	4 per 1,000 sq. ft. of FA		5%	~~5~~ 20%
Retail sales & services (> 25,000 sq ft)	4 per 1,000 sq. ft. of FA	15%	~~4~~ 10%	~~5~~ 10%
Mobile food Vendor Court [Amended 01/08/2025]	1 per mobile food vendor pad site	--	--	--
Business services and business offices; Professional offices	4 per 1,000 sq. ft. of GLA		5%	20%
Financial, Insurance and Real Estate Offices	3.5 per 1,000 sq. ft. of GLA		5%	20%
Personal services	3.5 per 1,000 sq. ft. of GLA		5%	~~10~~ 20%
High Technology Facility	2 per 1,000 sq. ft. of FA		5%	20%
Data Processing/ Telemarketing	6 per 1,000 sq. ft. of GLA		5%	20%
Medical and Dental Offices	4 per 1,000 sq. ft. of GLA		5%	~~10~~ 20%
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		5%	~~10~~ 20%

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		5%	~~5~~ 20%
Work space in a live/ work unit	2.5 per 1,000 sq. ft. of GLA, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or leases of the live/work unit or any part thereof. Alternatively, 4 per 1,000 sq. ft. of GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit.		5%	20%
LODGING USES		EVCS Install	EVCS Ready	EVCS Cap-able
Hotels, motels and other transient lodging establishments	1 for each guest room	10%	10%	80%
INDUSTRIAL USES		EVCS Install	EVCS Ready	EVCS Cap-able
Industry, manufacturing, warehousing and distribution [amended 01/06/2010]	2 per 1,000 sq. ft. of FA (additional spaces required for area(s) occupied for office and/or sales use) [amended 01/06/2010]		5%	20%

*FA=Floor Area

*GLA=Gross Leasable Area

Off-Street Parking Location

H. Required **residential** off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

I. Required **non-residential** off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, **measured along lines of public access**, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

Required residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize residential EV spaces to be combined in a centralized location with an adjacent residential **or mixed-use** project so long as the parking spaces are located within **300 feet of a reasonable distance from** each principal residential structure, **measured along lines of public access**. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

Required non-residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize non-residential EV spaces to be combined in a centralized location with an adjacent non-residential **or mixed-use** project so long as the parking spaces are located **within 300 feet of a reasonable distance from** each principal non-residential structure, **measured along lines of public access**. Such parking areas shall be held under the same ownership or lease as the non-residential uses served and evidence of such control or lease shall be required.

J. Where off-street parking for uses other than single or two-family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met.

1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

2. No parking shall be located within a **required landscape buffer** ~~green strip buffer required pursuant to Section IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.~~

Shared Parking

E. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the

intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

Parking Design and Construction - General

~~A. Off-street parking shall be designed, constructed and maintained as follows: [amended 01/06/10]~~

~~1. For all uses, each off-street parking space must have an area no less than 9 feet wide by 18 feet long, except that the size of the parking spaces may be determine by the Planning Board in accordance with the requirements of Section IV(D)(1) of the Site Plane Ordinance.~~

~~2. Where required by applicable federal or state law, all off-street parking areas shall include handicapped accessible parking spaces in accordance with the ADA Standards for Accessible Design and the Site Plan Review Ordinance.~~

~~3. For all uses, parking spaces must be adequately served by isles and drives in accordance with the requirements of the Site Plan Review Ordinance.~~

~~K. Where off-street parking for any use other than single or two-family dwellings is required or provided, the following construction requirements shall apply: [Adopted 01/04/2023]~~

~~1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.~~

~~2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.~~

~~3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.~~

~~4. Where artificial lighting is provided cut off fixtures shall be used to control glare, skyglow and spillover onto adjacent properties.~~

~~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.~~

~~USE~~	~~Number of Parking Spaces Require~~ ~~*FA=Floor Area~~ ~~*GLA=Gross Leaseable Area~~
~~Dwellings~~	
~~a. Single Family~~	~~2 for each dwelling unit.~~
~~b. Two Family~~	~~2 for each dwelling unit~~
~~c. Multi-family~~	~~2 for each dwelling unit containing 2 or more bedrooms~~ ~~1.5 for each dwelling unit containing fewer than 2 bedrooms~~

~~d. Accessory Unit~~	~~None required~~
~~e. Senior housing~~	~~1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy.~~
~~Hotels, motels and other transient lodging establishments~~	~~1 for each guest room.~~
~~Schools..... a. Elementary and Middle School:~~	~~1 per teacher and staff member, plus 1 space per 2 classroom.~~
~~b. High School:~~	~~1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students.~~
~~c. College:~~	~~1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.~~
~~d. Group Day Care Homes, Day Care Centers, Nursery Schools~~	~~1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio~~
~~Hospitals, Boarding Care Facilities for the Elderly, nursing homes, residential and long-term care facilities for the ill, aged or disabled~~	~~1 per 3 beds, plus 1 for each employee based on the expected average employee occupancy.~~
~~Place of assembly, amusement, culture and places of worship~~	~~1 for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.~~
~~Retail sales & services~~	~~4 per 1,000 sq. ft. of FA~~
~~Business services and business offices; Professional offices~~	~~4 per 1,000 sq. ft. of GLA~~
~~Financial, Insurance and Real Estate Offices~~	~~3.5 per 1,000 sq. ft. of GLA~~
~~Personal services~~	~~3.5 per 1,000 sq. ft. of GLA~~
~~High Technology Facility~~	~~2 per 1,000 sq. ft. of FA~~
~~Data Processing/Telemarketing~~	~~6 per 1,000 sq. ft. of GLA~~
~~Medical and Dental Offices~~	~~4 per 1,000 sq. ft. of GLA~~
~~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~~
~~Mobile Food Vendor Court [amended 01/08/2025]~~	~~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.~~

Work space in a live/work unit	~~2.5 per 1,000 sq. ft. of GLA, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or leases of the live/work unit or any part thereof.~~ ~~Alternatively, 4 per 1,000 sq. ft. of GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit.~~
Industry, manufacturing, warehousing and distribution ~~{amended 01/06/2010}~~	~~2 per 1,000 sq. ft. of FA (additional spaces required for area(s) occupied for office and/or sales use) {amended 01/06/2010}~~
Health Club ~~{amended 01/06/2010}~~	~~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.~~
Funeral Home	~~10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms~~
Water Dependent Golf Driving Ranges	~~1.5 spaces for each tee area.~~

Parking Design and Construction – EVCS Spaces

Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations. ~~For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.~~

When EVCS spaces are required, they shall be installed as Level 2 charging stations. One Level 3 charging station may substitute for four Level 2 charging stations. However, the total required number of overall parking spaces shall not be reduced.

Electric vehicle charging stations within single-family and two-family residences are exempt from the below general station requirements. This does not exempt electrical or other permit obligations.

General Station Requirements

5.2.1-Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

5.2.2-Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards ~~below~~:

1. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall

be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

5.2.3—Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

5.2.4—Operational Hours. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. *Operation hours of the chargers and a phone number for public assistance must be placed in a prominent position visual from the parking space.*

5.2.5—Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

5.3. Accessible Facilities. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown in the table below Table 2. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.

~~Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.~~

Table 2—Minimum Number of ADA Accessible Electric Vehicle (EV) Charging Stations

Number of EV charging stations	Minimum accessible EV charging stations
1-50	1
51-100	2
101+	3

Off-Street Parking Reductions

Planning Board Authority.

C. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Planning Board may reduce the requirements for off-street parking upon finding the following requirements are met:

1. That the undeveloped parking spaces are shown on an approved site plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, stormwater management standards, grading, vehicular access and circulation.
2. If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to appear before the Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed.

For non-residential and multi-family commercial development, the EVCS requirements outlined in Table 1 may be revised upward or downward reduced by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section L.3 below.

~~D. In specific cases where two or more uses listed in section B(1), above occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.~~

~~E. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.~~

Board of Appeals Authority. ~~F.~~ In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Board of Appeals may reduce the requirements for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

~~2. For single family and two family dwellings, the requirements in Table 1 may be waived by the Zoning Administrator as part of the building permit application process. An in lieu fee will apply, as outline in section L.3.~~

~~G. On street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.~~

~~H. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.~~

~~I. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.~~

~~J. Where off-street parking for uses other than single or two-family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:~~

~~1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.~~

~~2. No parking shall be located within a green strip buffer required pursuant to Section IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.~~

~~K. Where off-street parking for any use other than single or two-family dwellings is required or provided, the following construction requirements shall apply: [Adopted 01/04/2023]~~

~~1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.~~

~~2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.~~

~~3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.~~

~~4. Where artificial lighting is provided cut-off fixtures shall be used to control glare, skyglow, and spillover onto adjacent properties.~~

~~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:~~

~~2. For commercial development, the requirements outlined in Table 1 may be revised upward or downward by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section L.3.~~

Electrical Vehicle Charging Fee in Lieu

4. Those who approved for a reduction in EVCS parking requirements must do not wish to meet EVCS requirements may pay an in-lieu fee to the Town of Scarborough in the following amounts:

- ~~\$15,000 per required Level 3 EVCS installed parking space~~
- ~~\$8,000 per required Level 2 EVCS-installed parking space~~
- ~~\$3,000 per required EVCS-ready parking space~~
- ~~\$1,000 per required EVCS-capable parking space~~

~~4.1~~, EVCS in-lieu fees collected by the Town shall be deposited into a specific account, segregated from the Town's general revenue, and created for supporting electric vehicle infrastructure energy efficiency and sustainability projects in the Town of Scarborough. These funds shall be used in accordance with the following:

- a. The funds contributed to the specific account, entitled Electric Vehicle Charging Infrastructure Fund the Sustainability Reserve Account, shall be used to further the electric vehicle infrastructure implement efficiency projects within the Town. ~~More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new municipally owned parking lots within Scarborough.~~
- b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, and permitting, and property acquisition for electric vehicle charging projects approved by Town Council.
- ~~c. A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.~~
- d. The Electric Vehicle Charging Infrastructure Fund Sustainability Reserve Account may be used in combination with other Town funds and other private, non-profit, and government funding, for expanding electric vehicle charging infrastructure within Scarborough.
- ~~e. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum zoning standards.~~
- ~~f. e.~~ The in-lieu fees collected by the Town shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required ~~to included electric vehicle charging infrastructure in order~~ to meet minimum zoning standards.

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
Dwellings	-					
a. Single Family	2 for each dwelling unit.	—	100%	—	100%	Level 2
b. Two Family	2 for each dwelling unit	—	100%	—	100%	Level 2

~~c. Multi-family~~	~~2 for each dwelling unit containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms *EVCS: 100% indoor parking spaces EVCS-ready~~	~~5%~~	~~30%*~~	~~65%~~	~~100%~~	~~Level 2~~
~~d. Accessory Unit~~	~~1 for each unit~~					
~~e. Senior housing~~	~~1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy. **EVCS requirements apply only to residential parking spaces~~	~~10%**~~	~~20%**~~	~~70%**~~	~~100%~~	~~Level 2~~
Schools	-	EVCS targeted in faculty/staff parking spaces				-
~~a. Elementary and Middle School:~~	~~1 per teacher and staff member, plus 1 space per 2 classrooms.~~	~~5%~~	~~5%~~	~~15%~~	~~25%~~	~~Level 2~~
~~b. High School:~~	~~1 per teacher and staff member on the largest shift, plus 1 space per 5 non-based students.~~	~~5%~~	~~5%~~	~~15%~~	~~25%~~	~~Level 2~~
~~c. College:~~	~~1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.~~	~~5%~~	~~5%~~	~~15%~~	~~25%~~	~~Level 2~~
~~d. Group Day Care Homes, Day Care Centers, Nursery Schools~~	~~1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio~~		~~5%~~	~~20%~~	~~25%~~	~~Level 2~~
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
Mobile food Vendor Court [Amended 01/08/2025]	1 per mobile food vendor pad site	—	—	—	—	NA
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

~~5.—General Requirements for Electric Vehicle Infrastructure~~

~~5.1 Electric vehicle charging stations within single family and two family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.~~

~~5.2 General station requirements~~

~~5.2.1 Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.~~

~~EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required.~~

~~5.2.2 Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 5.2.2 (1) through (4) of this section.~~

~~5. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.~~

~~6. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of~~

~~surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.~~

~~7. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.~~

~~8. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.~~

~~5.2.3. Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.~~

~~5.2.4. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. Operation hours of the chargers and a phone number for public assistance must be placed in a prominent position visual from the parking space.~~

~~5.2.5. Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.~~

~~6. Definitions Specific to Electric Vehicle Infrastructure~~

~~*Charging levels* means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:~~

- ~~• Level 1 provides charging through a 120-volt (V), alternating current (AC) plug~~
- ~~• Level 2 charging is through a 240V, AC plug~~
- ~~• Level 3 charging is through a 480V, direct current (DC) plug.~~

~~*EVCS capable* means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.~~

~~*EVCS installed* means parking spaces equipped with electrified EVCS.~~

~~*EVCS ready* means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.~~

~~*Electric vehicle infrastructure* means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.~~

~~*Electric vehicle parking space* means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.~~

~~*Electrical capacity* shall mean, at minimum:~~

- ~~• Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;~~

- ~~Conduit from an electric panel to future EVCS location(s).~~

~~Non-electric vehicle means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.~~

~~Redevelopment means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.~~

Vote on Amendment: 5 yeas, 1 Nay (Councilor Doherty)

Vote on Main Motion as Amended:

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 XI. OFF-STREET PARKING REGULATIONS. [Amended 01/06/2010; 01/04/2023; 07/19/2023; 01/08/2025; xx/xx/2025]

Applicability

Off-street parking spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity.

All new or redevelopment parking facilities shall be required to install electrical vehicle charging station (EVCS) infrastructure. For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.

Such spaces shall be provided in accordance with the provisions of this Section, prior to the issuance of a certificate of occupancy for the structure or use. As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]

Single family and two-family dwellings in existence as of January 6, 2010, shall be exempt from ~~the number of parking spaces and EVCS requirements in Section XI.~~is provision. [adopted 01/06/10]

Single family and two-family dwellings not constructed in an approved subdivision shall be exempt from EVCS parking standards in Section XI, but not the total number of parking spaces required.

~~As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]~~

~~Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]~~

Definitions

Charging levels: ~~M~~means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

~~5.~~ Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug

~~6.~~ Level 2 charging is through a 240V, AC plug

~~7.~~ Level 3 charging is through a 480V, direct-current (DC) plug.

EVCS-capable: ~~M~~means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

EVCS-installed: ~~M~~means parking spaces equipped with electrified EVCS.

~~EVCS-ready means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.~~

EVCS-ready (non-residential): ~~Means parking spaces with necessary conduit installed and the electrical panel and equipment where EV charger circuits are to originate be designed with sufficient space to accommodate future capacity to install required EVCS.~~

EVCS-ready (residential): ~~Electrical panel with at least 50 amp service and a 240V grounded alternating current outlet installed near where cars will be parked (garage, driveway, etc.).~~

Electric vehicle infrastructure: ~~M~~means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space: ~~M~~means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electrical capacity: ~~Means shall mean~~, at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle: ~~M~~means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Redevelopment: ~~M~~means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

Off-Street Parking Required

~~D. In specific cases where two or more uses listed in section B(1), above, occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.~~

~~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.~~

~~G. On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.~~

~~For all non-residential uses, the number of required EVCS spaces shall round up to an even number.~~

The following minimum off-street parking requirements, including EVCS requirements, shall be provided and maintained:

RESIDENTIAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Single Family	2 for each dwelling unit		100%	
Two Family	2 for each dwelling unit		100%	
Multi-family	2 for each dwelling unit Containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms	5%	30%	65%
Accessory Unit	None required			
Senior Housing	1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy	10%	20%	70%

INSTITUTIONAL AND CIVIC USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Elementary and Middle School	1 per teacher and staff member, plus 1 space per 2 classroom.	5%	5%	15%
High School	1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students.	5%	5%	15%
College	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.	5%	5%	15%
Group Day Care Homes, Day Care Centers, Nursery Schools	1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio		5%	20%
Hospitals, Boarding Care Facilities for the Elderly, nursing homes, residential and long-term care facilities for the ill, aged or disabled	1 per 3 beds, plus 1 for each employee based on the expected average employee occupancy.		5%	20%
Place of assembly, amusement, culture and places of worship	1 for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.		5%	20%
Funeral Home	10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms		5%	20%
RECREATIONAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Health Club [amended 01/06/2010]	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%
Water Dependent Golf Driving Ranges	1.5 spaces for each tee area		5%	20%
COMMERICAL AND RETAIL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Retail sales & services (< 25,000 sq ft)	4 per 1,000 sq. ft. of FA		5%	5%

Retail sales & services (> 25,000 sq ft)	4 per 1,000 sq. ft. of FA	1%	4%	5%
Mobile food Vendor Court [Amended 01/08/2025]	1 per mobile food vendor pad site	--	--	--
Business services and business offices; Professional offices	4 per 1,000 sq. ft. of GLA		5%	20%
Financial, Insurance and Real Estate Offices	3.5 per 1,000 sq. ft. of GLA		5%	20%
Personal services	3.5 per 1,000 sq. ft. of GLA		5%	10%
High Technology Facility	2 per 1,000 sq. ft. of FA		5%	20%
Data Processing/ Telemarketing	6 per 1,000 sq. ft. of GLA		5%	20%
Medical and Dental Offices	4 per 1,000 sq. ft. of GLA		5%	10%
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		5%	10%
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		5%	5%
Work space in a live/ work unit	2.5 per 1,000 sq. ft. of GLA, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or		5%	20%

	leases of the live/work unit or any part thereof. Alternatively, 4 per 1,000 sq. ft. of GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit.			
LODGING USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Cap-able
Hotels, motels and other transient lodging establishments	1 for each guest room	10%	10%	80%
INDUSTRIAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Cap-able
Industry, manufacturing, warehousing and distribution [amended 01/06/2010]	2 per 1,000 sq. ft. of FA (additional spaces required for area(s) occupied for office and/or sales use) [amended 01/06/2010]		5%	20%

*FA=Floor Area

*GLA=Gross Leaseable Area

Off-Street Parking Location

H. Required **residential** off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

I. Required **non-residential** off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

Required residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize residential EV spaces to be combined in a centralized location with an adjacent residential **or mixed-use** project so long as the parking spaces are located **a reasonable distance from** each principal residential structure. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

Required non-residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize non-residential EV spaces to be combined in a

centralized location with an adjacent non-residential or mixed-use project so long as the parking spaces are located within 300 feet of a reasonable distance from each principal non-residential structure measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the non-residential uses served and evidence of such control or lease shall be required.

J. Where off-street parking for uses other than single or two-family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met.

1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

2. No parking shall be located within a required landscape buffer ~~green strip buffer required pursuant to Section~~

IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.

Shared Parking

E. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

Parking Design and Construction - General

~~A. Off-street parking shall be designed, constructed and maintained as follows: [amended 01/06/10]~~

~~1. For all uses, each off-street parking space must have an area no less than 9 feet wide by 18 feet long; except that the size of parking spaces may be determined by the Planning Board in accordance with the requirements of Section IV(D)(1) of the Site Plan Ordinance.~~

~~2. Where required by applicable federal or state law, all off-street parking areas shall include handicapped accessible parking spaces in accordance with the ADA Standards for Accessible Design and the Site Plan Review Ordinance.~~

~~3. For all uses, parking spaces must be adequately served by isles and drives in accordance with the requirements of Section IV of the Site Plan Review Ordinance.~~

K. Where off-street parking for any use other than single or two-family dwellings is required or provided, the following construction requirements shall apply: [Adopted 01/04/2023]

1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.

2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.

Parking Design and Construction – EVCS Spaces

Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations

When EVCS spaces are required, they shall be installed as Level 2 charging stations. One Level 3 charging station may substitute for four Level 2 charging stations. However, the total required number of overall parking spaces shall not be reduced.

Electric vehicle charging stations within single-family and two-family residences are exempt from the below general station requirements. This does not exempt electrical or other permit obligations.

General Sstation Rrequirements

5.2.1—Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned. EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required.

5.2.2—Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 5.2.2 (1) through (4) of this section below:-

1. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

5.2.3.—Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

5.2.4.—Operational Hours. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. Operation hours of the chargers and a phone number for public assistance must be placed in a prominent position visual from the parking space.

5.2.5.—Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

5.3.—Accessible Facilities. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown in the table below ~~Table 2~~. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.

~~Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.~~

2—Minimum Number of ADA Accessible Electric Vehicle (EV) Charging Stations

Number of EV charging stations	Minimum accessible EV charging stations
1-50	1
51-100	2
101+	3

Off-Street Parking Reductions

Planning Board Authority.

~~C.~~ In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Planning Board may reduce the requirements for off-street parking upon finding the following requirements are met:

1. That the undeveloped parking spaces are shown on an approved site plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, stormwater management standards, grading, vehicular access and circulation.
2. If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to appear before the Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed.

For non-residential and multi-family commercial development, the EVCS requirements outlined in Table 1 may be revised upward or downward reduced by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section L.3. below.

~~D. In specific cases where two or more uses listed in section D(1), above, occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.~~

~~E. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.~~

Board of Appeals Authority. ~~F.~~ In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Board of Appeals may reduce the requirements for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

~~1. For single family and two family dwellings, the requirements in Table 1 may be waived by the Zoning Administrator as part of the building permit application process. An in-lieu fee will apply, as outlined in section L.3.~~

~~G. On street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.~~

~~H. Required off street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.~~

~~I. Required off street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off street parking cannot be provided within these limits, the Planning Board may permit such off street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.~~

~~J. Where off street parking for uses other than single or two family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:~~

~~1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.~~

~~2. No parking shall be located within a green strip buffer required pursuant to Section IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.~~

~~K. Where off street parking for any use other than single or two family dwellings is required or provided, the following construction requirements shall apply: [Adopted 01/04/2023]~~

~~1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.~~

~~2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.~~

~~3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.~~

~~4. Where artificial lighting is provided cut-off fixtures shall be used to control glare, skyglow, and spillover onto adjacent properties.~~

~~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 need. For commercial development, the requirements outlined in Table 1 may be revised upward or downward by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section L.~~ **Electrical Vehicle Charging Fee in Lieu**

• Those ~~who approved for a reduction in EVCS parking requirements must do not wish to meet EVCS requirements may~~ pay an in-lieu fee to the Town of Scarborough in the following amounts:

\$15,000 per required Level 3 EVCS installed parking space-

\$8,000 per required Level 2 EVCS-installed parking space

\$3,000 per required EVCS-ready parking space

\$1,000 per required EVCS-capable parking space

~~4.1~~—EVCS in-lieu fees collected by the Town shall be deposited into a specific account, segregated from the Town's general revenue, and created for supporting ~~electric vehicle infrastructure energy efficiency and sustainability projects~~ in the Town of Scarborough. These funds shall be used in accordance with the following:

- a. The funds contributed to the specific account, entitled the ~~Electric Vehicle Charging Infrastructure Fund~~Sustainability Reserve Account, shall be used to ~~further the electric vehicle infrastructure implement efficiency projects~~ within the Town. ~~More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new municipally-owned parking lots within Scarborough.~~
- b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, and permitting, and property acquisition for electric vehicle charging projects approved by Town Council. ~~A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.~~
- c. The ~~Electric Vehicle Charging Infrastructure Fund~~Sustainability Reserve Account may be used in combination with other Town funds and other private, non-profit, and government funding, ~~for expanding electric vehicle charging infrastructure within Scarborough. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum zoning standards.~~
- d. The in-lieu fees collected by the Town shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required ~~to included electric vehicle charging infrastructure in order~~ to meet minimum zoning standards.

Charging levels means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- ~~8.~~ Level 1 provides charging through a 120-volt (V), alternating-current (AC) plug
- ~~9.~~ Level 2 charging is through a 240V, AC plug.
- ~~10.~~ Level 3 charging is through a 480V, direct-current (DC) plug.

EVCS-capable means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

EVCS-installed means parking spaces equipped with electrified EVCS.

EVCS-ready means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.

Electric vehicle infrastructure means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electrical capacity shall mean, at minimum:

- ~~3.~~ Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- ~~4.~~ Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Redevelopment means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking

Vote: 5 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

Order No. 25-040, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 302 – The Town Council Rules & Policies Manual. [Rules & Policies Committee]
Councilor Fellows gave a brief overview on this Order. Council Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:36 p.m.

Motion by Councilor Fellows, seconded by Councilor Anderson, to move approval of the second reading on the proposed amendments to Chapter 302 – The Town Council Rules & Policies Manual, as follows:

CHAPTER 302 - SCARBOROUGH TOWN COUNCIL RULES & PROCEDURES

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 302 - the Town of Scarborough Rules & Procedures, Section 104.0. Agendas, Section 118.0 Items for Meetings: Filed When and Section 203.2 under Council Standing Committees, are hereby amended, as follows (additions are underlined; deletions are struck through):

First Amendment – 104.0 Agendas.

104.0. Agendas.

The Council shall take up items, which appear on its agenda in the following order, unless a majority of those Councilors present and voting vote to take an item out of order.

- ~~2.~~1. Call to Order by the Chair.
- ~~3.~~2. Pledge of Allegiance.
- ~~4.~~3. Roll Call by the recording secretary.
- ~~5.~~4. General Public Comments.
- ~~6.~~5. Acceptance of minutes.
- ~~7.~~6. Adjustments to the Agenda. [adopted 10/21/09]
- ~~8.~~7. Items to be signed; i.e., treasurer's warrants.
- ~~9.~~8. Town Manager's Report [adopted 10/21/09; amended 10/07/20]

9. Standing and Special Committee Reports and Liaison Reports. [amended 10/21/09]

~~10.9.~~ 10. Public Hearings.

~~11.10.~~ 11. Proclamations, Resolutions and Resolves.

~~12.11.~~ 12. Old Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings.

~~13.12.~~ 13. New Business: Ordinances and orders.

~~14.13.~~ 14. Non-Action Items. (amended 04/19/00)

~~15.14.~~ ~~Standing and Special Committee Reports and Liaison reports. [amended 10/21/09]~~

15. Council member comments.

16. Adjournment.

17. Executive sessions, which may be scheduled or held anywhere on the agenda.

Second Amendment – 118.0 Item for Meetings: Filed When.

118. 0: Item for Meetings: Filed When.

No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order, or resolve shall be filed in the office of the Town Clerk on or before Noon 2:00 p.m. in the afternoon on the ~~Tuesday~~ ~~Wednesday~~ prior to the regular meeting held on the following Wednesday and before Noon 2:00 p.m. in the afternoon of the business day next to the day of any other special meeting. If the agenda request requires a public hearing and action only at one meeting, the request must be filed with the Town Clerk on or before Noon, 13 days prior to the regular meeting in order to meet the legal notice requirements. [amended 12/01/04]

118.1: In the event that the Town Clerk's Office is not open on ~~Tuesday~~ ~~Wednesday~~, then the deadline for filing will fall at Noon 2:00 p.m. on ~~Monday~~ ~~Tuesday~~ the day before the original filing deadline. Members of the public wishing to place an item on the agenda shall do so with the support of a Councillor. ~~Agenda items shall not be removed from the agenda after the agenda has been published.~~ [adopted 04/19/00; amended 12/01/04]

Vote: 6 Yeas. Motion Passes.

Order No. 25-043, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from Timothy Morris, d/b/a Morris Family Farm, located at 18 Asselyn Drive. [Town Clerk's Office] The Town Clerk gave a brief overview on this Order. Councilor Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:37 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the new request for a Food Handlers License from Timothy Morris, d/b/a Morris Family Farm, located at 18 Asselyn Drive.

Vote: 6 Yeas. Motion Passes

Order No. 25-044, 7:00 p.m. Public hearing and action on the new request for a Innkeepers License from Diana Cofone, d/b/a the Downeaster Motel, located at 184 US Route One. [Town Clerk's Office] The Town Clerk gave a brief overview on this Order. Councilor Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:38 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the new request for a Innkeepers License from Diana Cofone, d/b/a the Downeaster Motel, located at 184 US Route One.

Vote: 6 Yeas. Motion Passes.

Order No. 25-045, 7:00 p.m. Public hearing and action on the new request for a Combined Massage Establishment/Therapist License from Nicole Colby d/b/a Open Palm Wellness, located at 383 US Route One and for a Massage Therapist License for James Lyscars, working at Open Palm Wellness. [Town Clerk's Office] The Town Clerk gave a brief overview on this Order. Councilor Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:38 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the new request for a Combined Massage Establishment/Therapist License from Nicole Colby d/b/a Open Palm Wellness, located at 383 US Route One and for a Massage Therapist License for James Lyscars, working at Open Palm Wellness.

Vote: 6 Yeas. Motion Passes.

Order No. 25-046, 7:00 p.m. Public hearing and action on the new request for a Combined Massage Establishment/Therapist License from Yan hua Zhang, d/b/a Scarborough Therapy, located at 605 US Route One. [Town Clerk's Office] The Town Clerk gave a brief overview on this Order. Councilor Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:39 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the new request for a Combined Massage Establishment/Therapist License from Yan hua Zhang, d/b/a Scarborough Therapy, located at 605 US Route One.

Vote: 6 Yeas. Motion Passes.

OLD BUSINESS:

Order No. 25-033. Second reading on the proposed FY2026 Municipal/School Budget. [Town Manager/Superintendent of Schools] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval of the second reading on the proposed FY2026 Municipal/School Budgets.

Motion by Councilor Anderson, seconded by Councilor Shupe, to move approval to amend the main motion to approve the Finance Committee's recommended adjustments to the FY2026 Budget, in the amount of \$286,826, as follows:

SUMMARY MUNICIPAL OPERATING BUDGET 2026	
TOTAL EXECUTIVE	3,975,339 <u>3,975,339</u> 3,975,339,827,839
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	744,891
TOTAL FINANCE ALL DIVISIONS	1,569,542
TOTAL MUNICIPAL INFORMATION SYSTEMS	2,653,989
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	1,067,772
TOTAL COMMUNITY SERVICES ALL DIVISIONS	4,185,766

TOTAL LIBRARY NET – TOWN APPROPRIATION	1,476,158
TOTAL SEDCO	327,725
TOTAL FIRE ALL DIVISIONS	~~8,472,206~~ ~~8,472,206~~ 8,259,558
TOTAL POLICE ALL DIVISIONS	~~10,249,791~~ ~~10,249,791~~ 10,053,867
TOTAL PUBLIC WORKS ALL DIVISIONS	~~9,226,942~~ ~~9,226,942~~ 9,241,9429
TOTAL ENGINEERING & TECHNICAL SERVICES	857,010
TOTAL DEBT (Town Only)	4,870,080

Be it further ordered that the Scarborough Town Council hereby appropriates the sum of **\$500,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of **\$71,006,428 70,784,76470,784,764** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$60,091,681 59,869,95859,880,017** and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of **\$2,774,207 2,768,2142,768,214** and the Town of Scarborough raises as the local share for the Education Adult Education and Food Services Budgets, the sum of **\$97,048 96,95896,958** and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council and;

Be it further ordered that the Town of Scarborough hereby appropriates the Town’s due portion of the County Tax, in the amount of **\$3,701,925** for the period July 1, 2025, through June 30, 2026; and a six-month County Assessment transition of **\$287,875** covering year 3 of 5; and,

Be it further ordered that the Scarborough Town Council hereby approves adding **\$11,315,732 11,236,73211,236,732** to the Capital Budget and appropriates for Capital purposes, the sum of **\$67,000 123,000123,000** for school capital programs and **\$156,000 208,000208,000** for town capital; for a total Capital Appropriation of **\$223,000 331,000331,000** be funded from property taxes.

Be it further ordered that the Scarborough Town Council hereby further declares:

WHEREAS, included within the **\$11,315,732 11,236,732 11,236,732** Fiscal Year 2026 Capital Budget were **\$10,187,732 10,000,73210,000,732** of Municipal and School projects the Town intends to advance funds from the general fund for those purposes and then issue general obligation bonds to reimburse itself for spending on those capital projects in the amounts outlined in the Capital Budget;

WHEREAS, the list of projects and the amounts the Town intend to include in future general obligation bond issuances is incorporated by reference from the Fiscal Year 2026 General Fund and Capital Budget;

NOW THEREFORE, the Town does hereby declare its Official Intent as follows:
The Town intended to allocate certain proceeds of future bond issues to reimburse the Town for any expenditures made with respect to projects listed in the category of “Bond” or “Bond – Voter Approved”. Treasury Regulation Section 1.150-2 requires that the Issuer declare its official intent to reimburse any

expenditure with respect to the Project no later than sixty (60) days after the payment of such expenditures. The Town intends to reimburse expenditures made with respect to the projects on the Fiscal Year 2026 Capital Budget within three (3) years of the later of the date which the expenditure is paid or the project is placed into service.

Be it further ordered that the Town Council hereby authorizes the following utilization of funds from dedicated accounts:

Restricted Fund Balance:

\$1,531,000 from Restricted for Education to reduce the local share of the Education and Adult Ed Operating Budgets

\$1,297,713 from Downtown TIF Account to support eligible operating costs

\$1,020,379 from Downtown TIF Account to support eligible debt service

\$1,383,287 from Haigis Parkway TIF Account to support non-SEDCO operating costs

\$327,725 from Haigis Parkway TIF Account to support SEDCO operating costs

Committed Fund Balance:

\$1,350,000 from Rescue Equipment Reserve to reduce the tax rate

\$443,890 from School Development Impact Fee Account to pay Debt Service for eligible Capital Improvements

\$700,000 from Downtown TIF Account to pay for eligible Capital Improvements

Be it further ordered that the Total Gross Budget appropriation of ~~**\$146,409,378**~~ ~~**145,301,649**~~ ~~**145,301,649**~~, this total less estimated revenues and other credits of ~~**\$56,177,325**~~ ~~**55,3304,422**~~ ~~**55,304,422**~~ result in a Net appropriation of ~~**\$90,232,053**~~ ~~**89,997,227**~~ ~~**89,997,227**~~, which shall be raised from taxation. The Scarborough Town Council further fixes **Wednesday, October 15, 2025**, and **Monday, March 16, 2025**, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of **7.50%** per annum.

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated **\$200,000** for overlay, which may be adjusted and shall be finally determined by the Town Assessor pursuant to Title 36 MRSA Section 710 within State restrictions; and (such estimated amount is incorporated within the Total Gross Budget as identified within this order); and,

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated **\$5,021,000** for Tax Increment Financing Revenues to be deposited into Tax Increment Financing Development Program Funds, an estimated **\$1,865,000** of which is authorized to be paid pursuant to applicable credit enhancement agreements, both of which amounts may be adjusted and shall be finally determined by Town staff based on actual assessed values and applicable Tax Increment Financing Districts, Development Programs and credit enhancement agreements approved by the Town Council and State Department of Economic and Community Development (such estimated amounts are incorporated within the Total Gross Budget as identified within this order).

Be it further ordered, that in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **3.50%**.

Be it further ordered, that the Town Council hereby authorizes the Finance Director and/or Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905 and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; authorizes the Tax Collector to sign on behalf of the Town, the necessary deeds and liens and tax settlements; in accordance with 36 M.R.S.A. Section 906, the Tax Collector and Treasurer are authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector is authorized to discharge any obligation to collect unpaid property taxes in the amount of **\$5.00** or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

Be it further ordered, that if the 2026 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2026, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

Vote on amendment: 5 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

Main Motion as Amended:

Be it ordered that the Scarborough Town Council approves the second reading, as amended, on the FY2026 Budget and the line item appropriations and expenditures for all offices, agencies and departments of the Town as follows:

SUMMARY MUNICIPAL OPERATING BUDGET 2026	
TOTAL EXECUTIVE	3,975,339
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	744,891
TOTAL FINANCE ALL DIVISIONS	1,569,542
TOTAL MUNICIPAL INFORMATION SYSTEMS	2,653,989
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	1,067,772
TOTAL COMMUNITY SERVICES ALL DIVISIONS	4,185,766
TOTAL LIBRARY NET – TOWN APPROPRIATION	1,476,158
TOTAL SEDCO	327,725
TOTAL FIRE ALL DIVISIONS	8,472,206
TOTAL POLICE ALL DIVISIONS	10,249,791
TOTAL PUBLIC WORKS ALL DIVISIONS	9,226,942
TOTAL ENGINEERING & TECHNICAL SERVICES	857,010
TOTAL DEBT (Town Only)	4,870,080

Be it further ordered that the Scarborough Town Council hereby appropriates the sum of **\$500,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of **\$71,066,428** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$60,091,681** and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of **\$2,774,207** and the Town of Scarborough

raises as the local share for the Education Adult Education and Food Services Budgets, the sum of **\$97,048** and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council and;

Be it further ordered that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of **\$3,701,925** for the period July 1, 2025, through June 30, 2026; and a six-month County Assessment transition of **\$287,875** covering year 3 of 5; and,

Be it further ordered that the Scarborough Town Council hereby approves adding **\$11,315,732** to the Capital Budget and appropriates for Capital purposes, the sum of **\$67,000** for school capital programs and **\$156,000** for town capital; for a total Capital Appropriation of **\$223,000** be funded from property taxes.

Be it further ordered that the Scarborough Town Council hereby further declares:

WHEREAS, included within the **\$11,315,732** Fiscal Year 2026 Capital Budget were **\$10,187,732** of Municipal and School projects the Town intends to advance funds from the general fund for those purposes and then issue general obligation bonds to reimburse itself for spending on those capital projects in the amounts outlined in the Capital Budget;

WHEREAS, the list of projects and the amounts the Town intend to include in future general obligation bond issuances is incorporated by reference from the Fiscal Year 2026 General Fund and Capital Budget.

NOW THEREFORE, the Town does hereby declare its Official Intent as follows:

The Town intended to allocate certain proceeds of future bond issues to reimburse the Town for any expenditures made with respect to projects listed in the category of "Bond" or "Bond – Voter Approved". Treasury Regulation Section 1.150-2 requires that the Issuer declare its official intent to reimburse any expenditure with respect to the Project no later than sixty (60) days after the payment of such expenditures. The Town intends to reimburse expenditures made with respect to the projects on the Fiscal Year 2026 Capital Budget within three (3) years of the later of the date which the expenditure is paid or the project is place into service.

Be it further ordered that the Town Council hereby authorizes the following utilization of funds from dedicated accounts:

Restricted Fund Balance:

\$1,531,000 from Restricted for Education to reduce the local share of the Education and Adult Ed Operating Budgets

\$1,297,713 from Downtown TIF Account to support eligible operating costs

\$1,020,379 from Downtown TIF Account to support eligible debt service

\$1,383,287 from Haigis Parkway TIF Account to support non-SEDCO operating costs

\$327,725 from Haigis Parkway TIF Account to support SEDCO operating costs

Committed Fund Balance:

\$1,350,000 from Rescue Equipment Reserve to reduce the tax rate

\$443,890 from School Development Impact Fee Account to pay Debt Service for eligible Capital

Improvements

\$700,000 from Downtown TIF Account to pay for eligible Capital Improvements

\$205,000 from Haigis Parkway TIF Account to pay for eligible Capital Improvements

Be it further ordered that the Total Gross Budget appropriation of **\$146,409,378**, this total less estimated revenues and other credits of **\$56,177,325** result in a Net appropriation of **\$90,232,053**, which shall be raised from taxation. The Scarborough Town Council further fixes **Wednesday, October 15, 2025**, and **Monday, March 16, 2025**, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of **7.50%** per annum.

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated **\$200,000** for overlay, which may be adjusted and shall be finally determined by the Town Assessor pursuant to Title 36 MRSA Section 710 within State restrictions; and (such estimated amount is incorporated within the Total Gross Budget as identified within this order); and,

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated **\$5,021,000** for Tax Increment Financing Revenues to be deposited into Tax Increment Financing Development Program Funds, an estimated **\$1,865,000** of which is authorized to be paid pursuant to applicable credit enhancement agreements, both of which amounts may be adjusted and shall be finally determined by Town staff based on actual assessed values and applicable Tax Increment Financing Districts, Development Programs and credit enhancement agreements approved by the Town Council and State Department of Economic and Community Development (such estimated amounts are incorporated within the Total Gross Budget as identified within this order).

Be it further ordered, that in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **3.50%**.

Be it further ordered, that the Town Council hereby authorizes the Finance Director and/or Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905 and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; authorizes the Tax Collector to sign on behalf of the Town, the necessary deeds and liens and tax settlements; in accordance with 36 M.R.S.A. Section 906, the Tax Collector and Treasurer are authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector is authorized to discharge any obligation to collect unpaid property taxes in the amount of **\$5.00** or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

Be it further ordered, that if the 2026 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2026, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

Vote: 5 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

NEW BUSINESS:

Order No. 25-047. First reading to consider the proposed Contract Zone for the South Portland Housing Development Corporation for the development of multi-family housing located at 578 US Route One, Assessor's Map U034, Lot 1. [Applicant, Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. She then introduced Benjamin Mohny, Development Officer for the South Portland Housing Development Corporation, who gave a brief history of the organization and what the proposal contained. He then introduced Sam Labelle of Acorn Engineering who went on to talk about the site and the surrounding area and the design. Tom Erico from T.Y. Lin who addressed the traffic assessment that had been conducted.

The following individuals spoke on this Order:

- Victor Rodriguez of US Route One, voiced his concerns related to this proposal and did not support it.
- Sam Cofone of US Route One, voiced his concerns related to this proposal and did not support it. He commented on increase of services to at Jocelyn Place and felt that it would happen here if it were built.
- Shannon Hay of Broadturn Road and a lifelong resident, voiced her opposition to the amount of growth, the traffic in the Dunstan area and did not support proposal and asked the Council to not support this.
- Tracey St. John of Hidden Creek Drive, spoke against the proposal being offered and was concerned the traffic.
- Lynda Despres of Bay Street, voiced her concerns regarding this project, in particular the add traffic this would bring.
- Kayla Meijer Jasper Street, spoke against this Order. She added that it would nice to have a areas where kids could play and people could gather.
- Richard Hayes of Martin Avenue spoke in opposition of this proposal.
- Tristan Hamilton of Lamp Lighter Lane, did not support this proposal and went on to voice his concerns why – the big issue was the added traffic to an area that is already congested.
- Scott Berry Pine Point, spoke against this proposal and went on to voice why.
- Stannis Moody Robert of County Road, spoke on the need if affordable housing, as long as it is in the right place.
- Tim Diomede of Ryefield Drive, did not support this propose and went on to explain why. Traffic being a big issue.
- Marvin Gates of Black Point Road, is opposed to the project, as it is being proposed.
- Pat Sullivan of Queens Drive, opposed this proposal as proposed.
- Susan Hamill of Bay Street voiced her opposition to this proposal.
- Alyson Bristol, of Bayview Avenue was unable to attend the meeting and submitted the follow email to be included in the official record:

“Dear Councilors:

I am unable to attend tonight's Council meeting, but wanted to offer comments in regard to the Marshview Terrace Contract Zone agenda item and the Marshview Terrace project in general for inclusion in the public record.

First, in regard to the project itself, having attended last week's Housing Alliance meeting, I can appreciate Tom's very good point about affordable housing projects having many moving pieces and understand the submission of the multiple applications involved is not a linear process. However, I do think it's important that the public is made aware of the financial implication to taxpayers of any affordable or workforce housing projects

Scarborough might be considering before site plans, Housing Alliance grants, contract zones, etc. are approved or given preliminary approval. Too many times have developers/commercial businesses been given a pass for "being in the pipeline" when public concerns have been raised at Council meetings (think marijuana moratorium, Two Rod Road FedEx project). This feels like that. Full or preliminary approval of the Marshview Terrace contract zone agreement is premature.

Looking at Council's Growth, Housing & Land Use Goals for 2025, before any of the Marshview Terrace applications are preliminarily or fully approved, the Council needs to examine a housing needs assessment, clearly and publicly define the number and type of affordable and workforce housing based on that need over the next ten years, and in addition to the Council workshop discussion which I believe is scheduled in early June, engage the public on the affordable and workforce housing discussion before any number or type of housing is determined.

Regarding the draft document itself, here are a few at-a-glance comments on some of the provisions:

WHEREAS, the Projects would qualify for additional residential density pursuant to the Residential Density and Affordable Housing Provisions set forth in Section VIIC of the Zoning Ordinance and by applying these density bonus can achieve the contemplated maximum unit count of ninety-six units across the Property;

Depending on how you read this language, it implies the Projects qualify for Affordable Housing Provisions set forth in the Rate of Growth Ordinance, which could mean permits be pulled from the Affordable/Workforce Housing pool vs Area 2. Autumn's presentation to Planning Board showed 100 permits remained in the 2023-2026 Area 2 Allocation. If the project moves forward, any permits should be pulled from there.

WHEREAS, the Project helps to achieve the strategy objective of the Comprehensive Plan in which the Town endeavors to assure that at least ten percent of new housing units created in Scarborough are affordable (Addendum A to Comprehensive Plan);

Addendum A of the 2021 Comprehensive Plan sets forth a goal of 10% of all new housing be affordable. By my calculation, we are already there. The Rate of Growth Ordinance amended in 2023 allows for 2055 new growth permits over 9 years - 685 over three years x 3 - not including the affordable pool. Jocelyn Place (60), Uplands I & II at The Downs (78) and Village Commons (31) total 169. The 3i project at The Downs (51) brings the total to 220 (32% in the first ROG three year increment of 685).

It's also important to factor in the number of additional affordable housing units with either rent (RR) or income-based (IR) restrictions that also exist in Scarborough: Bessey Commons (54 RR units, also senior restricted), Meadow Woods (37 RR) Southgate (38 RR), The Oaks (60 RR), and The Villages at Oak Hill (38 IR), which brings the total number of affordable housing units in Scarborough without Marshview Terrace to 447, 223 of which are senior restricted housing. If I recall correctly from tax reval presentations, Scarborough has @ 450 residents who qualify for tax assistance under the new thresholds, so it seems the housing to need ratio is 1:1. I also understand from Council meeting discussion and a conversation with Ben Mohny at SoPo Housing Development Corp. that since Jocelyn Place, state law no longer allows a regional preference for any project funded with low income housing

credits, so any new senior housing would be open to anyone, not just Scarborough residents funding projects through CEAs.

Building Height: There shall be no maximum building height. The maximum number of stories of any building located in the Contract Zone shall be four (4) stories.

Why no height restriction?

Use Restrictions: The uses allowed or permitted on the Property shall be limited to (i) multifamily residential, and (ii) commercial uses located on the first floor of multifamily residential buildings, and (iii) accessory uses.

I believe this is the first time the idea of first floor commercial uses and accessory uses has been mentioned. It wasn't included in the Housing Alliance grant application. This should be a no. Why would taxpayers be subject to a CEA(s) to support commercial or accessory uses?

Affordability: No less than fifty-one percent (51%) of the dwelling units developed within the Contract Zone shall be affordable to a household whose income does not exceed eight percent (80%) of the area median income as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended.

This 51% is also being brought to light for the first time and was not included in the Housing Alliance grant application. This leaves the door open to allow market-rate rents on half of the units. This also should be a no. Taxpayers should not be subject to CEA(s) to subsidize market rate rentals.

As always, thank you for your time and consideration. I look forward to watching the discussion at a later date.

Respectfully -

*Alyson Bristol
6 Bayview Avenue"*

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the first reading on the proposed Contract Zone – Marshview Terrace and schedule a public hearing for Wednesday, May 21, 2025.

Vote: 6 Nays. Motion Fails.

The Council Chair called for a brief recess at 9:37 p.m. The meeting was reconvened at 9:45 p.m.

Order No. 25-048. First reading on the proposed amendment to Chapter 405C - the Shoreland Zoning Ordinance to expand the Stream Protection Overlay District and amend the Shoreland Zoning Map to reflect associated changes. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Angela Blanchette, Town Engineer responded to questions from the Town Council. The following individuals spoke on this Order:

- Stanis Moody Roberts of County Road, commended the Town for in putting this proposal together and went on to voice his support on the proposed amendment.

- Thomas J. Hall of Saratoga Lane spoke on the 75 foot setback, noting that his structure is probably very close to 75, so anything further would cause concern with that he could or couldn't do with my primary residence.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the first reading on the proposed amendment to Chapter 405C - the Shoreland Zoning Ordinance to expand the Stream Protection Overlay District and amend the Shoreland Zoning Map to reflect associated changes and schedule the public hearing and second reading for Wednesday, May 21, 2025, as follows:

CHAPTER 405C – TOWN OF SCARBOROUGH SHORELAND 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 405c the Shoreland Zoning Ordinance and the Zoning Map, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which developments would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. In developing the Official Shoreland Zoning Map, areas of the following types were included in the Resource Protection District unless such areas were already developed at the time of mapping.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on the Geographic Information System (GIS) data layer maintained by either Maine Department of Inland Fisheries and Wildlife or the Maine Department of Environmental Protection as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river. (amended 07/15/2009)
2. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973. (adopted 07/15/2009)
3. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100-year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
4. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

5. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water. (adopted 07/15/2009)
6. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
7. Freshwater wetlands not rated "moderate" or "high" by the Maine Department of Inland Fisheries and Wildlife but substantially surrounded by areas included in the Resource Protection District because of other characteristics described in this Section 13 (A).

B. Stream Protection Overlay District

The Stream Protection Overlay District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, ~~excluding those~~ areas within the Stream Protection 2 District and ~~excluding those~~ areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland.

The Stream Protection Overlay District also includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of any stream listed as impaired in the Maine Department of Environmental Protection's (DEP) Integrated Water Quality and Assessment Report (303d list). For streams listed on Maine DEP's 303d list, the Stream Protection Overlay District applies to the entire length of the stream.

Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Areas in the Stream Protection Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008) (amended 07/15/2009) (amended 06/03/2020, effective date 10/01/2020)

C. Stream Protection 2 Overlay District

The Stream Protection 2 Overlay District includes all land areas within two hundred fifty (250) feet of the normal high water line of Stuart Brook east of the Maine Turnpike excluding the area within the travel way of Lucky Lane and the area upland of this way as shown on the Official Zoning Map and the normal high water line of the Nonesuch River as shown on the Official Zoning Map. Areas in the Stream Protection 2 Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008; amended 05/08/2010; amended 05/05/2010) (amended 06/03/2020, effective date 10/01/2020)

D. Shoreland Overlay District

All land areas in the shoreland zone which are not in the Resource Protection District, the Stream Protection District, or the Stream Protection 2 District are in the Shoreland Overlay District. Areas in the Shoreland Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008)

Section 14. Table of Land Uses (amended 06/03/2020, effective date 10/01/2020)

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform to all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map (amended 05/05/2010).

Key to Table 1:

405 – Permitting authority and requirements defers to Chapter 405, Scarborough Zoning Ordinance

Yes - Allowed (no permit required but the use must comply with all applicable land use standards).

No - Prohibited

PB - Allowed with permit issued by the Planning Board (amended 07/15/2009)

CEO - Allowed with permit issued by the Code Enforcement Officer (amended 07/15/2009)

LPI - Allowed with permit issued by the Local Plumbing Inspector (amended 07/15/2009)

Abbreviations:

RP - Resource Protection

SP - Stream Protection Overlay (amended 02/06/2008)

SP2 - Stream Protection 2 Overlay

SO - Shoreland Overlay

TABLE 1. LAND USES IN THE SHORELAND ZONE				
<u>LAND USES</u>	<u>DISTRICTS</u>			
	<u>SO¹</u>	<u>SP¹</u>	<u>SP2¹</u>	<u>RP</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	Yes	Yes
4. Timber harvesting	Yes	Yes	Yes	CEO ²
5. Clearing or removal of vegetation for activities other than timber harvesting (amended 07/15/2009)	Yes	CEO	CEO ¹¹	CEO ²
6. Fire prevention activities	Yes	Yes	Yes	Yes
7. Wildlife management practices	Yes	Yes	Yes	Yes
8. Soil and water conservation practices	Yes	Yes	Yes	Yes
9. Mineral exploration	405 ¹	405 ¹	405 ¹	Yes ³
10. Mineral extraction including sand and gravel extraction	405 ¹	405 ¹	405 ¹	PB ⁴
11. Surveying and resource analysis	405 ¹	405 ¹	405 ¹	Yes
12. Emergency operations	405 ¹	405 ¹	405 ¹	Yes
13. Agriculture	405 ¹	405 ¹	405 ¹	CEO
14. Aquaculture (amended 07/15/2009)	405 ¹	405 ¹	405 ¹	PB
15. Principal structures and uses				
A. One and two family residential, including driveways (amended 07/15/2009)	405 ¹	405 ¹	405 ¹	No
B. Multi-unit residential	405 ¹	405 ¹	405 ¹	No
C. Commercial	405 ¹	405 ¹	405 ¹	No
D. Industrial	405 ¹	405 ¹	405 ¹	No
E. Governmental and Institutional	405 ¹	405 ¹	405 ¹	No

TABLE 1. LAND USES IN THE SHORELAND ZONE				
LAND USES	DISTRICTS			
	SO¹	SP¹	SP2¹	RP
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	405 ¹	405 ¹	405 ¹	PB
16. Structures accessory to allowed uses	405 ¹	405 ¹	405 ¹	PB
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences (amended 07/15/2009)	CEO	CEO	CEO	No
19. Home occupations (amended 07/15/2009)	405 ¹	405 ¹	405 ¹	No
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	No
21. Essential services	CEO	PB ⁶	Yes ¹¹	PB ⁶
22. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development	PB	PB	Yes ¹¹	PB ¹⁰
24. Campgrounds	405 ¹	405 ¹	405 ¹	No ⁷
25. Road construction (amended 07/15/2009)	PB ⁸	PB ⁸	Yes ¹¹	No ⁹
26. Land management roads	Yes	Yes	Yes	PB
27. Parking facilities	CEO/PB	PB	CEO/PB ¹¹	No ⁷
28. Marinas	PB	PB	Yes ¹¹	No
29. Filling and earthmoving of < 10 cubic yards	Yes	CEO	Yes ¹¹	CEO
30. Filling and earthmoving of > 10 cubic yards but less than 500 cubic yards (amended 07/15/2009)	CEO	PB	Yes ¹¹	PB
31. Filling and earthmoving > 500 cubic yards (adopted 07/15/2009)	PB	PB	PB	PB
32. Signs	405 ¹	405 ¹	405 ¹	405 ¹
33. Uses similar to allowed uses	405 ¹	405 ¹	405 ¹	CEO
34. Uses similar to uses requiring a CEO permit	405 ¹	405 ¹	405 ¹	CEO
35. Uses similar to uses requiring a PB permit (amended 07/15/2009)	405 ¹	405 ¹	405 ¹	PB

¹In the Shoreland Overlay, Stream Protection Overlay, and Stream Protection 2 Overlay district uses are governed by the district regulations of the Scarborough Zoning Ordinance for the district in which the property is located, unless otherwise indicated in this table. (amended 07/15/2009) (amended 06/03/2020, effective date 10/01/2020)

²In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

³Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

⁴In RP not permitted in areas so designated because of wildlife value.

⁵Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

⁸Except that no permit is required for the repair or maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

- (1) not more than one standard culvert size wider in diameter than the culvert being replaced;
- (2) not more than 25% longer than the culvert being replaced; and
- (3) not longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exception. The person repairing, replacing or maintaining an existing culvert pursuant to this exception shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course.

⁹Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

¹⁰May include no more than one accessory food concession stand, cart or booth located inside a structure existing on August 5, 1992, provided no on-site waste water disposal is required for the operation of the concession. [Planning Board review is not required to operate such a concession at a recreational area which lawfully existed on August 5, 1992]. (amended 07/05/95)

¹¹ Uses located greater than 75 feet, horizontal distance, from the normal high water line shall be allowed. Uses less than 75 feet, horizontal distance from the normal high water line shall be regulated by the authority established in the SP column.

¹² See further restrictions in Section 15(B)(1)

Zoning Map:



Vote: 6 Yeas. Motion Passes.

Order No. 25-049. Act on the request to sign the Warrants for the regular School Budget Validation Referendum Election, the Board of Education Municipal Election and the Special Municipal Election for Town Council, scheduled for Tuesday, June 10, 2025, at the Scarborough High School – Alumni Gym; appoint the warden and warden clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections, Title 21-A, §503 and authorize the Town Clerk to make any additional appointments as necessary. [Town Clerk’s Office] The Town Clerk gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the request to sign the Warrants for the regular School Budget Validation Referendum Election, the Board of Education Municipal Election and the Special Municipal Election for Town Council, scheduled for Tuesday, June 10, 2025, at the Scarborough High School – Alumni Gym; appoint the warden and warden clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections, Title 21-A, §503 and authorize the Town Clerk to make any additional appointments as necessary, as follows:

WARRANT
REGULAR MUNICIPAL ELECTION AND SCHOOL BUDGET VALIDATION
REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
TUESDAY, JUNE 10, 2025
DAY AND DATE OF ELECTION

Municipality: Scarborough **Voting District:** Town Wide
Voting Place Name: Scarborough High School **Voting Location:** 11 Municipal Drive
Polls Open at 7:00 A.M. **Polls Close at 8:00 P.M.**

Absentee Ballot Processing (check all that apply):
Processed by: Clerk (Centrally) ☐ Clerk (At Polls) ☒
Date/Time of Processing:
☒ **During** Election Day (6/10/2025) Processing Time(s): 8:30 a.m., 10:30 a.m. & 7:30 p.m.
☐ **Only** after 8:00 p.m. on Election Day (6/10/2025): _____

=====

County of Cumberland, ss State of Maine
To: Mark A. Holmquist, the Police Chief of Scarborough:
You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Regular and Special Municipal Elections and the School Budget Validation Referendum Election, as described in this warrant.
To the Voters of the Town of Scarborough:
You are hereby notified that an election for the purpose of a Regular and Special Municipal Elections and the School Budget Validation Referendum Election, will be held on Tuesday, June 10, 2025 at the Scarborough High School Alumni Gymnasium, located at 11 Municipal Drive:

FOR BOARD OF EDUCATION

Vote for Three (3)

Term of 3 Years

Jacobs, Charlotte M.
Kelleher III, John Joseph Patrick
Trapini-Huff, Jillian B.

TOWN COUNCIL

Vote for ONE (1)

To fill a vacancy created by the resignation of
Donald W. Cushing, Jr., with a term to expire 2026.

Cain, Lawrence W.
Gondzar, Donald Scott
Maurer, Crescencia

School Budget Validation Referendum Question No. 1:

YES Do you favor approving the Scarborough School budget for the upcoming school
NO year that was adopted at the latest Town of Scarborough budget meeting?

School Budget Validation Referendum Question No. 2:

YES Do you wish to continue the budget validation referendum process in the
NO Scarborough School Administrative Unit for an Additional three years?

The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed as noted above.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list, to accept the registration of any person eligible to vote, and to accept new enrollments.

A person who is not registered as a voter may not vote in any Scarborough election.

Given under our hand this 7th day of May, 2025, at Scarborough, Maine, by the Scarborough Town Council.

A True Copy Attested:

Date:

Election Workers for the June 10, 2025 Election:

Alyson Bristol	Cheryl Plowman	Cindy Kueck - Warden
Ashley Collins	Darlene Greenfield	Diane Warren
Barbara Fagnant	Doug Friedman	Elizabeth Grand
Beverly Dahms	James Horrigan	Janice Rogan
Blue Smith	Karolyn Lowe	Linda Cohen
Brittaney Jackson	Lorraine LaChappelle	Margaret Smetana
Cathy Brunt	Maria Connolly	Marie Eschner
Cathy Hendrix	Marjorie DeSantis	Mary Ellen Brown
Charlene Gilchrest	Pat Dunn	Paul Wolf
Susan Griffin	Vera Dobbs.	

Vote: 6 Yeas. Motion Passes.

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

Item 11. Council Member Comments.

- Councilor Anderson commented on the evenings meeting and public comments that had been made. We all serve because we love our community and want to see our community get better. We are a pretty diverse group and have different perspectives and appreciate how we can debate. He thanked Councilor Cushing for his service to the community and his contributions to this Council.
- Councilor Fellows thanked Councilor Cushing for stepping up and for his service and his perspective. He went on to comment on the robust public outreach on the big ticket time this evening and was struck as I was reading all the emails and listening to the speakers. He spoke on the school enrollment; growth and the quality of life that we have in Scarborough.
- Councilor Doherty thanked Councilor Cushing for his service and felt that he had worked hard and really tried to make the town better.
- Councilor Shupe thank Councilor Cushing for stepping up to serve the Community and appreciate you giving your time and effort it takes to be a Councilor.
- Council Chair Sither stated that she really admired about Councilor Cushing is that he calls it like he sees it and she felt residents really appreciated and you will be missed by many of our regulars and frequent flyers, because you have a voice for some people that do not always feel like they are being heard. Thank you for your service
- Councilor Cushing thanked the Council and it had been a pleasure to serve and he had learned a number of things about the difficulty of this task for everybody, how much time it takes to do things. It's not the work or the length of the meetings, or the inability to get a drink and a sandwich when I go home, or any of any of those things. I think that the truth of the matter is that I've made my point. He can assure you is that his perspective will always be available at the same price.

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

Vote: 6 Yeas. Motion Passes.

Meeting adjourned at 10:06 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council