

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – MAY 21, 2025  
HYBRID REGULAR MEETING – 6:00 P.M.**

**Item 1. Call to Order.** Council Chair Sither called the regular meeting of the Scarborough Town Council to order at 6:03 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

Councilor William J. Donovan

Councilor Karin B. Shupe - Absent

Councilor Jonathan E. Anderson

Councilor Cory R. Fellows - Absent

Council Chair April V. Sither

**Order No 25-050. Act on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating one Hardship/Poverty Tax Abatement Case: Case #2025-001 and to come back to public session to take action on the above mentioned Hardship/Poverty Tax Abatement Case. [Town Manager]** Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating one Hardship/Poverty Tax Abatement Case: Case #2025-001 and to come back to public session to take action on the above mentioned Hardship/Poverty Tax Abatement Case.

Vote: 4 Yeas. Motion Passes.

The Town Council recessed to executive session at 6:04 p.m. Council Chair Sither reconvened the meeting at 6:25 p.m. She noted the Town Council would be acting on the Tax Abatement Case.

Motion by Council Chair Sither, seconded by Councilor Anderson, to move approval to grant an abatement request, pursuant to Title 36, MRSA §3841(2), in the sum of \$1,156.48. for tax years 2023 and 2024, for the Hardship/Poverty Tax Abatement Case #2025-001.

Vote: 4 Yeas. Motion Passes.

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

**Item 5. Minutes: May 7, 2025 - Town Council Meeting.** Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the minutes of the May 7, 2025, regular Town Council meeting.

Vote: 4 Yeas. Motion Passes.

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

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

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

- **Black Point Road Reconstruction Project** -
  - Awarded to Shaw Brothers- notably below Engineer's Estimate
  - Project ahead of schedule
  - Substantial Completion required by June 13, 2025
- **Eastern Trail- Close The Gap** -
  - Bid Opening on April 24, 20205
  - Final funding identified
  - Bid Awarded to Shaw Brothers
  - Pre-Construction Meeting to be scheduled
- **Sale of Beach Passes** -
  - On sale May 1, 2025
  - Non-resident passes nearly sold out - (350 limit)
- **SBAC2 Site Selection** -
  - vernal pool evaluations on four sites- none "significant"
  - soil conditions considered
  - Site assumptions made in cost estimates
  - Recommendation on preferred site imminent
  - Letter of Intent expected for June 4 consideration
- **Short-Term Rentals** -
  - Public Meeting on May 15- approximately 60 attendees
  - Public Comments received until July 1
  - Ordinance Committee on July 9
- **Marshview Project** –
  - Came before the Council at last meeting and was turned away
  - They have submitted another application that has been modified
  - 50 Unit multi-story/one bedroom senior focused
  - Smaller project, number of pieces, potential of establishing TIF District in Dunstan
- **Housekeeping** -
  - June 4 Council Workshop with the Housing Alliance
  - June 18 Council Workshop RE Council Goals
- **June Elections** -
  - 444 Absentee Ballots have been issued and 122 have been returned
  - Election day is Tuesday, June 10<sup>th</sup>

**Item 9. Standing and Special Committee Reports and Liaison Reports.**

- Councilor Anderson gave a brief overview on the Long Range Planning Committee and the Finance Committee and the Library.
- Councilor Donovan gave an update on the School Building Advisory Committee.
- Councilor Chair Sither noted that she had been attending meetings that normally would have been attended by former Councilor Cushing. She noted that she would be attending the District Emergency Management meeting and that the Communications Committee would be meeting next month and she and Councilor Donovan would be doing Councilor Corner for June.

**Proclamation 25-003. Act on the request to proclaim the month of May 2025, as Building Safety Month.** [Zoning Administrator] Autumn Speer, Planning Director, gave a brief overview on this Proclamation.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Proclamation 25-003, proclaiming the month of May 2025 as Building Safety Month, as follows:

***Proclamation 25-003***

***Proclaiming May 2025 as Building Safety Month***

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

**WHEREAS**, our Town of Scarborough is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

**WHEREAS**, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

**WHEREAS**, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes and standards to protect us in the buildings where we live, learn, work and play, and;

**WHEREAS**, these modern building codes and standards include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

**WHEREAS**, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

**WHEREAS**, “Game On!,” the theme for Building Safety Month 2025, encourages us all to get involved and raise awareness about building safety on a personal, local and global scale, and;

**WHEREAS**, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local, state, tribal, territorial, and federal building safety and fire prevention departments, in protecting lives and property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Scarborough Town Council, does hereby proclaim the month of May 2025 as:

***Building Safety Month***

throughout Town of Scarborough Maine, and we urge all citizens to join us as we participate in Building Safety Month activities.

Signed and dated this 21<sup>st</sup> day of May, 2025, on behalf of the Town Council and the Town Manager of Scarborough, Maine. Signed by the Council Chair and attested by the Clerk of the Council.

Vote: 4 Yeas. Motion Passes.

**Resolution 25-005. Act on the request to approve Resolution 25-005, in support of the adoption the Greater Portland Council of Government (GPCOG) Vision Zero Plan. [Transportation Committee]**  
Councilor Anderson gave a brief overview on this Resolve.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Resolution 25-005, in support of the adoption the Greater Portland Council of Government (GPCOG) Vision Zero Plan, as follows:

**RESOLUTION 25-005**

**A RESOLUTION OF THE TOWN OF SCARBOROUGH TO  
ADOPT THE GREATER PORTLAND COUNCIL OF GOVERNMENTS  
REGIONAL VISION ZERO ACTION PLAN**

**WHEREAS**, the life and health of all persons living and traveling within the Town of Scarborough are our utmost priority, and no one should die or be seriously injured while traveling on our streets; and,

**WHEREAS**, Vision Zero is the concept that traffic deaths and serious injuries on our roadways are unacceptable; and,

**WHEREAS**, Vision Zero is a holistic strategy aimed at eliminating all traffic fatalities and severe injuries suffered by all road users while increasing safe, healthy, equitable mobility for all; and,

**WHEREAS**, streets and transportation systems have traditionally been designed primarily to move cars efficiently, and Vision Zero supports a paradigm shift by designing streets and transportation systems to move all people safely, including people of all ages and abilities, pedestrians, bicyclists, public transit users, scooter riders, and motorcyclists, as well as drivers and passengers of motor vehicles; and,

**WHEREAS**, the provision of a more complete bicycle and pedestrian network increases transit accessibility and a reduction in vehicle trips; and,

**WHEREAS**, Vision Zero recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure that those inevitable mistakes do not result in severe injuries or fatalities; therefore, transportation planners and engineers and policymakers are expected to improve the roadway environment, policies, and other related systems to lessen the severity of crashes and improve post-crash care; and,

**WEHEREAS**, according to the Centers for Disease Control and Prevention, traffic crashes are among the leading cause of deaths in the United States; and,

**WHEREAS**, according to the Greater Council of Government (GPCOG), in 2024 there were 24 deaths and 144 serious injuries due to traffic crashes across the Greater Portland region; and,

**WHEREAS**, since 2020 an average of 2 people each year in the Scarborough have lost their lives to traffic crashes and another 12 people on average are seriously injured each year; and,

**WHEREAS**, Scarborough's transportation infrastructure serves an increasing number of vulnerable road users such as pedestrians and bicyclists; and,

**WHEREAS**, the Institute of Transportation Engineers reports that speed is recognized as a major determining factor of survival in a crash; and,

**WHEREAS**, children, older adults, people of color, people with disabilities, people who are unhoused, and people with low income face a significantly disproportionate risk of traffic injuries and fatalities; and,<sup>1</sup>

**WHEREAS**, making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which supports a healthier, more active lifestyle and reduces environmental pollution; and,

**WHEREAS**, successful Vision Zero programs result from strong community support, effective partnerships across public, private and non-profit sectors and with school districts, and in alignment with related municipal ordinances, policies, and action plans; and,

**WHEREAS**, the Greater Portland Council of Governments (GPCOG) has developed a Vision Zero Plan aiming to eliminate all fatalities and serious injuries resulting from traffic crashes in the Greater Portland region by 2045; and,

**WHEREAS**, The Portland Area Comprehensive Transportation System (PACTS), which is the Regional's federally designated Metropolitan Planning Organization (MPO), and of which the Town of Scarborough is a member, adopted the Regional Vision Zero Plan in 2023; and,

**WHEREAS**, the Town of Scarborough recognizes its obligation to work with Maine Department of Transportation on roads under the State's Jurisdiction; and,

**WHEREAS**, Scarborough intends to work with the Maine Department of Transportation (MaineDOT) toward safer roads and safer speeds in town, as MaineDOT sets speed limits on State and local roads, and as MaineDOT updates their speed limit policy; and,

**WHEREAS**, Scarborough has already adopted a Complete Streets Policy in 2015; and,

**WHEREAS**, Scarborough is currently working on a Complete Streets and Traffic Calming Guidance document.

**NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Scarborough, State of Maine, as follows:**

1. The Town of Scarborough adopts the GPCOG's Vision Zero Action Plan attached hereto as Exhibit A and makes it part of this Resolution, effective immediately.
2. The Scarborough Town Clerk shall certify the adoption of this Resolution, effective immediately, by the Town Council.
3. Future transportation infrastructure projects and relevant initiatives within Public Safety shall comply with this policy to prioritize safety on our roadways.
4. The implementation schedule of the 2025 Townwide Transportation Study shall be given preference based on this policy.
5. Scarborough Town Council directs local governing bodies and Town Committees to consider the Vision Zero policy in their deliberations and discussions.

**PASSED AND ADOPTED** by the Town Council of the Scarborough, State of Maine, on May 21, 2025, by the following vote: [\_\_\_\_\_].

Signed and sealed this the 21<sup>st</sup> 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 Town Clerk.

*Footnotes*

1. Fox J. Shahum L. *Vision Zero Equity Strategies for Practitioners*. Oakland, CA: Vision Zero Network; 2017.

Vote: 4 Yeas. Motion Passes.

**Resolution 25-006. Act on the request to approve Resolution 25-006, to oppose Maine LD 1093 regarding Scarborough Beach. [Council Chair Sither]** Council Chair Sither gave a brief overview on this Order. The following individual

- Jack Lufkin of Black Point Resource Management, spoke in support of the proposed Resolution.
- Elizabeth Von Stade of Ferry Road, spoke in support of the proposed Resolution and voiced her concerns why.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Resolution 25-006, to oppose Maine LD 1093 regarding Scarborough Beach, as follows:

**RESOLUTION 25-006**  
**RESOLUTION TO OPPOSE**  
**MAINE LD 1093 REGARDING SCARBOROUGH BEACH**

**WHEREAS** Scarborough Beach is an important natural resource within the Town of Scarborough that has provided generations of Maine residents and visitors with safe recreational opportunities to enjoy the Maine coast; and,

**WHEREAS** Scarborough Beach is located in an environmentally sensitive residential area within the Town of Scarborough near the end of a peninsula, served by a two-lane road, with limited access and parking that necessitates careful management of vehicular traffic and parking in order to ensure public safety; and,

**WHEREAS** the operations of Scarborough Beach, including parking and traffic, have been cooperatively managed for nearly twenty-five years through the cooperation of the State of Maine, Black Point Resource Management, and the Town of Scarborough; and,

**WHEREAS** during the 132<sup>nd</sup> Maine Legislature, a bill was introduced that, in part, would have required Scarborough Beach to remove any reference to “State Park” in its name. This bill, LD 1093, An Act to Direct the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to Prevent the Use of the Term "State Park" by Nonstate Parks, was later amended on April 8, 2025 by the Maine Legislature’s Joint Standing Committee on Agriculture, Conservation and Forestry in a manner that would require Scarborough Beach to allow any of the nearly 40,000 holders of Maine State Park annual passes to access Scarborough Beach without an additional fee; and,

**WHEREAS** the effect of the committee amendment to LD 1093 could have devastating effects with regard to Scarborough Beach, the adjacent residential neighborhoods, the Town of Scarborough, and the State of Maine that is likely to undermine the revenues needed to support future operation of Scarborough Beach and overwhelm the beach and the adjacent neighborhoods with more vehicular traffic than can be handled in this sensitive and congested area; and,

**WHEREAS**, despite the obvious relationship between the committee amendment and the operations of Scarborough Beach, no advance notice was provided to the Town of Scarborough, Black Point Resource Management, or the neighbors of Scarborough Beach that such an amendment was being considered by the Legislature.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Scarborough expresses its strong opposition to the April 8, 2025 committee amendment to LD 1093 that requires Scarborough Beach to accept state park passes, and the Town further urges the Maine Legislature to either amend the bill to remove this requirement or vote the entire bill "Ought Not To Pass.”

Signed and sealed this the 21<sup>st</sup> day of May, 2025, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Council Chair and attested by the Clerk to the Council.

Vote: 4 Yeas. Motion Passes.

**Order No. 25-048, 6:00 p.m. Public hearing and second 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. The Council Chair opened the public hearing. There being no comments either for or against, the hearing was closed at 7:48 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second 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; 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 Shoreland 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

| <b>TABLE 1. LAND USES IN THE SHORELAND ZONE</b>                                                       |                              |                              |                               |                  |
|-------------------------------------------------------------------------------------------------------|------------------------------|------------------------------|-------------------------------|------------------|
| <b><u>LAND USES</u></b>                                                                               | <b><u>DISTRICTS</u></b>      |                              |                               |                  |
|                                                                                                       | <b><u>SO</u><sup>1</sup></b> | <b><u>SP</u><sup>1</sup></b> | <b><u>SP2</u><sup>1</sup></b> | <b><u>RP</u></b> |
| 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 <sup>2</sup> |
| 5. Clearing or removal of vegetation for activities other than timber harvesting (amended 07/15/2009) | Yes                          | CEO                          | CEO <sup>11</sup>             | CEO <sup>2</sup> |
| 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 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | Yes <sup>3</sup> |
| 10. Mineral extraction including sand and gravel extraction                                           | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | PB <sup>4</sup>  |
| 11. Surveying and resource analysis                                                                   | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | Yes              |
| 12. Emergency operations                                                                              | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | Yes              |
| 13. Agriculture                                                                                       | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | CEO              |
| 14. Aquaculture (amended 07/15/2009)                                                                  | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | PB               |
| 15. Principal structures and uses                                                                     |                              |                              |                               |                  |
| A. One and two family residential, including driveways (amended 07/15/2009)                           | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | No               |
| B. Multi-unit residential                                                                             | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | No               |
| C. Commercial                                                                                         | 405 <sup>1</sup>             | 405 <sup>1</sup>             | 405 <sup>1</sup>              | No               |

| <b>TABLE 1. LAND USES IN THE SHORELAND ZONE</b>                                                                                        |                       |                       |                        |                  |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|------------------------|------------------|
| <b>LAND USES</b>                                                                                                                       | <b>DISTRICTS</b>      |                       |                        |                  |
|                                                                                                                                        | <b>SO<sup>1</sup></b> | <b>SP<sup>1</sup></b> | <b>SP2<sup>1</sup></b> | <b>RP</b>        |
| D. Industrial                                                                                                                          | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | No               |
| E. Governmental and Institutional                                                                                                      | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | No               |
| F. Small non-residential facilities for educational, scientific, or nature interpretation purposes                                     | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | PB               |
| 16. Structures accessory to allowed uses                                                                                               | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | 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 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | No               |
| 20. Private sewage disposal systems for allowed uses                                                                                   | LPI                   | LPI                   | LPI                    | No               |
| 21. Essential services                                                                                                                 | CEO                   | PB <sup>6</sup>       | Yes <sup>11</sup>      | PB <sup>6</sup>  |
| 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 <sup>11</sup>      | PB <sup>10</sup> |
| 24. Campgrounds                                                                                                                        | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | No <sup>7</sup>  |
| 25. Road construction (amended 07/15/2009)                                                                                             | PB <sup>8</sup>       | PB <sup>8</sup>       | Yes <sup>11</sup>      | No <sup>9</sup>  |
| 26. Land management roads                                                                                                              | Yes                   | Yes                   | Yes                    | PB               |
| 27. Parking facilities                                                                                                                 | CEO/PB                | PB                    | CEO/PB <sup>11</sup>   | No <sup>7</sup>  |
| 28. Marinas                                                                                                                            | PB                    | PB                    | Yes <sup>11</sup>      | No               |
| 29. Filling and earthmoving of < 10 cubic yards                                                                                        | Yes                   | CEO                   | Yes <sup>11</sup>      | CEO              |
| 30. Filling and earthmoving of > 10 cubic yards but less than 500 cubic yards (amended 07/15/2009)                                     | CEO                   | PB                    | Yes <sup>11</sup>      | PB               |
| 31. Filling and earthmoving > 500 cubic yards (adopted 07/15/2009)                                                                     | PB                    | PB                    | PB                     | PB               |
| 32. Signs                                                                                                                              | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | 405 <sup>1</sup> |
| 33. Uses similar to allowed uses                                                                                                       | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | CEO              |
| 34. Uses similar to uses requiring a CEO permit                                                                                        | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | CEO              |
| 35. Uses similar to uses requiring a PB permit (amended 07/15/2009)                                                                    | 405 <sup>1</sup>      | 405 <sup>1</sup>      | 405 <sup>1</sup>       | PB               |

<sup>1</sup>In 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)

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

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

<sup>4</sup>In RP not permitted in areas so designated because of wildlife value.

<sup>5</sup>Provided that a variance from the setback requirement is obtained from the Board of Appeals.

<sup>6</sup>See further restrictions in Section 15(L)(2).

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

<sup>8</sup>Except 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.

<sup>9</sup>Except 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.

<sup>10</sup>May 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)

<sup>11</sup> 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.

<sup>12</sup> See further restrictions in Section 15(B)(1)

Zoning Map:



Vote: 4 Yeas. Motion Passes.

**Order No 25-051, 6:00 p.m. Public hearing and action on the new request for a Food Handlers License, a Liquor License and a Special Amusement Permit from G. Robert Tod, Jr., d/b/a, Allagash Brewing, located at 10 Market Street, Unit 25. [Town Clerk's Office]** The Town Clerk gave a brief overview on this Order. The Council Chair opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:22 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for a Food Handlers License, a Liquor License and a Special Amusement Permit from G. Robert Tod, Jr., d/b/a, Allagash Brewing, located at 10 Market Street, Unit 25.

Vote: 4 Yeas. Motion Passes.

**Order No. 25-052, 7:30 p.m. Public hearing and action on the new request for two Food Handlers Licenses, from Maisie Perkins, d/b/a, the Red Boot Farm Stand and the Red Boot Creamery, located at 3 Spurwink Road. [Town Clerk's Office]** The Town Clerk gave a brief overview on this Order. The Council Chair opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:23 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for two Food Handlers Licenses, from Maisie Perkins, d/b/a, the Red Boot Farm Stand and the Red Boot Creamery, located at 3 Spurwink Road.

Vote: 4 Yeas. Motion Passes.

**Order No 25-053, 6:00 p.m. Public hearing and action on the new requests for a Mobile Food Vendor License: Aaron Milberger d/b/a Cheese The Day; Katie Dargie, d/b/a Mow's Munchies, LLC; Daniel Perrenult, d/b/a Millside Creations, LLC.; Daniel Perrault, d/b/a Millside Creations, LLC (Food Cart); Jordan Rubin d/b/a Mr. Tuna; Dimitris Mihos d/b/a Carco Pizza; Melanie Smith d/b/a The Treat Truck; Juan Sanchez d/b/a El Rodeo and Nicholas Wright d/b/a Char Wrig's Sno & Dough Adventure Co. [Town Clerk's Office]** The Town Clerk gave a brief overview on this Order. The Council Chair opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:25 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new requests for a Mobile Food Vendor License: Aaron Milberger d/b/a Cheese The Day; Katie Dargie, d/b/a Mow's Munchies, LLC; Daniel Perrenult, d/b/a Millside Creations, LLC.; Daniel Perrault, d/b/a Millside Creations, LLC (Food Cart); Jordan Rubin d/b/a Mr. Tuna; Dimitris Mihos d/b/a Carco Pizza; Melanie Smith d/b/a The Treat Truck; Juan Sanchez d/b/a El Rodeo and Nicholas Wright d/b/a Char Wrig's Sno & Dough Adventure Co.

Vote: 4 Yeas. Motion Passes.

**Order No 25-054, 6:00 p.m. Public hearing and action on the renewal request for a Special Amusement Permit, from The Landing at Pine Point, located at 353 Pine Point Road. They are seeking an exemption from the Good Neighbor Ordinance. [Town Clerk's Office]** The Town Clerk gave a brief overview on this Order. The Council Chair opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:26 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the renewal request for a Special Amusement Permit, from The Landing at Pine Point, located at 353 Pine Point Road and approve their request to be exempt from the Good Neighbor Ordinance and allow entertainment Sunday through Saturday 8:00 a.m. to 12:00 a.m.

Vote: 4 Yeas. Motion Passes.

**Order No 25-055, 6:00 p.m. Public hearing and action on the renewal requests for a Special Amusement Permit from the following businesses: American Legion Libby Mitchell Post #76, located at 40 Manson Libby Road; Bayley's Campground, located at 275 Pine Point Road; Beech Ridge Barn, LLC, located at 21 Beech Ridge Road; Black Point Inn, located at 510 Black Point Road; Clambake, located at 354 Pine Point Road; Cowbell, located at 185 US Route One; Flaherty's Family Farm, Inc., located at 123 Payne Road; Higgins Beach Inn, located at 34 Ocean Avenue; Loyal Order Of Moose, located at 19 Spring Street; Pat's Pizza, located at 209 US Route One; Salty Bay Seafood Bar & Grill, located at 68 Jones Creek Drive; Seadog Brewpub, located at 1 Cabela Blvd; The Greenhouse at Highland Farm, located at 109 Highland Avenue and Throttle Car Club, located at 10 Dynamic Drive [Town Clerk's Office]** The Town Clerk gave a brief overview on this Order. The Council Chair opened the public hearing. The following spoke on this Order:

- Cyndi Ingersoll spoke on behalf of her husband, owner Salty Bay Seafood Bar and Grill. She noted that they would like to offer an amendment to their original application. We would like to conduct cornhole Sunday through Saturday from Noon to 8:00 p.m. and have live music on 3 days – Tuesday, July 15, 2025, and on Wednesday in August on the 6th and the 13<sup>th</sup> from 3:00 to 7:00 p.m. She noted that they want to be good neighbors.
- Sheila Masselli of Avenue Three, noted that she abuts the applicants property voiced her concerns with regards to the loud music and also felt the amendment being offered was better.
- Rita Doody owner of Jones Creek Drive, questioned why the Salty Bay request was even being considered when it was denied two years ago.
- Marie of Jones Creek Drive, voiced her opposition on the renewal request from Salty Bay.
- Tony Ionetti of Avenue Four, spoke regarding the amplification of music and to have it lower.
- Sharon Joncas of Avenue Two, commented on how music travels and there are many establishments who have a Special Amusement. It gets a little much.

There being no further comments either for or against, the hearing as closed at 7:47 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the renewal requests for a Special Amusement Permit from the following businesses: American Legion Libby Mitchell Post #76, located at 40 Manson Libby Road; Bayley's Campground, located at 275 Pine Point Road; Beech Ridge Barn, LLC, located at 21 Beech Ridge Road; Black Point Inn, located at 510 Black Point Road; Clambake, located at 354 Pine Point Road; Cowbell, located at 185 US Route One; Flaherty's Family Farm, Inc., located at 123 Payne Road; Higgins Beach Inn, located at 34 Ocean Avenue; Loyal Order Of Moose, located at 19 Spring Street; Pat's Pizza, located at 209 US Route One; Salty Bay Seafood Bar & Grill, located at 68 Jones Creek Drive; Seadog Brewpub, located at 1 Cabela Blvd; The Greenhouse at Highland Farm, located at 109 Highland Avenue and Throttle Car Club, located at 10 Dynamic Drive.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to divide the question and take Salty Bay on its own.

Vote: 4 Yeas. Motion Passes.

Discussion ensued around the renewal of Salty Bay's Special Amusement Permit.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the renewal request for a Special Amusement Permit for Salty Bay Seafood Bar & Grill, located at 68 Jones Creek Drive.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to accept the amended applications as follows: Music on July 15, 2025, August 6, 2025 and August 13, 2025 and Corn Hole Sunday through Saturday from 12:00 – 8:00 p.m.

Vote: 4 Yeas. Motion Passes.

Vote on all other Special Amusement Permits: 4 Yeas. Motion Passes

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:** None at this time.

**Item 10. Non-Action Item.** None at this time.

**Item 11. Council Member Comments.**

- Councilor Anderson noted that this would be his last year in his 30's and went on to comment what a great experience and journey it has been. He appreciated all the residents who came out this evening and spoke. The Council can only make decisions based on the great work of staff and residents opinions and perspectives.
- Council Chair Sither noted that prior to taking public comment this evening she had told the Town Manager how she loved local Government. When we have people in chambers and we have energy in chambers, and we have people willing to make public comment. This is local government functions, and we don't always agree. We certainly hear perspectives that we would not hear otherwise. And so I am grateful for everyone who takes the time to come out and be a part of our public meetings.
- Councilor Doherty restated that if there is a problem with Salty Bay or any establishment, they can be brought back to the Council for consideration to revoke their Special Amusement Permit.

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

Vote: 4 Yeas. Motion Passes.

Meeting adjourned at 8:03 p.m.

Respectfully submitted

Yolande P. Justice  
Clerk to the Council