

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 15, 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 7:03 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 and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

Councilor Scott W. Doherty	Councilor William J. Donovan
Councilor Lawrence W. Cain	Councilor Cory R. Fellows
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson
Council Chair April V. Sither	

Item 4. General Public Comments.

- Denise Hamilton of Two Rod Road, highlighted what she felt were inconsistencies in the handling of town matters, particularly regarding transparency and accountability. She noted changes in the landscape contractors' standards for different districts and raised concerns about specific issues on Scottow Hill Road, such as a culvert and guardrail. She stressed the importance of consistency, accountability, and thorough follow-through in town management to uphold public trust and effectively address issues.
- Don Hamill of Bay Street, spoke on the Growth Workshop that had been held previously and emphasized the complexity of modern-day life and the need for a more organized approach to managing growth. He suggested the ESG Guidelines and Operations. He went on to highlight the importance of addressing barriers to growth, such as the disastrous LD1829 legislation. He encourage meaningful public participation and suggested the town should view everyone in the same way.
- Richard Hayes of Martin Avenue, stated that he attended the recent Housing Alliance meeting and found it disturbing that Committee members discussed the reason behind the Marshview projects failure. Some suggested it was due to a small group of vocal people and the time of the year, while others highlighted the projects bad location, proximity to Phillips Brook and traffic issues. He found it surprising that no one had addressed the issues.
- Jim Pritchard of Maple Avenue, stated that he attended the last Finance Committee meeting where stormwater fees were discussed. He criticized a committee member for introducing fees for non-profits, cutting trees and suggested they be used as taxes. He then called for the member's resignation, stating that the Town deserves better and the council should focus on building trust with the taxpayers.
- Nina McKee of Black Point Road, stated with all due respect to the lats speaker, she wanted the Council to know that she trusts the Council and I felt that Council does the best job they know how.
- Stephen Zamierowski, of Scarborough and a member of the Housing Liaison and Parks and Conservation Land Board, stated that a group of 100 to 150 residents do not represent the town as a whole and may not reflect the town's feeling. He supported the Marshview Development, a modest size senior housing facility, as a better solution than a Dunkin Donuts drive-thru or a large single-family housing project. He also urged the public to stand up and give their opinions

as factual information. Working on understanding people's perspective instead on judgmental accusations and focus on working together.

- Susan Hamill of Bay Street, urged the Town Council to post emailed comments in advance of meetings, along with the appropriate agenda item. Being transparent helps the public understand and engage on issues, and brings a human interest side to many town issues. She also commented on certain items being removed during the absentee voting process to avoid construing issues on the ballot.
- Alyson Bristol of Bayview Avenue, emphasized the importance of the Vulnerability Assessment study, which was conducted by GEI, town staff and work study group volunteers. She suggested that the town should engage with neighborhoods holistically and explain the technical and scientific data involved. The final step would be to identify coastal mixed-use, coastal risk areas and conduct rezoning, considering beach communities during the summer.

Item 5. Minutes: October 1, 2025 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the minutes of the October 1, 2025, Town Council meeting, as written.

Vote: 7 Yeas. Motion Passes.

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

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

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

- **Scottow Hill Road Closure** -
 - Repair Options being evaluated -
 - Conventional repair estimate \$2M +
 - Removal/Restoration Option \$200K (grant opportunity)
 - Exploring feasibility of the permanent road closure- public outreach planned
 - Meeting scheduled with abutting property owner- Flaherty
 - NMRPC Grant - Award decision expected December 2025
 - Road likely closed through the winter
- **Sawyer Street/Spurwink Marsh Update** -
 - Public Meeting held on September 24
 - Cape Elizabeth to hold a workshop on October 8 - check-in on next steps
 - Formal Road Discontinuance required- Schedule:
 - October 15 - Town Council Discussion on Discontinuance
 - November 5 - Public Hearing
 - November 17 - Vote of Discontinuance
- **Fire Prevention Open House** -
 - October 18 from 10:00 AM to 1:00 PM @ Oak Hill Station
 - Fire, Police and Dispatch demos - Touch a Truck, K-9, Drone demonstration
- **SEDCO Business Celebration** - October 28 - Black Point Inn
- **Quarterly Financial Reports** - Information online provided by the Finance Director
- **Voting Turnout** -
 - As of close of business there had been 1987 absentee ballots issued with 957 returned

- Well ahead of the November 2023 turnout and trailing close behind the Presidential Election in 2024
- **Mitchell Hill Road** -
 - Work has been completed and the road is now open
- **LD1829** -
 - Attended meeting with Speaker Ryan Fecteau on this matter
 - Possibly current rule making over the course of fall and early winter
- **Hedges at the intersection of Route 114 and Sawyer Road** -
 - These are scheduled for trimming next week
- **Guardrail – Haigis Parkway** –
 - MDOT will take over the removal of the guardrail at the corner of Scottow Hill/Haigis
- **Communications Overview** - Allison Carrier, Communications Manager, gave an over of changes that have occurred since she had been hired and presented information as to what is available on the Town’s Website as well as how to sign up for the e-newsletter that has a wealth of information for the public.

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

- Councilor Doherty gave an overview on the Coastal Waters and Harbor Committee noting that that had discussions around the floats and what would be happening in the near future.
- Councilor Cain thanked Allison for her invaluable work with the Communications Committee. He encourage residents to sign up for the e-newsletter, which would be sent automatically twice a month. He went on to mention that the council would be working on organizing a more defined program on community meetings, with casual back-and forth dialogue. He further noted that the School Communications is working on ways to inform everyone about the referendum proposals.
- Councilor Shupe gave an update on the Ordinance Committee. The Parks and Conservation Land Board is integrating the Open Space Plan into the evaluation tool for properties applying for the \$6 million dollar land bond. The Conservation Commission would be working on their 2026 Goals and she noted that she had attended the meeting of the Shellfish Conservation Commission to offer guidance on proposed amendments to Chapter 1002 – Shellfish Conservation Ordinance.
- Councilor Fellows noted the Long Range Planning Committee met last week to continue its big picture planning exercise, considering uses and scale in different community parrs. The Planning Board would be meeting next week with a full agenda, including single-family developments and a sketch plan revie for the proposed Maine Mariners practice facility in the Innovation District.
- Councilor Anderson stated the Finance Committee discussed impact fees and the recommendation for a future workshop. The town made \$100,000 more in beach revenue this year, with more purchases of resident and second passes and a drop in daily passes. The school requested use of the Turf Reserve fund to apply to the bond for the completion of the turf project.

Order No. 25-095, 7:00 p.m. Public hearing and action on the new request for a Mobile Food Vendor License from Dave Giallorgo d/b/a Terra Firma Food Truck. [Town Clerk’s Office] A brief overview was given on this Order. Council Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:05 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for a Mobile Food Vendor License from Dave Giallorgo d/b/a Terra Firma Food Truck.

Vote: 7 Yeas. Motion Passes.

Order No. 25-096, 7:00 p.m. Public hearing and action on the new request from SC Ace, LLC, for a Medical Cultivation Facility Cannabis License, located at 20 Snow Canning Road. [Town Clerk's Office] A brief overview was given on this Order. Council Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:06 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request from SC Ace, LLC, for a Medical Cultivation Facility Cannabis License, located at 20 Snow Canning Road, with the condition that only Suites 1-4 will be used for Cannabis Cultivation.

Vote: 7 Yeas. Motion Passes.

Order No. 25-097, 7:00 p.m. Public hearing and action on the new request for a new Massage Therapist License from Brianna Bragdon, located at Family Chiropractic Associates, located at 20 Black Point Road. [Town Clerk's Office] A brief overview was given on this Order. Council Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:07 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for a new Massage Therapist License from Brianna Bragdon, located at Family Chiropractic Associates, located at 20 Black Point Road.

Vote: 7 Yeas. Motion Passes.

OLD BUSINESS:

Order No. 25-089. Second reading, to approve the expenditure, in an amount not to exceed, \$192,500 from the Land Acquisition Reserve Fund to assist Maine Farmland Trust in purchasing an agricultural easement on 39 acres located at 3 Fenderson Place, identified by the Scarborough Tax Assessors Map R003/Lot 021A [O'Donal Deering Farm], as recommended by the Parks and Conservation Land Board, and authorize the Town Manager to execute any and all documents as are necessary to protect the Town's interest. [Parks and Conservation Land Board] Jessica Sargent, Chair of the Parks and Conservation Land Board, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading, to approve the expenditure, in an amount not to exceed, \$192,500 from the Land Acquisition Reserve Fund to assist Maine Farmland Trust in purchasing an agricultural easement on 39 acres located at 3 Fenderson Place, identified by the Scarborough Tax Assessors Map R003/Lot 021A [O'Donal Deering Farm], as recommended by the Parks and Conservation Land Board, and authorize the Town Manager to execute any and all documents as are necessary to protect the Town's interest.

Vote: 7 Yeas. Motion Passes.

Order No. 25-090. Second reading, to approve the expenditure, in an amount not to exceed, \$250,000 from the Land Acquisition Reserve Fund to assist the Scarborough Land Trust in purchasing 30 acres located at 91 Mussey Road, identified by the Scarborough Tax Assessors Map R055/Lot 014 [Nonesuch River Preserve], as recommended by the Parks and Conservation Land Board, and authorize the Town Manager to execute any and all documents as are necessary to protect the Town's interest. [Parks and Conservation Land Board] Jessica Sargent, Chair of the Parks and Conservation Land Board, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading to approve the expenditure, in an amount not to exceed, \$250,000 from the Land Acquisition

Reserve Fund to assist the Scarborough Land Trust in purchasing 30 acres located at 91 Mussey Road, identified by the Scarborough Tax Assessors Map R055/Lot 014 [Nonesuch River Preserve], as recommended by the Parks and Conservation Land Board, and authorize the Town Manager to execute any and all documents as are necessary to protect the Town's interest.

Vote: 7 Yeas. Motion Passes.

Order No. 25-091. Second reading, to approve the expenditure, in an amount not to exceed, \$300,000 from the Land Acquisition Reserve Fund to assist the Scarborough Land Trust in purchasing 25 acres located at 166 Spurwink Road, identified by the Scarborough Tax Assessors Map R098/Lot 020, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager to execute any and all documents as are necessary to protect the Town's interest. [Parks and Conservation Land Board] Jessica Sargent, Chair of the Parks and Conservation Land Board, gave a brief overview on this Order. The following individual spoke on this Order:

- Susan Hamill, of Bay Street, spoke how she felt that due to no access, because of the wetlands this amount she felt should be lower and felt that the appraisal should be made public.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading, to approve the expenditure, in an amount not to exceed, \$300,000 from the Land Acquisition Reserve Fund to assist the Scarborough Land Trust in purchasing 25 acres located at 166 Spurwink Road, identified by the Scarborough Tax Assessors Map R098/Lot 020, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager to execute any and all documents as are necessary to protect the Town's interest.

Vote: 7 Yeas. Motion Passes.

At this point Council Chair Sither noted the Scarborough Land Trust has conserved 193 acres on three parcels since April, [does not include those approved this evening], bringing the total acres to 7,301.5 acres or 24% of Scarborough. To achieve the 30 by 30 goal, 1,87.5 additional acres are needed. This would include the three recently approved acquisitions. She then pour sand into the 30 by 30 Visual display.

NEW BUSINESS:

Order No. 25-098. First reading and schedule a public hearing and second reading, on the proposed amendments to Chapter 302A – Town of Scarborough Committees-Boards Manual, regarding Appointments/Re-Appointments. [Councilor Anderson] Councilor Anderson gave a brief overview on this Order. The following individuals spoke on this Order;

- Don Hamill of Bay Street, mention the importance of selecting people to serve on committees. He felt that having someone stay on because there are no other members was not the best approach. He even suggested reducing the committee numbers to five members. He felt that have new blood and turnover was beneficial, especially in areas where people have held multiple roles.
- Denise Hamilton of Two Rod Road was concerned about the handling of a proposal to modify term limits on town committees/boards that went into effect on January 1st. She felt that proposal should have followed a transparent process, including a review from the Rules and Policies Committee, full council review, public hearing and two reading before adoption to avoid the appearance of fast-tracking and undermining public confidence.
- Richard Hayes of Martin Avenue, agreed with the previous two speakers and felt that it needed time to work and asked the Council to give the process a chance.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading on the proposed amendments to Chapter 302A – Town of Scarborough Committees-Boards Manual, regarding Appointments/Re-Appointments and schedule a public hearing and second reading for Wednesday, November 5, 2025, as follows:

**CHAPTER 302A
TOWN OF SCARBOROUGH
TOWN COMMITTEES/BOARDS MANUAL**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 302A the Town of Scarborough Committees/Boards Manual, Maine, is hereby amended, as follows (additions are underlined; deletions are struck through):

ARTICLE I - PROCEDURES

Purpose

This Guide is to give Town Committee/Board members an overview of what is to be expected from each Committees/Boards. The Town Clerk's Office is the first point of contact by the public when requesting information and it is very important that we maintain a complete and accurate record of all meetings.

Appointment/Re-Appointment

Once an application for a committee/board is received in the Town Clerk's Office, it ~~is will be provided, copied and sent~~ to the Appointments and Negotiations Committee for review seven days prior to the next applicable meeting. The Appointments and Negotiations Committee will then refer its recommendation(s) to the Council. Pursuant to Section 201.00 of Chapter 302 – the Rules and Policies Manual for the Scarborough Town Council: "Appointments to town committee/boards must go through a two meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments and Negotiations Committee and certified by the Council."

Once names are posted, notices are sent notifying the individuals their names have been posted and that upon approval by the Town Council another notice will be sent notifying the individuals that they have been appointed, when their term expires and they must be sworn in before they can participate at the committee/board meetings.

New members will receive a copy of the members and the charge for the committee/board they are serving on.

Re-Appointments at the end of a term are not guaranteed. Committee members will submit a new application for the committee/board to the Town Clerk's Office, it will be provided to the Appointments and Negotiations Committee for review seven days prior to the January meeting. Re-Appointments will be based on attendance, performance, and other factors.

~~Starting on January 1, 2025, committee/board members shall serve not more than three (3) consecutive full terms of office and until your vacancy is filled on all committees/boards with one (1) year off before they can apply to the same committee/board. Following the effective date of this change,~~

~~committee/board members actively serving more than three (3) consecutive full terms, will be permitted to complete their term prior to requirement of the twelve (12) month break in service. [Adopted 09/04/2024]~~

Vote: 2 Yeas. 5 Nays [Councilors Doherty, Cain, Fellows, Shupe and Donovan]. Motion Fails.

Council Chair Sither called for a brief recess at 8:51 p.m. The meeting was reconvened at 8:59 p.m.

Order No. 25-099. First reading and schedule a public hearing on the proposed new Chapter 1020 the Town of Scarborough Short-Term Rental Registration. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. The following individuals spoke on this Order:

- Shawn Flaherty of Black Point Road, urged the Council to reconsider the proposed ordinance for short-term rental inspections and licensure. He felt the ordinance would overreach the Community's culture and require more than smoke detectors and electrical permits. He then asked the Council to enforce existing rules and consider community concerns.
- Averyl Hill of Maple Avenue, supported a short-term rental registration process, but raised concerns with regards zoning. She noted that simply registering a short-term rental did not legitimize its use in any residential area, highlighting that non-owner occupied rentals (e.g., Airbnb) conflict with community character. She added that current zoning did not permit Airbnbs and emphasized the need for adherence to zoning laws and the comprehensive plan. She asked the Council to reinforce zoning prohibitions for Airbnbs in certain residential districts.
- Tim Lambert of Iris Drive, felt that rentals should be restricted to tourist areas like Higgins Beach and Pine Point to preserve residential neighborhoods for long-term residents amid affordable housing challenges in Southern Maine. He advocated for restrictions on short-term rentals in residential areas to promote home ownership and limit investor dominance in the housing market.
- Nick McGee of Riverwoods Drive expressed his concerns about the potential negative impact on residential neighborhoods, particularly transient neighbors affecting the family dynamics. He felt the proposed regulations as a minimal yet necessary first step, requiring annual compliance paperwork, thought he believed it did not go far enough. He closed by emphasizing the balance between compliance and the administrative burden posed on property managers.
- Scott Townsend of Acorn Lane, realtor and owner of a number of short-term rentals in the Higgins Beach area and was opposed to the proposal. He felt that the progression of regulations had become overly complex, deviating from the original intent of establishing a simple registration process. He emphasized the need for a straightforward initial process to gather data on rentals before implementing boarder regulations. He asked the council to consider feedback from the community, as most attendees at previous meeting supported his views.
- Katie Foley of Acorn Lane, a realtor and short-term rental business owner, emphasized the need for careful consideration of recent legislative discussions regarding inspections for rental properties. She voiced her concerns regarding separate inspections by the code officer and fire department and suggested they collaborate to ensure efficiency and shared accountability in safety inspections. She asked for thoughtful amendments before finalizing the ordinance.
- Susan Hamill of Bay Street, advocates for short-term rental regulations in Scarborough, highlighting the negative impact on her neighborhood since the shift to rentals. She praised the Town Council's efforts and suggests restricting rentals to historically designated areas to protect housing stock and prevent the conversion of starter homes. While many at public meetings oppose unrestricted rentals, she acknowledged some support but urged the Council to act to maintain neighborhood integrity.
- Denise Hamilton of Two Rod Road voiced her concerns over the placement of short-term rentals in regular neighborhoods, arguing they disrupt the family-oriented character and lead to issues

like noise and disruptive behavior. She advocated for zoning regulations to designate specific areas, such as beach communities, for these rentals to prevent problems in residential areas.

For full disclosure, Council Chair Sither noted that her husband writes a short-term rental software and would not be participating in the discussion or the vote.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval first reading on the proposed new Chapter 1020 the Town of Scarborough Short-Term Rental Registration and schedule a public hearing for Wednesday, November 5, 2025, as follows:

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Ordinances are amended, as follows:

The following ordinance is adopted as shown below in underline:

CHAPTER 1020 SHORT-TERM RENTAL REGISTRATION

A. Purpose

The purpose of this ordinance is to authorize and require the annual registration of the use of a legally existing dwelling unit for the accommodation of short-term guests, for compensation, for periods of less than 28 consecutive days. This ordinance is intended to provide a registration program that enables the Town to monitor impacts on neighborhoods within the Town of Scarborough.

Persons or entities wishing to establish a short-term rental within the Town of Scarborough shall first register with the Scarborough Town Clerk and shall be subject to the provisions of this Ordinance.

B. Applicability and Permitted Short-term Rentals

Effective January 1, 2026, no person shall advertise, operate, or rent a short-term rental without first registering the short-term rental unit(s) with the Town of Scarborough.

Short term rentals are only permitted in legally existing dwelling units or habitable space within a legally existing dwelling unit, or in a building or structure accessory to a legally existing dwelling unit.

Short-term rentals are not permitted in accessory dwelling units nor in the dwelling on the same lot as an accessory dwelling unit approved per Chapter 405 Zoning Ordinance, Section IX.J Performance Standards Accessory Units.

Short term rentals are not permitted in sheds, tents, recreational vehicles or other similar accessory structures.

Individual spaces within a single non-owner occupied dwelling may not be rented out to separate parties at one time.

Hotels, motels, licensed campgrounds, bed and breakfasts and lodging houses are exempt from the registration and other requirements of this chapter.

C. Definitions

Section VI Definitions of the Town of Scarborough Zoning Ordinance shall apply in addition to the following:

Advertising: Any form of communication for marketing that is used to encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services as may be viewed through various media, including but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, social media or text messages.

Habitable Space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Non-Owner Occupied: A dwelling unit that is not occupied by its owner when any part of the dwelling unit is rented as a short-term rental.

Owner-Occupied: A dwelling unit that is occupied by such owner when any part of the dwelling unit is rented as a short-term rental.

Short-term Rental: The use, control, management or operation of a legally existing residential dwelling unit offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by short-term rental guests for a tenancy of less than 28 consecutive days, for compensation, directly or indirectly, excluding motels, licensed campgrounds, hotels, bed-and-breakfasts, and lodging houses.

Short-Term Rental Guest: Any person who rents, registers, occupies or has the right to occupy a dwelling unit for less than 28 consecutive days.

D. Registration Application Requirements

Complete registration and/or renewal applications shall require the following information from the applicant to be considered complete:

- Name of all owners of the short-term rental and contact information, including the owners' addresses, telephone numbers, and email addresses;
- Street address and map/lot number of the short-term rental property;
- Type of property for rent;
 - Dwelling in its entirety
 - Portion of a dwelling
 - Other habitable building or structure or portion thereof
- Whether or not the short-term rental is owner or non-owner occupied;
- Maximum planned occupancy;
- Expected duration of short-term rental status; year-round or seasonal;
- Emergency contact. The emergency contact person(s) must be able to respond within ninety minutes to complaints regarding the condition, safety, or operation of the short-term rental, or the conduct of guests;
- Safety compliance acknowledgement and verification;
- Good Neighbor Ordinance acknowledgement;
- Parking requirement acknowledgement and provide the number of off-street parking spaces provided for the short-term rental.

E. Registration Requirements: General Standards

The short-term rental registration shall be displayed at all times in a conspicuous place in the interior of the short-term rental that identifies the short-term rental registration number, and the name, address, phone number(s), and email address of the owner of the short-term rental, and/or the owner's local contact person. In addition, a reference to the Good Neighbor Ordinance rules must be posted in all rentals.

F. Registration Requirements: Safety Compliance

All short-term rental properties shall comply with the following building safety requirements. Smoke alarms shall be installed in the following locations:

- In each bedroom
- Outside each separate sleeping area in the immediate vicinity of the bedrooms.
- On each additional story of the dwelling, including basements and habitable attics.

If a house has an attached garage or a fuel-fired appliance, a carbon monoxide detector is required. Fuel gas detectors shall be installed in every room containing an appliance that combusts propane, natural gas or any liquefied petroleum gas

At least one portable fire extinguisher in ready condition shall be mounted in a prominent location.

G. Registration Requirements: Inspections Required

Anytime that a short-term rental application is submitted for a property, the short-term rental applicant shall certify on the short-term rental application that the proposed short-term rental property complies with the short-term rental standards above.

A safety inspection shall be provided by the Town within 45 days of the initial registration and once every three-five years thereafter, to determine compliance with the short-term standards above. If the short-term rental ownership changes, the inspection timing shall start over from the initial timing.

The short-term rental owners shall have 30 days to correct any safety compliance requirements described herein.

H. Registration Requirements: Good Neighbor Ordinance and Parking

All short-term rental tenants and owners shall adhere to the Town of Scarborough Good Neighbor Ordinance standards.

On street parking by Short-term Rental tenants or guests is prohibited per Chapter 601 – the Town of Scarborough Traffic Ordinance.

I. Registration Fees

Registrations shall include a non-refundable registration or registration renewal fee for each short-term rental as described on a fee schedule established by Town Council.

J. Registration Authority and Procedure

The Town Clerk shall have the authority to issue a short-term rental registration. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.

In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the registration.

Upon submission to the Town Clerk, an application shall be distributed to the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Tax Collector for their review and recommendation for approval or disapproval with reasons noted.

A registration shall be granted if the short-term rental use is permitted in the proposed structure, the applicant has verified the premises will be maintained in a healthful and sanitary manner, there are no outstanding code violations on the premises and the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Scarborough.

K. Registration Expiration and Renewal

Registration, when granted, shall be valid until December 31st, immediately following registration, except that new registration granted during November and December shall be valid until December 31st of the following calendar year.

Renewal applications must be submitted at least 45 days prior to the date of expiration of the annual registration. An application for the renewal of an expired registration shall be treated as a new application.

Short-term rental registrations may not be granted to a renter, lessee, or any other party who is not the owner or authorized owners' agent of the proposed short-term rental unit(s).

Registrations are not transferable to a new owner. Any change in ownership shall require a new registration.

Registrations are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

L. Violations and Penalties

Violations of this chapter include, but are not limited to, the following:

- Providing false or misleading information on an application, or renewal application, for a short-term rental registration;

For the violation of operating and/or advertising the rental of a short-term rental without a valid registration, the violator may be penalized with a per day fine of \$100 for the first offense and an additional per day fine of \$150 for each additional offense, to be recovered upon complaint to Maine District Court or Superior Court, for use of the Town.

For any other violation of this chapter, the violator may be penalized with a fine of \$100 per day for each such violation, to be recovered upon complaint to Maine District or Superior Court in Portland, for use of the Town.

All violations shall be reported to and validated by the Code Enforcement Officer.

Vote: 3 Yeas. 3 Nays [Councilors Anderson, Cain and Doherty] 1 Abstain [Council Chair Sither]
Motion Fails.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to suspend the rules to go past 10:00 p.m. to complete Council Business.

Vote 7 Yeas. Motion Passes.

Order No. 25-100. First reading and schedule a public hearing to consider a new ordinance Chapter 1106 - Tree Care Ordinance. (*Planning Director*) Autumn Speer, Planning Director, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading to consider a new ordinance Chapter 1106 - Tree Care Ordinance and schedule a public hearing for Wednesday, November 5, 2025, as follows:

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Ordinances are amended as follows:

The following ordinance is adopted as shown below in underline:

CHAPTER 1106 TREE CARE ORDINANCE

A. Purpose

It is the purpose of the Scarborough Tree Care Ordinance to preserve and enhance Scarborough's natural beauty and encourage healthy ecosystems; to provide air colling and purification, carbon sequestration, stormwater management and to protect public health and safety. This ordinance provides for the regulation of the planting, maintenance and removal of trees, shrubs and other plants on Town owned properties and public rights-of- way. This ordinance shall designate which plants are to be planted in order to ensure "right plant, right place" principles are achieved. This ordinance establishes the Tree Care Advisory Board and defines its membership and duties.

B. Applicability

This ordinance provides full power and authority over all trees, plants, and shrubs located within rights-of-way, parks, and public places in the town, and over trees, plants, and shrubs located on private property that constitute a nuisance or hazard as described herein.

C. Administration

1. Town Arborist

- a. The Town Arborist and/or their designee shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all public streets, rights-of-way, parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any public water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- b. All Town departments will coordinate as necessary with the Town Arborist and will provide services as required to ensure compliance with this ordinance as it relates to streets, alleys, rights-of-way, drainage easements, and other public properties not under the direct jurisdiction of the Town Arborist.
- c. No person shall hinder, prevent, delay, or interfere with the Town Arborist or their agents while engaged in carrying out the execution or enforcement of this Ordinance.
- d. The Public Works Department shall have the right to prune, spray, maintain, and remove public trees as may be necessary to ensure public safety or to preserve or enhance the beauty of public places. Spraying shall be undertaken in accordance with State laws and the Town's Organic Pest Control Policy.
- e. Pruning, planting, removing or any other tree work done on public trees by volunteers or Town employees under the supervision and operation of the Town Arborist and/or their designee is permitted.
- f. Work on public trees by an electric utility company is permitted.

2. Tree Care Advisory Board Establishment and Procedures

It is hereby created and established a Town Tree Care Advisory Board for the Town of Scarborough, hereinafter referred to as the "Board."

- a. **Terms.** Member shall be appointed by Town Council for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates

for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified.

- b. **Council Liaison.** The Town Council shall appoint one of its members to serve as Council liaison to the Board. The Council liaison shall not be a voting member.
- c. **Staff Liaison.** The Town Manager, or their designee, shall serve as staff liaison to the Board. The staff liaison shall not be a voting member.
- d. **Officers.** The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- e. **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

3. Tree Care Advisory Board Duties and Responsibilities

The Board shall act in an advisory capacity to the Town Arborist and shall:

- a. Coordinate and promote Arbor Day activities;
- b. Support public awareness and education programs relating to trees;
- c. Review Town department concerns related to tree care;
- d. Submit an annual report of its activities to Town Council, including tree planting and maintenance activities;
- e. Assist with the annual application to renew the Tree City USA designation;
- f. Develop and maintain a list of desirable trees for planting on public property, using the Preferred species list from Chapter 405b Scarborough Site Plan Review Ordinance. The list shall be made available to the general public, and its use shall be encouraged for private planting.
- g. Other duties as assigned by Town Council.

D. Public Landscape Standards

1. Tree Planting

- a. Trees planted on public property by abutting property owners or other persons shall be selected and located in accordance with this ordinance and in accordance with Town policy. Notification shall be made to the Town Arborist and/or their designee and approval shall be given prior to any planting. In addition, Dig Safe, the Scarborough Public Works Department, Scarborough Sanitary District, Maine Water, CMP, and the Portland Water District shall be consulted before any planting.
- b. All such designs shall be submitted to the Town Arborist and/or their designee for approval prior to any plantings.

2. Species Selection

Species shall be selected from the approved list developed by the Tree Care Advisory Board in accordance with all other Town Standards.

3. Tree Installation Requirements

The following minimum installation requirements shall be met, unless otherwise approved by the by the Town Arborist and/or their designee.

<u>Species Size</u>	<u>Minimum Spacing</u>	<u>Minimum Soil Surface</u>	<u>Minimum Soil Volume</u>
<u>Small Trees</u> <u>(mature height of 30' or less)</u>	<u>20 ft.</u>	<u>36 sq. ft.</u>	<u>36 cu. ft.</u>
<u>Medium Trees</u> <u>(mature height of 30' -45')</u>	<u>30 ft.</u>	<u>48 sq. ft.</u>	<u>48 cu. ft.</u>
<u>Large Trees</u> <u>(mature height over 45')</u>	<u>40 ft.</u>	<u>60 sq. ft.</u>	<u>60 cu. ft.</u>

4. **Tree Spacing Requirements**

The distance trees may be planted from curbs or curb-lines, sidewalks, street corners, driveways, buildings and sidewalks shall be in accordance with the species sizes listed in Definitions, Section C. of this ordinance. No trees may be planted closer to any curb, sidewalk, driveway, building, or street than the following:

<u>Species Size</u>	<u>Distance to Curb or Sidewalk</u>	<u>Distance to Driveway</u>	<u>Distance to Building</u>	<u>Distance to Street Corner</u>
<u>Small Tree</u>	<u>2 ft.</u>	<u>10 ft.</u>	<u>10'</u>	<u>20 ft.</u>
<u>Medium Tree</u>	<u>5 ft.</u>	<u>10 ft.</u>	<u>15'</u>	<u>20 ft.</u>
<u>Large Tree</u>	<u>10 ft.</u>	<u>15 ft.</u>	<u>25'</u>	<u>20 ft.</u>

No public tree shall be planted within ten feet (10') of any hydrant or any underground utilities. Only small trees may be planted under or within 10 feet (10') of any overhead utility wire.

5. **Public Tree Maintenance**

- Authority.** No person except the Town Arborist, their designee(s), or an approved contractor may prune, plant, transplant, or remove public trees.
- Pruning.** The Public Works Department shall have the right to prune any public tree if, in the opinion of the Town Arborist and/or their designee, it interferes with visibility of any traffic control device or intersection, or interferes with pedestrian or vehicular traffic. A clearance of fourteen feet (14') above street surface or eight feet (8') above the sidewalk surface shall be maintained. If such obstructing public tree is on private property, the Town Arborist and/or their designee shall notify the property owner of the intent to prune.
- Tree Topping.** It shall be unlawful for any person or the Town to top any public tree. Trees severely damaged by storms or other causes may be exempted from this prohibition at the determination of the Town Arborist and/or their designee.
- In lieu of topping,** public trees under utility wires or other obstructions where other pruning practices are impractical or not considered arboriculturally sound may be removed by the Town Arborist and/or their designee.
- Private Property.** No property owner shall allow a tree, or other plant growing on their property, to obstruct or interfere with pedestrians or the view of drivers, thereby creating a nuisance or hazard. If an obstruction persists, the Town Arborist shall notify the property

owners to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.

- f. **Disease.** Upon the discovery of any destructive or communicable disease or other pestilence that endangers the growth or health of trees or threatens to spread disease or insect infestations, the Town Arborist may at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated. The notice shall require such property owner to eradicate, remove, or otherwise control such condition within a reasonable time to be specified in such notice. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.

6. Tree Preservation

Wherever practical, existing specimen trees, native species over 20" at DBH, tree clusters or other significant vegetation shall be preserved on public properties.

When preservation is proposed, the following protection must be in place to ensure survival of the preserved tree.

- a. Site features must be designed to minimize disturbance to protected trees.
- b. Tree wells or cut areas may be used to preserve the original grade around the tree.
- c. In the drip line of protected trees, no cut or fill may be at least four (4) inches deep unless a qualified arborist or forester evaluates and approves the disturbance.
- d. Finished grades must slope away from trunks to avoid water concentrated at tree bases.
- e. During construction, perimeter fencing must be erected around protected trees, at least six (6) feet from the trunk or one-half of the drip line, whichever is more.
- f. Storage or movement of equipment, material, debris, or fill in the tree protection zone is prohibited.
- g. Damaging attachments, wires, signs or permits cannot be fastened to protected trees.
- h. Trenches or footings should be at least eight (8) feet from trunk bases. Tunneling under large diameter roots may be required to prevent root damage.

7. Heritage Trees

The Town Arborist shall have as one of their duties the location, selection, and identification of any trees that qualify as heritage trees. A tree may qualify as a heritage tree if it meets one or more of the following criteria:

- a. The tree (or group of trees) is associated with events that have made a significant contribution to the broad pattern of national, state, regional, or local history;
- b. The tree (or group of trees) is associated with the life of a person or group of historic significance;
- c. The tree (or group of trees) represents a significant and distinguishable entity within a community or location; and/or
- d. The tree (or group of trees) has age, size, or species significance that contributes to its heritage status.

E. Violations and Penalties

- a. **Violations.** Any failure to comply with the terms, conditions, provisions, or any notice issued pursuant to this ordinance, shall constitute a violation.

- b. **Penalties.** Any person who violates any provision of this ordinance shall be subject to a fine payable to the Town of Scarborough of up to \$100.00 each day of the violation. No penalty shall be assessed for failure to act during any notice period, unless remediation ordered by any notice is not accomplished within the designated timeframe. In addition, if, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a public tree occurs, the penalty shall include the replacement value of the public tree as determined by the Town Arborist and/or their designee.

F. Severability

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

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

Order No. 25-101. Act on the request from the Sustainability Manager to accept the Vulnerability Assessment, as presented on August 20, 2025. [Sustainability Manager] Jami Fitch, Sustainability Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request from the Sustainability Manager to accept the Vulnerability Assessment, as presented on August 20, 2025.

Vote: 7 Yeas. Motion Passes.

Order No. 25-102. Act on the request to discuss the proposed discontinuance of the portion of Sawyer Street in the Spurwink Marsh, adopt the Order of Discontinuance and file it with the Town Clerk, and schedule a public hearing for November 5, 2025. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order. The following individuals spoke:

- Cressy Maurer of Meeting House Road and a member of the Conservation Commission spoke in support of the discontinuance. She emphasized that it aligned with Scarborough's Vulnerability Assessment, which aids in prioritizing public safety routes against sea level rise, adding that defending Sawyer Street, a less critical road, is not fiscally sound. She urged the Council to prioritize broader community benefits over the interests of a few residents.
- Leslie Garber of Coulthard Farms Road, expressed concern over the planned closure of Sawyer Street until she received a letter from an abuttor. She noted that the road cannot protect her property from rising sea levels and suggests that maintaining it is not prudent given the town's financial constraints. She thanked the Council for their service and wished them luck in their decision-making.
- Roger Hale of Broadturn Road and a long-time resident of Broadturn Road, opposed the roads removal, citing its historical significance and aesthetic value. He argued that the town had neglected the roads maintenance and compared its resilience to a bridge's durability despite damage. He warned that removal could incur high costs and environmental risks, potentially releasing harmful substances that date back to the 1920s.
- Able Plaud of Second Avenue, supported the removal of Sawyer Street to restore approximately three-quarters of an acre of wetlands, which could enhance the ecological quality of 62 acres of saltwater marsh. While concerns exist over loss of access and sentimental value, the restoration would be beneficial for the community and environment. A collaborative financial effort from Scarborough and Cape Elizabeth could secure a \$1.5 million grant for restoration, making the removal a financially and ecologically sound decision for all parties involved.

- Brenda Harrison of Spurwink Road, voiced her concerns about the potential loss of a road with historical significance since 1644. She also expressed concern about the impact on local traffic, access to nearby areas, and the communities use of the road for activities like biking and walking. She felt if the road had been properly maintained, it would not be in its current state.
- Matt Thompson of Spurwink Road, voice his concerns regarding a proposed road removal near a bridge and boat launch. He suggest that alternative funds could be used for repairs or improvements, such as replacing undersized culverts with open-bottom bridges to alleviate flooding issues. He opposed the road removal while acknowledging mixed feelings about the situation.
- Denise Hamilton of Two Rod Road, raised concerns about the procedural compliance of the town in accepting a \$1.59 million grant from the Maine Natural Resource Conservation Program (MNRCP) for the Spurwink Marsh Restoration Project, which requires closing Sawyer Street. MNRCP guidelines stipulate that evidence of local support and municipal approval must be demonstrated, involving public meetings and town council endorsement. Although a workshop was conducted in March 2022, public notice was only given to Sawyer Street residents, limiting community participation. Hamilton urged the council to ensure adherence to MNRCP guidelines before proceeding.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request to discuss the proposed discontinuance of the portion of Sawyer Street in the Spurwink Marsh, adopt the Order of Discontinuance and file it with the Town Clerk, and schedule a public hearing for November 5, 2025, as follows:

ORDER OF DISCONTINUANCE OF A PORTION OF SAWYER STREET

The Scarborough Town Council, having filed with the Town Clerk this Order of Discontinuance for the purpose of discontinuing a portion of a portion of Sawyer Street hereinafter described pursuant to the provisions of 23 M.R.S. §3026-A, and the Council having given best practicable notice of said discontinuance to abutting property owners, it is hereby:

ORDERED, that pursuant to the provisions of 23 M.R.S. §3026-A, the Scarborough Town Council does hereby discontinue a portion of Sawyer Street, beginning at a point beyond all private access points to Sawyer Street located south of the property line of 26 Sawyer Street labeled as Line of Discontinuance/Point of Beginning B and continuing northeast for approximately 1,098.29 feet through the marsh to the boundary with the Town of Cape Elizabeth labeled as Line of Discontinuance/Point of Beginning A, as more particularly shown on the Plan of Discontinuance of Sawyer Road/Sawyer Street dated October 1, 2025 and prepared by Sebago Technics attached as Exhibit A.

The portion of Sawyer Street is approximately 52.11 feet wide, as shown more particularly on Exhibit A and described in Exhibit B.

FURTHER ORDERED, having given best practicable notice to all abutting property owners, that the following damages are awarded by reason of this discontinuance of said way to the following abutting property owners:

Name: United States of America, Tax Map/Lots R09005B & R097011A Amount: \$0.00

Name: Paula Jean House, Tax Map/Lot R097008 Amount: \$0.00

FURTHER ORDERED, that a public easement will not be retained upon discontinuance.

EXHIBIT A

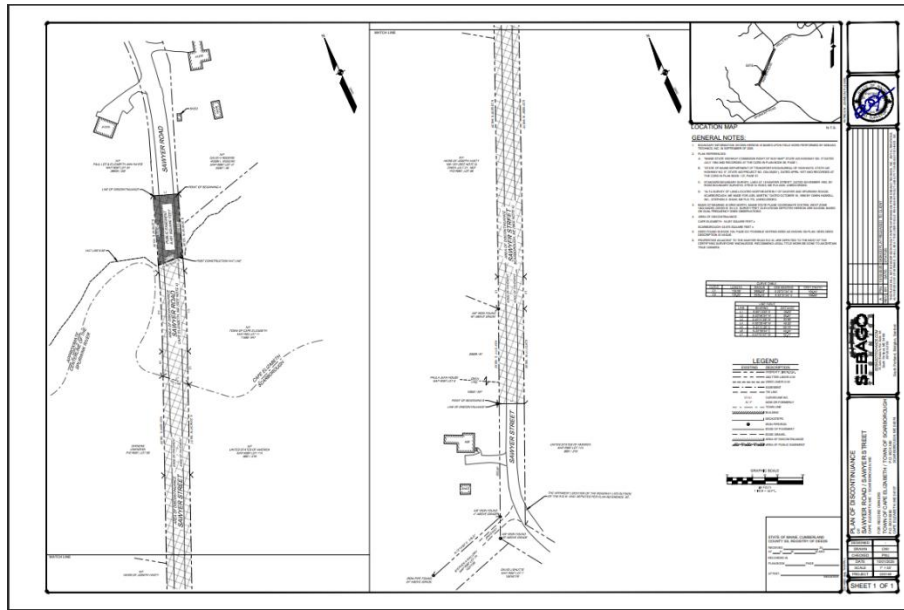


EXHIBIT B

A certain parcel of land encompassing a portion of Sawyer Street situated wholly in Scarborough, Maine to be discontinued. Said parcel being shown as the **Area of Discontinuance, Sawyer Street, Scarborough, ME** on a plan entitled “Plan of Discontinuance, Sawyer Road/Sawyer Street, Cape Elizabeth, ME/ Scarborough, ME” dated: October 1, 2025 by: Sebago Technics, Patrick W. Johnson, ME PLS 2408 (Plan). Said Plan being recorded in Plan Book _____ Page _____ in the Cumberland County Registry of Deeds. Said parcel being further described as follows:

Commencing at **Point of Beginning B** bearing N 24°31'11" E, a distance of 225.00 feet from a 5/8" iron rod as shown on the Plan and lying on the westerly sideline of Sawyer Street;

Thence along the westerly sideline of Sawyer Street N 24°31'11" E, a distance of 188.63 feet to 5/8" iron rod lying on the westerly sideline of Sawyer Street;

Thence along the westerly sideline of Sawyer Street N 24°41'26" E, a distance of 63.72 feet to a point;

Thence along the westerly sideline of Sawyer Street N 23°58'26" E, a distance of 649.39 feet to a point;

Thence along the westerly sideline of Sawyer Street N 23°56'34" E, a distance of 196.55 feet to a point;

Thence along the apparent centerline of the Spurwink River S 47°51'47" E, a distance of 52.11 feet to a point;

Thence along the easterly sideline of Sawyer Street S 23°56'34" W, a distance of 180.31 feet to a point;

Thence along the easterly sideline of Sawyer Street S 23°58'26" W, a distance of 649.70 feet to a point;

Thence along the easterly sideline of Sawyer Street S 24°41'26" W, a distance of 63.96 feet to a point;

Thence along the easterly sideline of Sawyer Street S 24°31'11" W, a distance of 188.56 feet to a point;

Thence across Sawyer Street N 65°23'49" W, a distance of 49.50 feet to a point; to the Point of Beginning.

Containing approximately 53,675 Square Feet.

Vote: 6 Yeas. 1 Nay [Councilor Doherty]

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

Item 11. Council Member Comments.

- Councilor Anderson felt everyone should personally assess the state of our schools and consider voting yes for their funding this November. Additionally, there is a ballot measure regarding secure elections that may create barriers to voting, particularly impacting seniors. I encourage everyone to read about Question 1 and to vote no on it.
- Councilor Fellows Fall noted the Fall Marsh Cleanup scheduled for Saturday at 9:00 a.m. at the Marsh Audubon Center. Volunteers will clean various areas of the marsh and nearby beaches while preparing the Center for winter. The event emphasizes community engagement in safeguarding the marsh and raises awareness of the debris issue, offering participants a meaningful experience in contributing to environmental improvement.
- Councilor Anderson noted that he received a text praising tonight's meeting for its open dialogue and respectful disagreement, highlighting April's effective chairmanship. Positive feedback underscored the importance of the environment she has created, with participants acknowledging differing opinions and a commitment to ongoing collaboration.
- Council Chair Sither commented on a social media post that had casts aspersions on the School Board, deeming them unproductive and disrespectful. She emphasized the importance of civility and respect and hoped for continued positive unity in the community as election approaches. She thanked Paula O'Brien, for providing champagne cupcakes.

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

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 11:07 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council