MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 16, 2014
REGULAR MEETING – 6:00 P.M.

Item 1. Call to Order. Chairman Sullivan called the regular meeting of the Scarborough Town Council to order at 6:02 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was by Thomas J. Hall, Town Manager:

Jessica L. Holbrook, Vice Chair	Katherine A. St. Clair
William J. Donovan	Edward NMI Blaise, III
Jean-Marie Caterina	James E. Benedict [Absent]

Richard J. Sullivan, Jr., Council Chair

Order No. 14-64. Act on the request for an executive session pursuant to Title 1, M.S.R.A §405(6)(E) in consultation with legal counsel relating to pending litigation. Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval on the request for an executive session pursuant to Title 1, M.S.R.A §405(6)(E) in consultation with legal counsel relating to pending litigation, to come back to public session.

Vote: 6 Yeas.

The Town Council recessed to executive session at 6:08 p.m. The meeting was reconvened at 7:02 p.m.

Item 4. General Public Comments.

- Tim Downs of Jones Creek Drive and a member of the Shellfish Committee asked the Town Council to remove one of its members due to inappropriate action that was unbecoming a member of a Town Committee. According to the Article II of the Town Charter - Section 204.1 the Town Council has the authority to remove a member all statutory or advisory boards.
- Karen D'Andrea of Eagles Nest Drive spoke against the proposed amendments regarding the Cell Tower issue. And asked the Town Council to revisit the issue and remove the proposed amendments that would allow towers in a residential area.

Item 5. Minutes: June 18, 2014 – Regular Meeting. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the minutes of the June 18, 2014, regular Town Council meeting.

Vote: 6 Yeas.

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 during the meeting.

Order No. 14-53, 7:00 p.m. Public Hearing on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update the Performance Standards thereto. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance. Chairman Sullivan opened the public hearing.

The following individuals spoke on this issue:

- Karen Tanguay of 40 Tenney Lane spoke against the proposed amendments. She also commented on the safety issue – how safe are they? She stated that the Councilors were elected to look out for the residents. She encouraged the council to take a better safe than sorry approach.
- Donald Day of 32 Fairway Drive and Higgins Beach spoke on the cell phone service and the lack of it and safety impact. He also spoke on his business and how he loses service. He referenced a report from the American Cancer Society that indicates that cell phone towers are not related to cancer.
- Julie Tupper of 165 Spurwink Road spoke on the proposed amendments regarding cell towers. Scarborough has a pristine community and she felt that by implementing this change would change this pristine community.
- Alecia Emrich of 3 Haystack Circle wondered how much had been paid to IDK for the study that had been conducted. She further stated that her home was in a Rural Farm Zone not an Industrial Zone and did not support of the proposed changes.
- Karen Gadbois of 10 Haystack voiced her concerns with the proposed changes.
- Julius Ciembroniewicz of 16 Minuteman Drive stated that he agreed with cell towers but did not agree that with the proposed changes that would allow them in a residential area. It was unclear why the Town was pushing the proposed changes; the Town does not need to change the current laws.
- Allen Russell of 2 Tenney Lane spoke on the different ways individuals could enhance cell service without cell towers. He asked the Council to vote this down.
- Wayne Tanguay of Tenney Lane spoke on property taxes and how the value of property goes down by 2% to 20% based on how close they are to the cell tower. He was concerned about the possible health issues that could arise from having these cell towers in the RF Zone and asked that the proposed changes be revisited.
- Leslie Garber of 22 Coulthard Farms did not agree with the proposed changes – once you lose your health, it is hard to get it back.
- Suzan Foley-Ferguson of Black Point Road spoke against the proposed amendments. The Town should be the one to decide where the towers go, not the Tower Companies. It is the Towns responsibility to maintain the health and well-being of its residents.
- Ron Bona of 6 Tiger Lily Lane voiced his concerns with the proposed changes being recommended.
- Elisa Boxer of 16 Minuteman Drive stated that cell service is not great and then went on to voice her concerns about the proposed amendments regarding cell towers. She then read a statement from Lisa Bostwick a realtor from Cape Elizabeth which spoke against the proposed changes.
- Kelly Bowden, an attorney for Verizon, spoke regarding the cell towers and the proposed changes noting that they had worked with Dan Bacon on the proposed changes.
- Carl Sierak of the Pleasant Hill area felt that towers should be left in the industrial zone and does not want them in the residential areas.
- Pam Fisher a resident of Scarborough found it interesting that Verizon approached the town. She too would like to see this issue go back to the Ordinance Committee to be worked on further.
- Barry Hobbins, attorney for AT & T Wireless – this topic was not initiated by any one company, the problem was with the Ordinance and it being 15 years old. He commended the Town for revisiting this issue – we need to move forward, not backwards.

There being no further comments that hearing was closed at 8:02 p.m. This item will sent back to the Ordinance Committee for further review and then the second reading on Order No. 14-53 will be held on Wednesday, August 20, 2014.

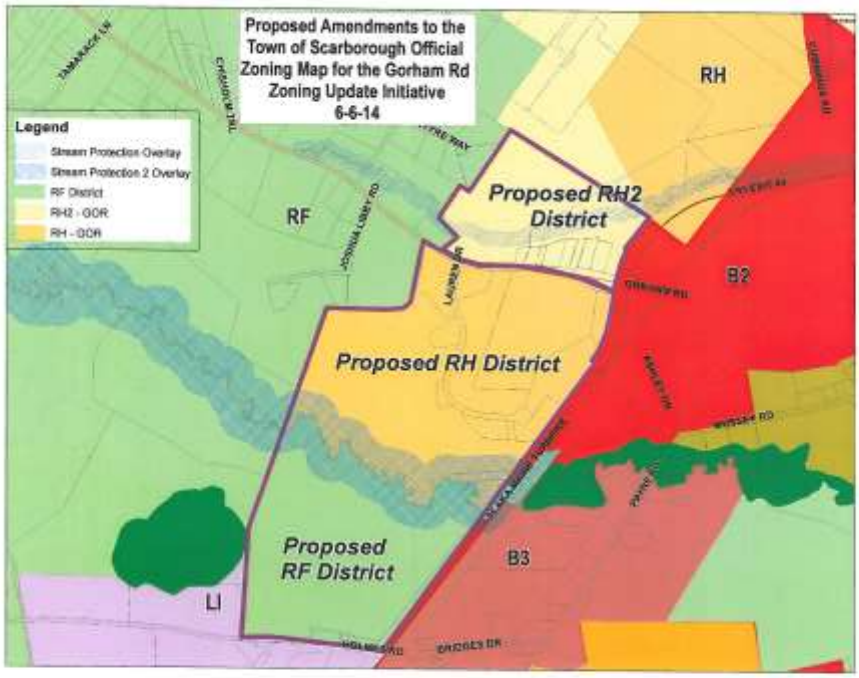
Order No. 14-57, 7:00 p.m. Public Hearing and second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to designate the RH, RH2 and RF Districts in the vicinity of the Holmes Road and Gorham Road. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to the Town of Scarborough Official Zoning Map. Chairman Sullivan opened the public hearing. Chairman Sullivan opened the public hearing. There being no comments either for or against, the public hearing was closed at 8:12 p.m.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to designate the RH, RH2 and RF Districts in the vicinity of the Holmes Road and Gorham Road.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval to amend the main motion to strike line d.in Section XX.A subsection A.4.d [page 9 in the agenda packet] and Section XX.B. subsection H.4.d [pages 20 in the agenda packet] both reads "*The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project*."

Vote on amendment: 6 Yeas.

Main Motion as Amended:



Amendments to
Chapter 405 – Town of Scarborough

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. SECTION XX.A. RUNNING HILL MIXED USE DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

Section XXA. RUNNING HILL - GORHAM ROAD MIXED USE DISTRICT, RH

A. PURPOSE

To provide for and encourage the Running Hill Road and Gorham Road area west of the Maine Turnpike to develop as a high-quality, well-planned mixed use center. This district is intended to accommodate a mix of office, service, financial, research, small retail, recreational, and residential uses in an environment conducive to both pedestrians and motorists. Development is intended to be compact and interconnected with common spaces, enabling walk-ability, human activity and vibrancy as well as convenient and orderly vehicular access and circulation. Master planning for larger parcels will enable flexibility, creativity, open spaces, and an overall character for the development. The Running Hill -Gorham Road Mixed Use District (RH) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsection I. of this district.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance.

3. New Lots~~Parcels~~. The division of a parcel that had five (5) acres or more of area as of July 16, 2008 into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance~~Any parcel created after July 16, 2008 by dividing a larger parcel must be at least 5 acres in area and must be developed as a Planned Development~~.

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

RESIDENTIAL USES

The following residential uses are permitted in both conventional and planned developments:

1. Multifamily dwellings
2. Multiplex dwellings
3. Townhouses
4. Senior housing
5. Single-family dwellings existing as of September 1, 2008
6. Accessory units subject to the performance standards of Section IX.J

MIXED USES:

The following mixed uses are permitted in both conventional and planned developments:

7. Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I) of this Ordinance
8. Live/Work Units
9. Retail sales and services establishments with less than 5,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

NON-RESIDENTIAL USES:

The following non-residential uses are permitted in both conventional and planned developments:

12. Professional offices
13. Business services and business offices
14. Financial, insurance and real estate offices
15. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
16. Health clubs
17. Non-municipal government offices
18. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
19. Funeral homes
20. Place of worship
21. Group day care homes, day care facilities, and nursery schools
22. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
23. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required

24. Municipal buildings and uses
25. Elementary and secondary schools
26. Libraries and museums
27. General purpose farming existing as of September 1, 2008 including the retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries
28. Golf courses
29. Nursing homes
30. Boarding care facilities for the elderly

D. SPECIAL EXCEPTIONS

The following uses are allowed as special exceptions in both conventional and planned developments:

1. Adjunct Uses, Place of Worship
2. Public utility facilities
3. Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply
4. Telecommunication facility

E. SPACE AND BULK REGULATIONS

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

1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Minimum Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses; senior housing	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots ~~not~~ abutting any other street ~~Running Hill Road~~	50
Non-Residential and Mixed Uses	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots ~~not~~ abutting any other street ~~Running Hill Road~~	50
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply		

2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	Minimum Front	Side and Rear Yard (ft.)

	Yard (ft.)	
Running Hill Road and Gorham Road	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 [1 & 2]
All other streets	10	15 [1 & 2]
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply	

[1]When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

[2] When a site abuts a residential district the minimum yard for a use other than a single-family dwelling shall be 100ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet

For single-family dwellings existing as of September 1, 2008, the space and bulk regulations of Section XIV., the RF District shall apply.

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Multi-family dwellings; multiplex; townhouses; senior housing	10,000	200 for lots abutting Running Hill Road or Gorham Road; for lots ~~not~~ abutting any other street~~Running Hill Road~~ the Planning Board shall determine the lot frontage under subsection I. of this	50

		district	
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road or Gorham Road; for lots ~~not~~ abutting any other street~~Running Hill Road~~ the Planning Board shall determine the lot frontage under subsection I. of this district	50

5. Yard Standards and Building Distance Requirements ~~from Running Hill Road~~ – The following minimum front yard standards apply in conjunction with subsection I. of this district.

Abutting Streets	**Minimum Front Yard (ft.)**	**Side and Rear Yard (ft.)**
Running Hill Road and Gorham Road – Buildings	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 [1 & 2]
All other streets	10	15 [1 & 2]

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under subsection I. of this district	85%	Determined by the Planning Board under subsection I. of this district	60 feet if the building is approved by the Planning Board under subsection I. of this district

F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal. The net lot area is the gross area of a lot exclusive of those

	areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed ten (10) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., ~~and~~ F.3., and/or F.4. are ~~both~~ used, the additional dwelling units permitted under F.3. and/or F.4. shall not also be subject to the development transfer provisions under F.2.

G. BUILDING ORIENTATION, STREETSCAPE, ACCESS MANAGEMENT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road~~,~~ and Gorham Road, the streetscape of Running Hill and Gorham Roads, access management as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

1. Streetscape – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. Where significant trees do not exist the buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road or Gorham Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

2. Building Orientation – The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing ~~an~~ attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback)

from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads ~~Running Hill Road~~ in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the ~~Running Hill Road~~ road corridors.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridors as well as to establish ~~an~~ attractive gateways into the Town of Scarborough. ~~Individual sites shall be limited to no more than one curb cut onto Running Hill Road~~. Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road ~~Running Hill Road~~ in order to share an access point and reduce the number of curb cuts along the corridor. Site access shall also be designed in accordance with the Site Plan Review Ordinance.

4. Off-Street Parking Location –No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

Therefore on sites fronting Running Hill or Gorham Roads off-street parking shall be located to the side or rear of the building or may be incorporated into the building design as structured parking. Further, where parking lots and associated access drives are visible from these roads, ~~Running Hill Road~~ they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.

H. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

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

2. Commercial Design Standards – All development within the Running Hill -Gorham Road Mixed Use District must be consistent with the Design Standards for Scarborough's Commercial Districts.

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough's Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development or redevelopment within a planned development ~~this district~~ shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code, and
b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

5. General Off-Street Parking Standards -

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill -Gorham Road Mixed Use District (RH) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham -Road Streetscapes – The streetscapes along Running Hill Road and Gorham Road are~~is~~ critical to establishing ~~an~~ attractive gateways into Scarborough with shade trees and a generous landscaped buffer strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads ~~Running Hill Road~~ where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads ~~Running Hill Road~~ but shall be setback from and separated from the street by this landscaped buffer. In addition to landscaping, sidewalks, pedestrian trails, freestanding signage and access drives are permitted within the buffer strip, but parking is not.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscapes along Running Hill and Gorham Roads and shall exhibit a more compact layout, form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a more compact, urban scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill Road and Gorham Road should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be closer to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Building Orientation for Buildings 45 feet or less in Height –Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. For buildings 45 feet in height or less, off-street parking shall not be permitted between the front line of the building and the street that the building fronts. Off-street parking shall be located to the side or rear of the building(s) or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings on one lot, the Planning Board may allow some buildings to be setback from the street(s) or driveways with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a more compact, human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards.

e. Building Orientation and Visual Impact for Buildings Greater than 45 feet in Height – The Planned Development provisions enable the Planning Board to review and approve of buildings greater than forty-five (45) feet in height, up to a maximum of sixty (60) feet in height, if the Planning Board finds that the building meets all of the following standards:

1) The apparent height of the proposed building when viewed from the Running Hill Road or Gorham Road is no greater than the apparent height of a similar building with a height of forty-five (45) feet setback forty-five (45) feet from the road ~~Running Hill Road~~ considering the topography of the site and the actual height of the proposed building;
2) The proposed building will not shadow or visually dominate the road ~~Running Hill Rod~~ corridor;
3) The proposed building will not significantly alter the appearance of the natural tree line of Running Hill when viewed from the surrounding area including from South Portland; and
4) Any portion of the building that is taller than forty-five (45) feet will be located at least five hundred (500) feet from an RF District or other residential zone unless the Planning Board determines that there is adequate visual buffering between the building and the RF District or other residential zone to assure that the proposed building does not have an adverse visual impact on properties in the RF District or other residential zones.

When determining the visual appropriateness of a building taller than forty-five (45) feet, the Planning Board may require graphic representations of how a building will look upon completion when viewed from various perspectives along the road corridor, from an RF District or other residential zones within five hundred (500) feet, and from surrounding viewing points in Scarborough and South Portland from which the proposed building may be visible. When buildings are setback more than one hundred (100) feet from Running Hill or Gorham Roads, the Planning Board may permit off-street parking to be located between the building and the road ~~Running Hill Road~~ provided it is screened in accordance with the streetscape requirements of subsection I.1.a above.

f. Place-making – A planned development shall include at least one "place" and potentially a number of "places", depending on the size and scale of the development. A "place" shall be a common space(s) where people can gather, meet and cross paths. A "place" can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, "places" are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. "Places" shall be located at the core of the pedestrian realm of a planned development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a "place" unless they are available for public use.

g. Access management and interconnections – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads ~~Running Hill Road~~. ~~All development within a planned development shall connect to Running Hill Road at one common intersection by way of internal street and driveway connections.~~ Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, to share the use of curb cuts and intersections, and to reduce the overall number of curb cuts on ~~Running Hill Road~~ these roads.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXA. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXA.(I)(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of subsection (I)(1), in particular subsection I.1.d. Compact design.

c. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill or Gorham Road or internal streets to meet the standards of subsection (I) and further the purpose of this district.

2. SECTION XX.B. RUNNING HILL MIXED USE TRANSITION DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

SECTION XXB. RUNNING HILL -GORHAM ROAD TRANSITION DISTRICT RH2

A. PURPOSE

To provide an area for the location of small retail, business, service and community uses as well as a range of residential uses including multifamily dwellings and dwellings that are part of mixed use developments. The goal of the district is to supplement the RH District in fostering a high-quality, mixed use center, with development at a scale and uses at an intensity which are compatible with the surrounding area. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in the RH District as well as serve as a transition to the surrounding rural residential areas. The Running Hill -Gorham Road Transition District shall be considered a businesses district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsections E. and I.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance.

3. New Lots~~Parcels~~. The division of a parcel that had five (5) acres or more of area as of July 16, 2008 into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance~~Any parcel created after July 16, 2008 by dividing a larger parcel must be at least 5 acres in area and must be developed as a Planned Development~~.

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

RESIDENTIAL USES:

The following residential uses are permitted in both conventional and planned developments:

1. Single family dwellings
2. Two family dwellings
3. Multifamily dwellings limited to no more than twelve (12) dwelling units per building
4. Multiplex dwellings
5. Townhouses limited to no more than eight (8) dwelling units per building
6. Senior housing

MIXED USES:

The following mixed uses are permitted in both conventional and planned developments:

7. Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I)
8. Live/Work Units
9. Retail sales and services establishments with less than 1,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

NON-RESIDENTIAL USES:

The following mixed uses are permitted in both conventional and planned developments.

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

12. Business services and business offices
13. Professional offices
14. Financial, insurance and real estate offices
15. Day care center facilities and Nursery schools
16. Group day care homes and Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
17. Health clubs

The following non-residential uses are not limited in square footage of floor area per unit of occupancy.

18. Municipal buildings and uses
19. Place of worship
20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]

21. General purpose agriculture existing as of September 1, 2008 including retail sales of farm products located on the same premises and kennels, but exclusive of abattoirs and piggeries

The following non-residential uses are permitted in conventional developments on lots existing as of April 1, 2014 that have frontage on Gorham Road:

22. Retail sales and services establishments with less than 2,500 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services
23. Restaurants with no drive-through service

D. SPECIAL EXCEPTIONS

The following uses are allowed as special exceptions in both conventional and planned developments:

1. Nursing homes.
2. Boarding care facility for the elderly.
3. Public utility facilities.
4. Telecommunication facility.
5. Adjunct Uses, Place of Worship.
6. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)
7. Non-municipal government offices
8. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
9. Funeral homes
10. Elementary and secondary schools
11. Libraries and museums

E. SPACE AND BULK REGULATIONS

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

1. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings; two-family dwellings; multi-family dwellings; multiplex; townhouses; senior housing	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots ~~not~~ abutting any other street~~Running Hill Road~~	50
Non-Residential and Mixed Uses	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots ~~not~~ abutting any other street~~Running Hill Road~~	50

2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	**Minimum Front Yard (ft.)**	**Side and Rear Yard (ft.)**
Running Hill Road and Gorham Road	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 [1 & 2]
All other streets	10	15 [1 & 2]

[1]When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

[2] When a site abuts a residential district, the minimum yard for a use other than a single-family or two-family dwelling shall be ~~50ft. and~~ determined based on the use in the RH2 District in accordance with the following table. Where a buffer is required, it shall comply with the buffering requirements of Section VIII of this Ordinance ~~shall apply~~.

Use of the site	**Minimum yard and buffer width**
Buildings and structures for all residential uses other than single- and two-family dwellings	50 feet
Buildings and structures for non-residential uses or mixed-uses with one story	50 feet
Buildings and structures for non-residential uses or mixed-uses with more than one story	100 feet

.

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
5,000 sq. ft.	35%	85%	None	3 stories or 45 feet, whichever is less

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings; two-family dwellings; multi-family dwellings; multiplex;	10,000	200 for lots abutting Running Hill Road or Gorham Road; for lots ~~not~~ abutting any other	50

townhouses; senior housing		streetRunning Hill Road the Planning Board shall determine the lot frontage under subsection I. of this district	
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road or Gorham Road; for lots not abutting any other streetRunning Hill Road the Planning Board shall determine the lot frontage under subsection I. of this district	50

5. Yard Standards – Determined by the Planning Board under subsection I. of this district

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
5,000 sq. ft.	35%	85%	None	3 stories or 45 feet whichever is less

F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Single-family, two-family, multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development that is served by the public sewer system may incorporate up to five (5) additional dwelling units per acre of net

lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development that is served by the public sewer system may incorporate up to five (5) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to five (5) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed five[ME1] (5) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., ~~and~~ F.3., and/or F.4. are ~~both~~ used, the additional dwelling units permitted under F.3. and/or F.4. shall not also be subject to the development transfer provisions under F.2.

G. BUILDING ORIENTATION, STREETSCAPE AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road and Gorham Road and internal streets, the streetscape of Running Hill Road and Gorham Road and internal streets, as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

1. Streetscape – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. The buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

2. Building Orientation - The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing ~~an~~ attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads ~~Running Hill Road~~ in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the ~~Running Hill Road~~ road corridors.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridors as well as to establish ~~an~~ attractive

gateways into the Town of Scarborough. ~~Individual sites shall be limited to no more than one curb cut onto Running Hill Road~~. Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road ~~Running Hill Road~~ in order to share an access point and reduce the number of curb cuts along the corridor. ~~These standards~~ Site access shall also be designed in accordance with the Site Plan Review Ordinance.

4. Off-Street Parking Location – No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

This standard shall not apply to single-family and two-family dwellings that may utilize driveways for parking within the front yard.

Where parking lots and associated access drives are visible from adjacent public streets, they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.

H. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

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

2. Commercial Design Standards – All development within the Running Hill Road-Gorham Road Transition~~Mixed Use~~ District, with the exception of single-family and two-family dwellings, must be consistent with the Design Standards for Scarborough's Commercial Districts.

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough's Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development and redevelopment within a planned development ~~this district~~ shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code, and
b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

4. General Off-Street Parking Standards -

a. Off-street parking shall be provided in accordance with the requirements of Section XI oif this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill Road-Gorham Road Transition District (RH2) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH2 District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH2 District as a mixed use transition zone. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham Road Streetscapes – The streetscape along Running Hill Road and Gorham Road are ~~is~~ critical to establishing ~~an~~ attractive gateways and ~~a~~ transitions into the rural area of Scarborough. Running Hill and Gorham Roads shall be buffered with shade trees and a generous landscaped strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads ~~Running Hill Road~~ where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads ~~Running Hill Road~~ but shall be setback and separated from the street by this landscaped buffer. Parking is not appropriate between Running Hill Road or Gorham Road and buildings within a planned development, but sidewalks, pedestrian trails, freestanding signs and access drives are.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscapes along Running Hill Road and Gorham Road and shall exhibit a more compact form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are more compact in scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH2 District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill and Gorham Roads should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be close to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Compact building design – Planned developments with the RH2 District shall exhibit a compact development pattern. Buildings shall be designed to front onto the internal street or driveway that provides access to the building(s). Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. The majority of off-street parking shall be located to the side or rear of buildings or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street or driveway with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. The Planning Board may determine that this standard need not apply to single-family and two-family dwellings that may seek to utilize driveways for parking within the front yard.

e. Access management and interconnections – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads~~Running Hill Road~~. ~~All development within a planned development shall connect to Running Hill Road at one common intersection by way of internal street and driveway connections.~~ Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, the share use of curb cuts and intersections and to reduce the overall number of curb cuts on these roads ~~Running Hill Road~~.

f. Place-making – A planned development shall include at least one "place" and potentially a number of "places", depending on the size and scale of the development. A "place" shall be a common space(s) where people can gather, meet and cross paths. A "place" can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, "places" are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. "Places" shall be located at the core of the pedestrian realm of a planned development; shall an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a "place" unless they are available for public use.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXB. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXB.(I)(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill or Gorham Roads or internal streets to meet the standards of subsection (I) and further the purpose of this district.

Vote: 6 Yeas.

Order No. 14-58, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance to make updates to the RH and RH2 Districts and the Conservation Subdivision Design Standards. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance. Chairman Sullivan opened the public hearing. There being no comments either for or against, the hearing was closed at 8:36 p.m.

Motion by Councilor Caterina, seconded by Councilor Holbrook, to move approval of the second reading on the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance to make updates to the RH and RH2 Districts and the Conservation Subdivision Design Standards, as follows:

3. SECTION VIIA. CONSERVATION SUBDIVISION DESIGN – FLEXIBLE DEVELOPMENT STANDARDS FOR LOWER DENSITY RESIDENTIAL DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

Section VIIA. CONSERVATION SUBDIVISION DESIGN – FLEXIBLE DEVELOPMENT STANDARDS FOR LOWER DENSITY RESIDENTIAL DISTRICTS [Amended 05/05/2010]

A. PURPOSE

Conservation subdivisions are intended to conserve and protect the town's freshwater wetlands, watercourses, farmlands, open space and natural features, while enabling more flexibility for residential developments to design around these natural features and resources. Conservation subdivisions allow the same net residential density on a given parcel as a conventional subdivision, but the use of alternative space and bulk requirements enable residential lots and dwellings to be clustered away from the natural or agricultural resources within a development. Conservation subdivision designs present many public benefits including: the conservation of wetlands; the avoidance of wetland impacts; the protection of watercourses and riparian corridors; the

conservation of wildlife habitat; the conservation of productive agricultural uses, activities and soils; and the conservation of open space and forestlands for neighborhood use and recreation. Conservation subdivision designs also offer economic and maintenance benefits to the landowner, developer and town government through clustered development which enables shorter road lengths, less infrastructure, and less impact to the landscape. Conservation subdivision design shall be required to avoid and conserve Scarborough's freshwater wetlands and shall be encouraged to conserve Scarborough's forestlands, wildlife habitat, farms, agriculture and rural character.

B. APPLICABILITY

Conservation subdivisions are allowed in only the RFM, RF and R-2 Zoning Districts, subject to the requirements of Section VIIA. ~~A conservation subdivision within an R-2 Zoning District must be served by sewer.~~

1. Required conservation subdivisions. Conservation subdivision design is required in the RFM, RF and R-2 Districts when:

- **a.** The land to be subdivided contains one acre or more of wetlands;~~.~~
- **b.** Twenty percent (20%) or more of the land to be subdivided is wetlands;~~.~~
- **c.** Twenty percent (20%) or more of the land to be subdivided is within the Shoreland Zone under the Town of Scarborough Shoreland Zoning Ordinance;~~.~~
- **d.** A subdivision will alter (through lot configurations and road, driveway and utility crossings) 4,300 square feet or more of wetland if designed and developed in a conventional layout; or~~.~~
- **e.** A subdivision proposes to include two-family and/or multi-family dwellings. [Adopted 05/05/10]

2. Elective conservation subdivisions. Where not required under Section VIIA(B)(1) above, conservation subdivision design may be permitted by the Planning Board in the RFM, RF and R-2 Districts in order to:

- **a.** Avoid, buffer and conserve wetlands, watercourses, water bodies, and shoreland zoned areas less in area and percentages than the thresholds requiring conservation subdivision design under Section VIIA(B)(1).
- **b.** Conserve agricultural fields, farming activities, forestlands, meadows, wildlife corridors, high value plant and animal habitat areas, or other natural areas, while accommodating residential development through flexible design.
- **c.** Establish open space to be used for active and passive recreational purposes that can complement and serve the residences within a conservation subdivision.

C. PERMITTED USES & SPECIAL EXCEPTIONS [Amended 05/05/10]

The Permitted Uses and Special Exceptions within a conservation subdivision shall be the same as those allowed within the zoning district in which the subdivision is approved.

D. DENSITY DETERMINATION

The maximum number of dwelling units permitted within the conservation subdivision shall be determined by the maximum net residential density allowed in the zoning district in which the conservation subdivision is located, and as calculated in accordance with the definition of net

residential acreage. To demonstrate the number of dwelling units possible, an applicant shall submit a sketch or concept level conventional subdivision plan showing a lot layout complying with the space and bulk regulations of the applicable zoning district, the net residential density calculation, an upland area on each lot capable of sufficiently accommodating a building envelope and providing for drinking water and wastewater disposal, and a street layout in accordance with the Street Acceptance Ordinance of the Town of Scarborough. If the subdivision will be served by on-site well and wastewater disposal the lots in a sketch conventional plan shall each have at least 20,000 sq. ft. of contiguous uplands.

E. SPACE AND BULK REGULATIONS

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving a proposed conservation subdivision, shall apply the following space and bulk regulations.

1. RF & RFM Districts

Maximum net residential density	1 dwelling unit per net residential 2 acres
Minimum lot area	30,000 sq. ft.
Minimum street frontage	100 feet
Minimum front yard, all buildings	25 feet
Minimum rear and side yards, all buildings	15 feet
Maximum building height	(See Section IX,A,15)
Maximum building coverage	25%

2. R2 Districts served by Sewer

Maximum net residential density	2 dwelling units per net residential acre
Minimum lot area	7,500 sq. ft.
Minimum street frontage	75 feet
Minimum front yard, all buildings	15 feet
Minimum rear and side yards, all buildings ~~*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.~~	15 feet*[1]
Maximum building height	(See Section IX,A,15)
Maximum building coverage	35%

1. The minimum side yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

3. For conservation subdivisions in areas of the R2 District that are not served by the public sewer system, or are not within a reasonable distance from public sewer system, the space and bulk standards of the R2 District shall apply. When determining a reasonable distance from the public sewer system, the Planning Board should consider factors such as the topography of the potential sewer line extension; subsurface conditions within the potential sewer line alignment; the residential density and number of building lots proposed within the subdivision; and other similar factors.

4. Building lots may be clustered in groupings of three to five lots or may all be clustered in one contiguous area depending on the natural characteristics of the land, the location and size of upland

areas, and the function and values of the open space. The minimum width of open space between any clusters of building lots shall be 50 feet. This minimum width shall be measured between the building lots' side property lines and is intended to provide separation between clusters of building lots along a road right-of-way. The size and dimensions of the larger, contiguous open space areas shall be designed in accordance with the applicable performance standards in Section VIIA(F) below.

45. The minimum lot area in the RFM and RF Districts shall be 30,000 sq. ft. as per Section VIIA(E)(1) above, except where a greater lot area minimum may be required in order to meet the Town Plumbing Ordinance and the Maine State Plumbing Code. Lot size determinations shall be made prior to preliminary plan approval.

F. CONSERVATION OF OPEN SPACE

The open space within a conservation subdivision~~, which~~ may include freshwater wetlands, forested wetlands, saltwater marshlands, farmlands, fields, forestlands and recreation areas. Stormwater facilities including detention or retention ponds and similar facilities shall not be counted in meeting the minimum open space requirements unless the Planning Board finds that the purpose and other standards of this Section VIIA. are met.~~,~~ The open space shall be designed in accordance with the following performance standards depending on the purpose of the open space:

1. Within conservation subdivisions that are required pursuant to Section VIIA(B)(1) and are located in the RF District, RFM District or within a sewered area of the R2 District, at least 50% of a subdivision's total land area shall be open space. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition to these wetlands and natural features, the open space may also include agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas that will be preserved or established as part of the subdivision as well as land designed to buffer these areas. In order to be counted toward the 50% requirement, an open space area must be at least one acre in size and include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space areas shall be connected and contiguous, consistent with the connectivity and network of the wetlands, watercourses, water bodies and other natural features within the subdivision. To the extent possible, open spaces shall connect to open space lands existing or proposed on adjacent properties. The open space areas within conservation subdivisions shall also be consistent with the performance standards that apply to the type and function of the open space. Building lots shall be designed on the accessible and contiguous upland areas in clusters according to Section VIIA(E)(3) to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs and wetland or stream crossings. The Planning Board may permit open space parcels that are not contiguous and are less than one acre in size, as per Section VIIA(G), if the intent and purpose of this Section VIIA is fulfilled.

2. Within conservation subdivisions that that are required pursuant to Section VIIA(B)(1) and are located in an unsewered area of the R2 District or conservation subdivisions that are elected pursuant to Section VIIA(B)(2) a., at least 40% of a subdivision's total land area shall be open space. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In order to be counted toward the 40% requirement, these open space areas shall include a minimum wetland buffer of twenty-five (25) feet, but the open space areas may be less than one acre in size depending on the size and configuration of wetlands or other natural features. The open space areas shall be

connected and contiguous, consistent with the connectivity and network of the wetlands, watercourses, water bodies and other natural features within the subdivision. Building lots shall be designed on the accessible and contiguous upland areas in clusters according to Section VIIA(E)(3) to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs and wetland or stream crossings. The Planning Board may permit open space parcels that are not contiguous, as per Section VIIA(G), if the intent and purpose of this section is fulfilled.

3. Within conservation subdivisions that are elected pursuant to Section VIIA(B)(2)(b) or (c), at least 40% of a subdivision's total land area shall be open space. The open space areas shall encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition, the open space may encompass and buffer the agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas the conservation subdivision is intended to preserve or establish. In order to be counted toward the 40% minimum requirement, the open space areas shall be connected and contiguous and shall each be at least one acre in size. To the extent possible, open spaces shall connect to open space lands existing or proposed on adjacent properties. The open space areas within conservation subdivisions shall also be consistent with the performance standards that apply to the type and function of the open space.

4. Open space lands that are conserved to be used and maintained for agricultural activities shall meet the following standards:

a. The open space land(s) intended for agricultural activity shall not be intermingled with a cluster of residential lots within a conservation subdivision, but rather shall be designed as larger, contiguous tracts of land appropriate in dimensions and area to enable agricultural activities to occur at a level deemed appropriate by the Planning Board. For example, agricultural fields and activities should be designated along a road at the entrance to a subdivision, within a central common between clusters of residential lots, or at the rear of subdivision behind a cluster of residential lots, as opposed to designating agricultural activities on smaller open space strips between residential lots.

b. The specific agricultural activity shall require Planning Board approval. When determining the appropriateness of an agricultural activity within a conservation subdivision the Planning Board shall consider the noise, dust, odors, and other impacts that may result from the proposed agricultural activity. The Planning Board may require specific buffering, hours of operation and seasons of operation, and may restrict the type and intensity of agricultural use or activity based on the above considerations. Any conditions or restrictions imposed by the Planning Board shall be consistent with best management practices as determined by the Maine Department of Agriculture, Food and Rural Resources.

c. No access to the agricultural use by vehicles, equipment or livestock associated with the agricultural activity shall be planned or allowed over residential lots as part of the conservation subdivision. Separate access to the agricultural use for operational purposes shall be required.

d. The size and location of any agricultural building(s) associated with the agricultural use of the open space shall be approved by the Planning Board.

e. The open space lands may be owned jointly by the owners of the residential lots within the subdivision, or may be permanently conveyed to a corporation or trust owned or to

be owned jointly by the owners of the residential lots within the subdivision or to a recognized nonprofit conservation group, a land trust or the Town as approved by the Planning Board. Alternatively, open space land preserved for agricultural activity may be held in private ownership separate from the ownership of the residential lots within the subdivision, provided that all the agricultural open space within the subdivision is held in the same ownership. A deed restriction prohibiting further use and development of the open space parcel(s) beyond the specified agricultural use(s) and building(s) shall be required. Allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

5. Open space lands that are conserved as wetlands, forestlands, meadows and other natural areas shall meet the following standards:

a. Conservation subdivisions utilized to preserve wetlands, forestlands, meadows, wildlife corridors, wildlife habitats and other natural features shall be designed with the open space lands encompassing the most significant wildlife areas, mature forestlands or natural features within the subdivision. The open space lands shall be as large and contiguous as possible to provide the highest wildlife habitat and passive recreation values possible.

b. Open space lands may include a trail system for walking, hiking, biking or similar activities. This trail system shall be included on the subdivision plan, including a cross-section and limit of clearing, and should link with adjacent trails if possible.

c. The open space lands shall be owned jointly by the owners of the residential lots within the subdivision, or shall be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots within the conservation subdivision, to be used for open space and recreational purposes, as specified above and as approved by the Planning Board, and shall not be further subdivided, used for building purposes or used for other recreational activities. A deed restriction to this effect shall be required. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

d. As an alternative to Section VIIA(F)(5)(c), the open space lands may be preserved as such by being conveyed to a recognized non-profit conservation group, land trust or the Town as approved by the Planning Board. This conveyance shall also be accompanied by a deed restriction limiting the use of the land to the specific open space and recreational purposes approved by the Planning Board. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

6. Open space lands designed to accommodate passive and active recreational facilities or amenities shall meet the following standards:

a. The ~~A~~active and passive recreational areas may include facilities exclusively for the use of the residents of the subdivision such as neighborhood commons, gardens, picnic areas, playing fields, playgrounds, courts, bikeways or a combination thereof, or for use by the general public, or may be privately owned and operated as commercial recreational facilities such as golf courses, cross country ski areas and other commercial outdoor recreational uses. ~~shall not be commercial facilities, but rather shall be areas for use by the residents of the~~

~~conservation subdivision, such as neighborhood commons, gardens, picnic areas, playing fields, playgrounds, courts, bikeways or a combination thereof~~.

b. Recreational areas shall be designed and located in a manner that is accessible to all of the residential dwellings in the subdivision. The open space and recreation areas may include sidewalks, footpaths, trails, driveways and parking areas to facilitate accessibility. Such amenities and infrastructure shall be reviewed and approved by the Planning Board.

c. Commercial recreational areas and facilities shall be principally identified by the use of open, outdoor space and shall have minimal structure development. If any of the facilities will be privately owned by an entity other than the owners of the dwelling units in the subdivision, permanent provisions must be established that allow residents of the subdivision use of the open space or designated facilities within the open space. Access to commercial recreational facilities for subdivision residents on a no-fee or reduced fee basis approved by the Planning Board can meet the requirement for resident access to the open space.

~~c~~**d.** The size, location and impervious area of any recreational facility or amenity shall be reviewed and approved by the Planning Board. The Planning Board may consider stormwater runoff, lighting, proximity to residential dwellings, buffering, traffic impacts, compatibility with the residential development, and similar factors in their review.

~~d~~**e.** Recreation areas ~~shall~~ may be owned jointly by the owners of the residential lots or units within the subdivision, or ~~shall~~ be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots or units within the conservation subdivision, to be used for open space and recreational purposes, as specified above and as approved by the Planning Board, and shall not be further subdivided, used for building purposes or used for other recreational activities. A deed restriction to this effect shall be required. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

~~e~~**f.** As an alternative to Section VIIA(F)(6)(a), (c), (d) and (~~d~~e), the recreation areas may be either conveyed to the Town and may be open to use by the entire community if specifically approved by the Planning Board and agreed to by the Town Council or owned by a private entity for use as a commercial recreational facility. If open to community or commercial use, the recreation areas shall be sited in a location that is easily accessible to the public with minimal traffic impacts to the residential component of the conservation subdivision; shall provide adequate visitor parking based on the recreation area's size and intended uses; and shall include buffers to the residential lots within the conservation subdivision to separate public and private space. These activities may be subject to the provisions of the Site Plan Review Ordinance.

~~f~~**g.** When parking areas are proposed, they shall be designed and constructed with pervious and semi-pervious alternatives to bituminous pavement, if possible. Such alternatives may include porous pavement blocks, grassed interlocking paving systems, re-enforced turf and stone dust materials. These alternative parking surfaces are intended to minimize storm water run-off and facilitate infiltration and natural hydrological functions to the extent feasible.

~~g~~**h.** If any portion of the open space will be owned by a private entity consisting of others than the owners of the lots or units in the subdivision, that open space shall be protected from future development or uses that are inconsistent with its function as open space that benefits the subdivision by the establishment of a permanent conservation easement to the

Town of Scarborough or a land trust or conservation organization approved by the Planning Board, or the subdivision's home owners association. This easement shall be approved by the Town prior to approval of the subdivision by the Planning Board.

7. Open space lands, required pursuant to Section VIIA(B)(1), may be designed to conserve wetlands and other natural resources, while also accommodating agricultural or recreational uses and activities. The Planning Board shall have the flexibility to allow a combination of open space functions so long as these functions and uses are in conformance with all of the above performance standards in Section VIIA(F)(1) through (6).

Vote: 6 Yeas.

Order No. 14-59, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance. Chairman Sullivan opened the public hearing. There being no comments either for or against, the hearing was closed at 8:37 p.m.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the second reading on the proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance, as follows: Proposed Amendment to the Town of Scarborough Plumbing Ordinance to Revise the Limitations of Common Disposal Areas

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Plumbing Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend Article V. Section 4. Prohibited Systems so that subsection B. reads as follows (additions are underlined; deletions are struck through):

B. Common disposal areas serving multiple units are not permitted for new construction. This limitation does not apply to two-family dwellings, multifamily dwellings with four (4) or fewer dwelling units, and mixed-use buildings with four (4) or fewer dwelling units that are located in the portions of the RF, RPO, RH, RH2, and TVC2 zoning districts that are not served or cannot be reasonably served by the Town's public sewerage system provided that each building is served by one (1) or more independent subsurface sewage disposal systems so that no disposal system serves more than one (1) building. The use of common disposal areas to serve clusters of dwellings and structures shall be allowed only where existing units have malfunctioned.

Vote: 6 Yeas.

Order No. 14-65, 7:00 p.m. Public Hearing and action on the following new requests for a Food Handlers License: KBC14, LLC, d/b/a Mac's Deli, located at 426 U.S. Route One – Suite 2; Robert E. Anderson, d/b/a The Paper Store, located at 11 Hannaford Drive; and North Madison Hill, LLC, d/b/a Great East Butcher Company, located at 450 Payne Road. Chairman Sullivan opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:38 p.m.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the new requests for a Food Handlers License: KBC14, LLC, d/b/a Mac's Deli, located at 426 U.S. Route One – Suite 2; Robert E. Anderson, d/b/a The Paper Store, located at 11 Hannaford Drive; and North Madison Hill, LLC, d/b/a Great East Butcher Company, located at 450 Payne Road.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 14-54. Second reading on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance. Thomas J. Hall, Town Manager, gave a brief overview on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance. No public comments were made.

Motion by Councilor Caterina, seconded by Councilor Holbrook, to move approval of the second reading on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance.

Motion by Councilor Holbrook, seconded by Councilor St. Clair, to move approval to the main motion to keep the Frightening Animals section of the Ordinance as it is more strict then State Statute.

Vote on Amendment: 6 Yeas.

Main Motion as Amended:

CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE

Section 1. Definitions

Vehicle

(a) The word "vehicle" shall mean as defined in the Maine Motor Vehicle Statutes Title 29-A:

(1) Means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on tracks or snowmobiles as defined in Title 12, Section 13001 or an electric personal assistive mobility devise as defined in this section, and; [amended 07/16/14]

(2) Any vehicle defined as a "trailer, semi-trailer or tow dolly" according to the Maine Motor Vehicle Statutes Title 29-A. [amended 07/16/14]

Park

(b) The word "park" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Standing

(c) The word "standing" shall mean any stopping of a vehicle, whether occupied or not.

Street, Way or Road

(d) The words "street, way or road" shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic.

Roadway

(e) The word "roadway" shall mean that portion of a street, way or road, designed or ordinarily used for vehicular traffic.

Person

(f) The word "person" shall mean every natural person, firm, co-partnership, association or corporation.

All Night Parking

(g) The words "all night parking" shall mean the parking of a vehicle between the hours of 2:00 A.M. and 6:00 A.M. of any day except physicians or other persons on bona fide emergency calls. (Amended 06/21/2006)

Truck

(h) The word "truck" shall mean any motor vehicle used for the conveyance of person and/or property having a gross vehicle weight of 26,001 pounds or more. (Effective 10/1/86) [Amended 07/16/14].

Public Safety Traffic Flagger

(i) As defined in Maine Motor Vehicle Statutes, Title 29-A: means a municipal firefighter, a volunteer firefighter or a member of an emergency medical service licensed by the Department of public Safety. [Adopted 07/16/14]

Section 2. Signs Required.

No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

Section 3. Unauthorized Signs, Signals or Markings.

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic signal or control device or sign or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any sign or signal, and no person shall place or maintain any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the Chief of Police is hereby empowered to remove the same or cause it to be removed without notice.

Section 4. Prohibited Parking. **[amended 07/16/14]**

No person shall park a vehicle upon a street, way or road for the principal purpose of:

(a) Displaying it for sale;

(b) Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency;

(c) For the primary purpose of advertising;

(d) Or for the sale of any personal property, or for the exercise of any business, profession or calling.

Section 5. Parking Prohibited, Specific Locations. **[amended 07/16/14]**

No person shall park a vehicle in any of the following places, nor shall any person move a vehicle not owned by him into any of the said places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, other authorized person, or traffic control device:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) Within 10 feet of a fire hydrant;

(e) On a crosswalk;

(f) Within 20 feet of the near corner of the curbs at an intersection;

(g) Within 30 feet upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

(h) Between a safety zone and the adjacent curb;

(i) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station;

(j) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(k) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or double park, so-called;

(l) Upon any bridge or other elevated structure upon a highway;

(m) At any place where official signs prohibit stopping.

Section 6. Parking at the Scene of a Fire.

No person shall park within 500 feet of the scene of a fire and within 400 feet of fire-fighting apparatus at the scene of a fire. [Amended 07/16/14]

Section 7. Snow Removal.

No vehicle shall be parked at any time on any street, way or road so as to interfere with or hinder the plowing or removal of snow from any street, way or road. The Chief of Police or his designee may cause any vehicle so parked to be removed from the street in accordance with the provisions of Section 9 of the Ordinance. [Amended 07/16/14]

Section 8. Snow Obstruction.

No person shall lay, throw, or place, or cause to be laid, thrown or placed on any public street, way or road any snow or ice from private property. If, in the removal of snow or ice from private property, it is necessary to place temporarily snow or ice on any public street, way or road such snow or ice shall immediately be removed from the public street, way or road, by and or at the expense of the person that caused it to be placed on the public street, way or road. [Amended 07/16/14]

Section 9. Obstruction in Street.

Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by an ordinance of said Town is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic.

Section 10. Frightening Animals.

The driver of any motor vehicle approaching a person riding, driving or leading any animal, shall use reasonable caution in passing said animal(s). If said person so signals, a driver shall bring his motor vehicle to a stop and remain stationary as long as it may be necessary to allow said animal(s) to pass.

Section 11. Authority to Remove.

(a) Any vehicle parked or standing in a manner described in Sections 7 and 9 may be removed by, or under the direction of, or at the request of the Chief of Police or any Police Officer of said Town to a garage or storage place. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provision of the ordinance.

Notice to owner

(b) The Police Department shall make every effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways or roads by the quickest means. If this is not possible, a written notice that such vehicle has been impounded shall be sent by the Chief of Police or his designee to the owner at his last known address as shown by the records of the Secretary of Maine within (5) five business days of the vehicle removal thereof.. If the owner is unknown, the Chief of Police shall cause to be published in any newspaper printed in the City of Portland notice of such impounding, giving the registration number, the motor number and the name, type, and year of said vehicle. [Amended 07/16/14]

Release of Vehicle

(c) Before the owner of such vehicle, or his representative, may remove it from the possession of the person towing or storing it, he shall:

(1) Furnish satisfactory evidence of his identity and of his ownership of said vehicle to the Chief of Police or his designee and to the person having possession of the vehicle. [Amended 07/16/14]

(2) Pay to the person having possession of said vehicle reasonable charges for the towing and storing of said vehicle.

(3) Sign a receipt for said vehicle.

Section 12. Required Obedience.

Except when otherwise directed by a police officer, or Public Safety Traffic Flagger, the driver of any vehicle and every pedestrian shall obey the instructions of any traffic-control device, signal, sign or marker installed under the provisions of this ordinance or State Law, and every such person shall obey each and every provision of this ordinance. [Amended 07/16/14]

Section 13. Traffic Control Devices.

(a) Authority to install traffic control devices.

The Council shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this Town to make effective the provisions of said ordinances, and may by order without the necessity of amending this ordinance, place and maintain such additional traffic-control signs, signals and devices as may be deemed necessary to regulate traffic under the traffic ordinances of the Town or under State Law, or to guide or warn traffic. Such additional traffic-control signs, signals and devices shall have the same force and effect as if placed pursuant to amendments to this ordinance.

(1) Whenever the Council accepts any street or way as a public way, and there are traffic control signs, signals, or devices existing on the street or way at the time of acceptance, and the Council approves the location of such existing traffic control signs, signals or devices as part of the street acceptance, then such traffic control signs, signals or devices shall have the same force and effect as if placed pursuant to an amendment to this Ordinance. [Amended 08/01/90]

(b) Obedience to official traffic-control devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances of this Town, unless otherwise directed by a police officer or Public Safety Traffic Flagger, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance. [Amended 07/16/14]

(c) When traffic devices required for enforcement purposes.

(1) No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(2) Curb painting shall be yellow only and shall designate restricted areas.

Section 14. Parking on Paved or Improved Surface.

No vehicle shall be parked on the paved or improved surface of any street, way or road when it is practicable to park elsewhere.

Section 15. Parking on Left.

No vehicle shall be parked or stopped on the left of any street, way or road so that it is facing oncoming traffic.

Section 16. Movement of Traffic.

The parking of vehicles and movement of traffic are hereby regulated on the streets or parts of the streets set forth in Section 25, annexed hereto and made a part of this ordinance and, when signs are erected giving notice thereof, the parking of vehicles and movement of traffic shall be regulated as set forth on said Schedule for such streets or parts of streets. [Amended 07/16/14]

Section 17. Prima facie Evidence of Operation.

No person shall allow, permit or suffer any vehicle registered in his name to stand or park on any street, way or road, in violation of any provision of this ordinance. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered. [Amended 07/16/14]

Section 18. True name to be Given.

It shall be unlawful for any person when given a notice by any police officer or other authorized person to appear to answer for an offense against any provision of this ordinance to give other than his name and true place of residence or address, upon the request of such police officer or other authorized person.

Section 19. Temporary Signs.

The Chief of Police or his designee is hereby authorized to place temporary no-parking signs, detour signs, and to route traffic by personal direction of police officers and/or Public Safety Traffic Flagger of the Town of Scarborough in circumstances of emergency or congestion such as, but not limited to fires, funerals, church services, parades, sporting events and also where the traffic generated by private business locations requires such directional and control. [Amended 07/16/14]

Section 20. Snow Accumulation.

When the width of a roadway is decreased by reason of snow accumulation, or by any other reason, to less than twelve feet, the Chief of Police is authorized to prescribe temporary traffic and parking regulations and to place such temporary signs as may be necessary to give notice of the regulations.

Section 21. Pedestrians Rights and Duties. [Amended 07/16/14]

(a) Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(b) Prohibited crossing.

No pedestrian shall cross a roadway other than in a crosswalk (in the central traffic district or) in any business district.

(c) Obedience of pedestrians to bridge and railroad signals.

(1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(d) Pedestrians soliciting rides or business.

(1) No person shall stand in a roadway or a sidewalk for the purpose of soliciting a ride, employment or business from the occupant of any vehicle. [Amended 07/16/2014]

(2) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Section 22. Penalty.

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than Eighty ($80.00) Dollars for each offense, except for handicapped parking violations which shall be $120.00 for each offense, to be recovered, on complaint, to the use of the Town of Scarborough or by imprisonment for not more than ten (10) days or by both such fine and imprisonment. If payment of a ticket is received at the Scarborough Municipal Building within 30 days after the date of issuance of the ticket, the fine shall be reduced to $40.00, or $60.00 for handicapped parking violations. [Amended 06/21/06]

Section 23. Citation on Illegally Parked Vehicles.

Whenever any motor vehicle is found parked in violation of any of the restrictions imposed by ordinance of this Town or by State Law, the officer or other authorized person finding such vehicle may take its registration number and may take any other information displayed on the vehicle which may identify the registered owner and may conspicuously affix to such vehicle a parking ticket, on a form provided by the Town, for the registered owner to answer to the charge against him within 5 days during the hours and at a place specified on the ticket. The penalty on illegally parked vehicles shall be $80.00 for each offense, except for handicapped parking violations which shall be $120.00 for each offense. [Amended June 1990][Amended 06/21/06] [Amended 07/16/14]

Section 24. Appealing the Issuance of a Parking Ticket.

A registered owner of a motor vehicle that has been issued a parking ticket in violation of this ordinance may request that the issuance of the ticket be rescinded by appealing the issuance of the ticket. An appeal shall be made by delivering to the Scarborough Police Department, within seven business days of the issuance of the ticket, a written appeal on a form to be provided by the Scarborough Police Department. Delivery of the appeal shall be accomplished by hand delivery to the Police Department or by deposit in the United States mail, postage prepaid, properly addressed to the Chief of Police and post marked within seven business days of the issuance of the ticket. The Chief of Police or his designee shall render a written decision granting or denying the appeal within ten business days of the submission of the appeal. Written notice of the decision shall be sent by regular mail to the registered owner of the motor vehicle. (amended 06/21/2006)

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

I. NO PARKING AT ANY TIME.

No person shall park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device. [Amended 07/16/14]

(1) No all-night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.

(2) Upon the Pleasant Hill Road from U.S. Route One to the Rigby Road.

(3) Upon the westerly side of the Willowdale Road from U.S. Route One to the end of the Town right-of-way. (Parking permitted on the easterly side).

(4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. [Amended 11/16/94]

(5) Upon the Broadturn Road within 50' of U.S. Route One to end.

(6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route One.

(7) Upon U.S. Route One from the South Portland line to the Saco line (both sides).

(8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route One. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route One.

(9) Upon Pillsbury Drive (entire length).

(10) East Grand Avenue (east side) one parking space in front of 19 East Grand Avenue formerly; Colony Motel, no parking. [Adopted 10/6/76]

(11) Avenue One Extension (entire length – from King Street to the ocean). [Amended 6/7/89] [Amended 07/16/14]

(12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road. [Amended 08/01/90]

(13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station. [Amended 08/01/90]

(14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length. [Amended August 1, 1990]

(15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way. [Amended 08/18/04]

(16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive. [Amended 09/07/04]

(17) No parking along Bayview Avenue from Houghton Street to Pearl Street. (Adopted J01/20/10]

II. HIGGINS BEACH.[amended 01/19/2011][amended02/16/2011]

a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).

Parking shall be allowed on the easterly side of Acorn Lane from September 16^{h} to April 30th.

b. Exempt from paragraph (a) of this subsection are the following:

(i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)

(ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated parking spaces, on the ocean side only of Bayview Avenue from the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1 hour parking shall not be in effect.

(iii) On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street**.** (amended02/16/2011)

(iiii) there shall be no parking on any of the other streets year round unless otherwise noted herein.

c. Upon either side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Dorado Drive.

d. A five-minute drop-off zone, year round. on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.

III. PROUTS NECK (from May 1 to September 15 of each year).

a. Upon any of the public streets or highways within the are known as Prouts Neck area. For the purpose of this Ordinance, the Prouts Neck area is defined as including the area generally South of the property at 364 Black Point Road, now or formerly owned by Eucharist Archambault on the Prouts Neck Road. (Black Point Road). [Amended 07/16/14]

b. Black Point Road from Kirkwood Road to Ferry Road. [Amended 11/14/94]

IV. PINE POINT (from May 1 to September 15 of each year). Revised February 1980.

(1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.

(2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]

(3) Entire length of Riversands Drive - both sides.

(4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.

(5) On both sides of Avenue Five from King Street to the Ocean.

(6) Driftwood Lane (the entire length - both sides).

(7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]

a. On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]

b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]

c. From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]

d. On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.

e. From the Westerly entrance to Conroy's Garage to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".

(8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.

(9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]

(10) On the East Side of Avenue Four from Jones Creek Drive to King Street.

(11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]

(12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

IV-1. PINE POINT (from May 1 to September 15 of each year).

(1) On Pine Point Road (formerly Depot Street) from East Grand Avenue to the Ocean.

(2) On Pine Point Road, both sides, within twenty (20) feet of either side of the driveway opening of the Audubon Nature Center.

IV-2. PINE POINT - CO-OP (Time Limit) [adopted 1/06/99]

(1) The thirteen (13) parking spaces, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.

V. TWO ROD ROAD (from May 1 to October 30 of each year).

(1) No parking at any time on the Two Rod Road from Holmes Road southerly a direction of 1500 feet.

VI. LOADING AND UNLOADING ZONES.

(1) 63 King Street - 20 minute business zone.

(2) 27 East Grand Avenue - 20 minutes business zone.

(3) 49 East Grand Avenue - 20 minutes business zone.

(4) Ferry Beach Public Landing - Boat Landing Ramp - 20 minute limit.

VII. From 11:00 P.M. to 5:00 A.M. (Revised May 1982) (Amended June 1990) (Amended June 5, 2002)

(1) Ferry Road and Ferry Beach Public Landing.

(2) Hurd Memorial Park.

(3) Bi-Centennial Parking Lot.

(4) Pine Point Public Landing.

VIII. Deleted by Council Action on 5/5/82.

IX. Amended 6/7/89 see Section 30, A - I.

X. HANDICAPPED PARKING [Enacted 02/02/83][Amended 06/17/92]

It shall be unlawful for any vehicle to park in a parking space(s) designated as handicapped parking space without first displaying a special registration plate or placard issued under Title 29, Section 252, M.R.S.A. or a similar plate issued by another state. There shall be adjacent to and visible from each handicapped parking space(s) a posted sign containing the wording *"Handicapped Parking"* and denoting the International Handicap Symbol of Accessibility depicted in white on a blue background.

B. LOCATIONS WHERE U-TURNS ARE NOT PERMITTED.

I. On U.S. Route #1 from the South Portland Line to the Saco Line.

C. ONE WAY STREETS AND ALLEYS.

I. Authority to sign one way streets.

Whenever any ordinance of this Town designates any one-way street the Town Council shall place and maintain signs giving notice thereof, and such regulation shall not be effective unless such signs are in place. Signs indicating the direction of lawful movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

II. One-Way Streets.

Upon the following streets vehicular traffic shall move only in the following specified directions:

(1) Ocean Avenue shall be one-way from Greenwood Avenue southeasterly to Bayview Avenue.

(2) Pearl Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue.

(3) Ashton Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue and add a stop sign at Bayview Avenue and Ashton Street. [Amended 12/06/00)

(4) Morning Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue.

(5) Houghton Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue. [Amended 12/06/00]

(6) Bayview Avenue shall be one-way from Ocean Avenue southwesterly to Houghton Street. [Amended 12/06/00]

(7) Bayview Avenue shall be one-way from Ocean Avenue northeasterly to Morning Street. [Amended 12/06/00]

D. SPEED LIMITS IN CERTAIN AREAS.

I. DUNSTAN AREA.

(1) Broadturn Road from U.S. Route One to Urban line. Maximum speed limit 30 M.P.H.

(2) Old Blue Point Road from U.S. Route One to Urban line. Maximum speed limit 35 M.P.H.

II. PINE POINT AREA.

(1) Pine Point Area - All streets easterly of Depot Street including Depot Street. Maximum speed limit 25 M.P.H.

(2) Ross Road from Pine Point Road ½ mile on Ross Road. Maximum speed limit 25 M.P.H.

III. HIGGINS BEACH AREA.

(1) All streets including Ocean Avenue. Maximum speed limit 25 M.P.H.

IV. PLEASANT HILL AREA.

(1) Highland Avenue from Pleasant Hill Road to Chamberlain Road. Maximum speed limit 35 M.P.H.

(2) Gunstock Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(3) Powder Horn Drive, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(4) Schooner Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(5) Honeysuckle Lane. Maximum speed limit 25 M.P.H. starting at the junction of Lilac Lane and extending northeasterly to the end of the pavement, a total distance of 0.25 miles. 09/06/2000

(6) Magnolia Lane. Maximum speed limit is 25 M.P.H. starting at the junction of Highland Avenue and extending southeasterly to the junction of Honeysuckle Lane, a total distance of 0.04 mils. 09/06/2000

(7) Lilac Lane. Maximum speed limit is 25 M.P.H. starting at the junction of Highland Avenue and extending southeasterly to the end of the pavement, a total distance of 0.20 miles. 09/06/2000

V. MAPLE AVENUE

(1) Maple Avenue from U.S. Route #1 to Route #114. Maximum speed limit 25 M.P.H. 06/01/94

VI. SAWYER ROAD.

(1) Sawyer Road from U.S. Route #1 to Route #114. Maximum speed limit 35 M.P.H.

VII. OLD MILLBROOK AREA.

(1) Old Millbrook Area - All streets. Maximum speed limit 25 M.P.H.

VIII. FOGG ROAD.

(a) Fogg Road from Route #207 to and extending easterly to a point opposite CMP/NET Pole #19 a total distance of .80 mile. Maximum speed limit 35 M.P.H. (8/8/75).

(b) Fogg Road from a point opposite CMP/NET pole #19 easterly to the junction of Pleasant Hill Road a total distance of .70 mile. Maximum speed limit 30 M.P.H. (8/8/75)

IX. WINNOCK'S NECK ROAD.

(1) Starting at the junction of the Winnock's Neck Road and the Black Point Road and extending southerly to the end of the road a total distance of 1.40 miles. Maximum speed limit 30 M.P.H. (12/4/75).

X. ASH SWAMP ROAD.

(1) The Ash Swamp Road. Starting at the junction of Broadturn Road and extending westerly to the Scarborough/Saco town line, a total distance of 2.00 miles. Maximum speed limit 40 M.P.H. (8/23/77).

XI. MILLIKIN MILLS ROAD.

(1) The Millikin Mills Road. Starting at the junction of Old Blue Point Road in Scarborough and extending southwesterly to the junction of Portland Avenue in Old Orchard Beach a total distance of 1.00 mile. Maximum speed 45 M.P.H. (7/15/86).

XII. HOLMES ROAD.

(1) The Holmes Road. Starting at the junction of Payne Road and extending westerly to the junction of Two Rod Road, a total distance of 0.80 mile. Maximum speed 40 M.P.H. (7/10/90)

(2) Holmes Road. Starting at the junction of Two Rod Road and extending westerly to the Saco town line, a total distance of 3.20 miles. Maximum speed 35 M.P.H. (7/10/90)

XIII. NEW ROAD.

(1) The New Road. Starting at the junction of Route 114 and extending northerly to the junction of Running Hill Road a total distance of .60 mile. Maximum speed 35 M.P.H. (6/21/88).

XIV. SPRING STREET.

(1) Spring Street. Starting at the junction of Route 114 and extending northerly to the junction of Payne Road a total distance of .50 mile. Maximum speed 35 M.P.H. (9/13/89).

XVI. MERRILL BROOK AREA.

(1) Beaver Brook Road, entire length. Maximum speed limit is 30 M.P.H. 06/01/94

(2) Longmeadow Road, entire length. Maximum speed limit is 30 M.P.H. 06/01/94

(3) Merrill Brook Drive, entire length. Maximum speed limit is 30 M.P.H. 06/01/94

XVI. ELMWOOD AVENUE.

(1) Elmwood Avenue, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

XVII. SUNSET AVENUE.

(1) Sunset Avenue, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

MAINE DEPARTMENT OF TRANSPORTATION - SCARBOROUGH

ASH SWAMP ROAD (T.W.)

40 MPH starting at the junction of Broadturn Road and extending westerly to the Scarborough/Saco town line, a total distance of 2.00 miles.

BEECH RIDGE ROAD (S.A. #8)

40 MPH starting at the junction of Route 114 and extending southerly to the junction of the Payne Road, a total distance of 5.80 miles.

BROADTURN ROAD (S.A. #2, I.R. #70602)

30 MPH starting at the junction of Route 1 (Node 7006) and extending westerly to Phillips Brook or a point 0.03 mile east of the junction of Martin Avenue (Node 6805), a total distance of 0.25 mile. (7/24/98).

35 MPH starting at Phillips Brook or a point 0.03 mile east of the junction of Martin Avenue (Node 6805), and extending westerly to a point 0.22 mile west of the junction of Martin Avenue (Node 6805), a total distance of 0.25 mile. (7/24/98).

45 MHP starting at a point 0.22 mile west of the junction of Martin Avenue (Node 6805) and extending northerly to the junction with Route 22 (Node 6456), in the town of Buxton a total distance of 5.56 miles. (12/21/01)

BURNHAM ROAD (T.W. #493)

35 MPH starting at the Scarborough/Gorham town line and extending westerly to the Scarborough/Saco town line, a total distance of 2.10 miles. (5/21/91).

CHAMBERLAIN ROAD (I.R. #70201, T.W.)

25 MPH starting at the junction of Pleasant Hill road (Node 5413) and extending southwesterly to a point 0.35 mile northeast of the junction of Highland Avenue (Node 5418), a total distance of 0.41 mile. (6/17/98)

35 MPH starting at a point 0.35 mile northeast of the junction of Highland Avenue (Node 5418) and extending westerly to the junction of Highland Avenue (Node 5418), a total distance of 0.35 mile. (6/17/98)

CUMBERLAND WAY (T.W., I.R. #78115)

25 MPH starting at the junction of Route 114 in Scarborough (Node 00882) and extending northeasterly to the end of the public way located 0.06 mile northeast of the junction of Jameco Mill Road in Scarborough (Node 00883), a total distance of 0.29 mile. (09/03/98)

CUMMINGS ROAD (this section was f.k.a. section of SPRING STREET)

35 MPD starting at the junction with Payne Road (Node 06829) and extending northerly to the Scarborough-South Portland town line (Node 06681), a total distance of 0.37 miles. *Note: This*

35 MPH speed zone extends northerly 0.17 miles into the City of South Portland, for a total distance of 0.54 miles.

DEERING DRIVE (T.W.)

25 MPH starting at the junction of Route 22 (Node 1008) in Scarborough and extending northerly through the town line with Buxton (Node 1009) and then northeasterly to its termination (Node 2534) in Buxton, a total distance of 0.95 miles. (01/16/02)

EASTERN ROAD

25 MPH starting at the intersection of Route 207 (Node 5436) and extending north easterly to the intersection of Portland Farms Road (Node 6739), a distance of 0.90 miles. (06/06/97)

FOGG ROAD (T.W.)

35 MPH starting at the junction of Fogg Road and Route 207 and extending easterly to a point opposite CMP/NET Pole #19, a total distance of 0.80 mile.

30 MPH starting at a point opposite CMP/NET Pole #19 and extending easterly to the junction of Pleasant Hill Road, a total distance of 0.70 mile.

HAIGIS PARKWAY

35 MPH starting at the junction of US Route 1 and extending westerly to a point 250' west of the centerline of Scottow Hill Road, a total distance of 0.30 mile.

45 MPH starting at a point 250' west of the centerline of Scottow Hill Road and extending westerly to the intersection of Payne Road, a total distance of 1.00 mile.

HIGHLAND AVENUE (I.R. #70203, S.A. #13)

35 MPH beginning at the junction with Route 207 (Node 05006) and extending northeasterly to a point 0.21 miles beyond the junction with Chamberlain Road (Node 05418), a total distance of 1.18 miles. (06/17/2004)

25 MPH beginning at a point 0.21 miles east of the junction with Chamberlain Road (Node 05418) and extending northeasterly to the junction with Pleasant Hill Road (Node 05409), a total distance of 0.57 miles. (06/17/2004)

45 MPH beginning at the junction with Pleasant Hill Road (Node 05409) and extending northeasterly to the Scarborough/South Portland town line (Node 05378), a total distance of 0.80 mile. (06/17/2004)

HOLMES ROAD (S.A. #12)

40 MPH starting at the junction of Payne Road and extending westerly to the junction of Two Rod Road, a total distance of 0.80 mile. (7/10/90).

35 MPH starting at the junction of Two Rod Road and extending westerly to the Saco town line, a total distance of 3.20 miles. (7/10/90).

JAMECO MILL ROAD (T.W., I.R. #78120)

25 MPH starting at the junction of Cumberland Way in Scarborough (Node 00883), and extending southeasterly to the end of the public way (Node 00883), a total distance of 0.43 mile. (09/03/98)

MILLIKEN MILLS ROAD (T.W. - I.R. #932)

45 MPH starting at the Town of Old Orchard Beach/Town of Scarborough municipal boundary (Node 53476) and extending easterly to the junction with the Old Blue Point Road (Node 10886), a total distance of 0.41 mile. (06/20/2006).

MITCHELL HILL ROAD

35 MPH starting at the junction with Holmes Road (Node 01016) extending northerly to Scarborough-Gorham town line, (Node 01021), a total distance of 1.28 miles. (07/10/02)

MUSSEY ROAD (S.A. #14)

40 MPH starting at the Scarborough/South Portland town line and extending westerly to a point 0.20 mile east of the junction of Spring Street, a total distance of 0.50 mile.

25 MPH starting at a point 0.20 mile east of the junction of Spring Street and extending westerly to the junction of the Payne Road, a total distance of 0.70 mile.

NEW ROAD (T.W. #507)

35 MPH starting at the junction of Route 114 and extending northerly to the junction of Running Hill Road, a total distance of 0.60 mile. (6/21/88).

OLD BLUE POINT ROAD (S.A. #7)

25 MPH starting at the junction of Route 1 and extending 0.30 mile southeast to CMP Pole #10/NET #520.10, a total distance of 0.30 mile. (9/30/87)

40 MPH starting at a point opposite CMP Pole #10/NET #520.10 and/or at a point 0.30 mile southeast of the junction of Route 1 and extending south then east to the southern junction of Burnham Woods Drive, a total distance of 1.00 mile. (9/30/87)

30 MPH starting at the southerly junction of Burnham Woods Drive and extending northeasterly to the junction of Route 9, a total distance of 0.40 mile. (9/30/87)

ORCHARD HILL ROAD

25 MPH beginning at the junction with Winnocks Neck Road (Node 08507) and extending southwesterly to the junction with High Point Road (Node 08509), a total distance of 0.28 mile. (06/20/2006)

PAYNE ROAD (S.A. #8 & S.A. #9)

35 MPH starting at a point opposite the South Portland/Scarborough town line and extending southerly to a point opposite CMP Pole #28 and/or 0.10 mile south of the junction of the Payne Road and the Gorham Road, a total distance of 0.75 mile.

45 MPH starting at a point opposite CMP Pole #28 and/or 0.10 mile south of the junction of Payne Road and Gorham Road and extending southerly to CMP Pole #19/58, a total distance of 1.10 miles. (11/24/92)

35 MPH starting at a point opposite CMP Pole #19/58 and extending southerly to the junction of Payne Road and U.S. Route 1, a total distance of 2.80 miles. (11/24/92)

PLEASANT HILL ROAD (S.A. #11)

35 MPH starting at the junction of Route 1 and extending easterly to the junction of Fogg Road, a total distance of 2.50 miles.

40 MPH starting at the junction of Fogg Road and extending easterly to the junction of Route 77, a total distance of 0.80 mile.

PORTLAND FARMS ROAD (T.W., I.R. #70111)

25 MPH starting at the junction of Route 1 (Node 7028) and extending southeasterly to the junction of Eastern Road (Node 6739), a total distance of 0.33 mile (05/28/98)

PORTLAND AVENUE (S.A. #2)

25 MPH starting at the junction of Route 98 and extending northerly to a point opposite NET Pole #J40, a total distance of 0.50 mile.

35 MPH starting at a point opposite NET Pole #J40 and extending northerly to a point opposite NET Pole #J89, a total distance of 1.20 miles.

45 MPH starting at a point opposite NET Pole #J89 and extending northerly to the junction of Old Blue Point Road, a total distance of 1.20 miles.

ROSS ROAD

35 MPH beginning at the junction with Route 9 (Node 06014) and extending southwesterly to the Town of Scarborough/Town of Old Orchard Beach municipal boundary (Node 01300), a total distance of 0.84 miles (08/24/2005).

ROUTE ONE

50 MPH beginning at a point 0.13 miles north of the MDOT Garage Entrance (Node 16592) and extending northerly to the junction with Southgate Road (Node 16596), a total distance of 0.97 miles, and

40 MPH beginning at the junction with Southgate Road (Node 16596) and extending northerly to a point 0.12 miles beyond the junction with Sawyer Road (Node 16602), a total distance of 1.34 miles. (05/22/2006)

35 MPH starting at a point 0.35 mile south of the junction of US Routes 1 and 114 at Oak Hill in Scarborough and extending northerly to the signalized junction of US Route 1 and Sunset Avenue in Scarborough, a total distance of 1.40 miles (5/29/91).

45 MPH starting at the signalized junction of Sunset Avenue and US Route 1 and extending northerly to a point 0.20 mile south of the junction of US Route 1 and Pleasant Hill Road in Scarborough, a total distance of 0.70 mile. (5/29/91)

35 MPH starting at a point 0.20 mile south of the junction of US Route 1 and Pleasant Hill Road in Scarborough and extending northerly to the junction of the I-95 spur in South Portland, a total distance of 0.50 mile. (5/29/91)

ROUTE NINE

25 MPH beginning at the Saco/Old Orchard Beach town line (Node 05107) and extending easterly to the junction of Pine Point Road and Jones Creek Drive in the Town of Scarborough (Node 06008), a total distance of 3.79 miles, (06/17/2004)

35 MPH beginning at the junction of Pine Point Road and Jones Creek Drive in the Town of Scarborough (Node 06008) and extending northerly to a point 0.15 miles beyond the junction with Primrose Lane in the Town of Scarborough (Node 00451), a total distance of 1.96 miles, (06/17/2004)

45 MPH beginning at a point 0.15 miles beyond the junction with Primrose Lane in the Town of Scarborough and extending northerly to a point 0.66 miles beyond same junction (Node 00451), a total distance of 0.51 miles, and, (06/17/2004)

35 MPH beginning at a point 0.66 miles east of the junction with Primrose Lane in the Town of Scarborough (Node 00451) and extending northerly to the junction with U.S. Route 1 and Broadturn Road in the Town of Scarborough (Node 07006), a total distance of 0.63 miles. (06/17/2004)

ROUTE TWENTY-TWO (MPH ID#05-0508-8908)

40 MPH starting at a point 0.18 miles west of junction of Route 22 and the entrance to Union Mutual in Portland (Node 0508) and extending westerly to a point 0.55 miles west of the Westbrook/Scarborough town line (Node 5429) a total distance of 2.96 miles. (10/18/96)

RUNNING HILL ROAD (S.A. #10)

35 MPH starting at the Scarborough/South Portland town line and extending westerly to the junction of Route 114, a total distance of 1.90 miles.

SCOTTOW HILL ROAD (T.W. – IR #78102)

35 MPH starting at the junction of Payne Road (Node 1042) and extending easterly to the junction of Haigis Parkway (Node 0752), a total distance of 0.93 miles. (01/05/98)

SOUTH PORTLAND/SCARBOROUGH CONNECTOR F.A.P. 1-1 SPUR

40 MPH starting at the junction of Route 1 in Scarborough and extending northerly to a point 0.15 mile north of said intersection in Scarborough, a total distance of 0.15 mile.

55 MPH starting at a point 0.15 mile north of the junction of Route 1 and extending northerly to the junction of I-295 in South Portland, a total distance of 1.80 miles.

SPRING STREET (T.W. #473)

35 MPH starting at the junction of Route 114 and extending northerly to the junction of Payne Road, a total distance of 0.50 mile. (9/13/89).

TWO ROD ROAD (T.W.)

25 MPH starting at the junction of the Scottow Hill Road and extending westerly to a point opposite CMP Pole #34/C, a total distance of 0.90 mile.

35 MPH starting at a point opposite CMP Pole #34/C and extending westerly to the junction of the Holmes Road, a total distance of 1.00 mile.

WEST BEECH RIDGE ROAD (T.W.)

30 MHP starting at the junction with Beech Ridge Road (Node 01035) and extending westerly to its end (Node 01034), a total distance of 0.67 miles.

WINNOCK'S NECK ROAD (T.W.)

30 MPH starting at the junction of Winnock's Neck Road and Black Point Road and extending southerly to the end of the road, a total distance of 1.40 miles.

E. LOCATIONS WHERE VEHICLES ARE REQUIRED TO MAKE A FULL AND COMPLETE STOP. **(UPDATED 10/85)(AMENDED 8/90)(AMENDED 2/5/03 – EFFECTIVE DATE 5/1/2003)(AMENDED 09/03/03)(AMENDED 09/15/04)**

At Abigail Way on Maple Avenue (East)
At Abigail Way on Maple Avenue (West)
At Ash Swamp Road on Hearn Road
At Avenue Five on Driftwood Lane
At Bayview Avenue on Houghton Street
At Bayview Avenue on Ashton Street
At Bayview Avenue on Vesper Street
At Bayview Avenue on Ocean Avenue
At Bayview Avenue on Morning Street
At Black Point Road on Thornton Avenue
At Black Point Road on Winnocks Neck Road
At Black Point Road on Old County Road
At Black Point Road on Highland Avenue
At Black Point Road on Roundabout Drive
At Black Point Road on Fogg Road
At Black Point Road on Woodside Drive
At Black Point Road on Clay Pits Road
At Black Point Road on Woodrock Drive
At Black Point Road on Old Neck Road
At Black Point Road on Spurwink Road
At Black Point Road on Ferry Road
At Black Point Road on Pinewood Circle (2)
At Broadturn Road on Ash Swamp Road
At Broadturn Road on Martin Avenue
At Broadturn Road on Susan Avenue
At Broadturn Road on Castle Terrace
At Broadturn Road on Hearn Road
At Broadturn Road on Holmes Road (Southeast)
At Broadturn Road on Holmes Road (Northwest)
At Broadturn Road on Burnham Road (Southeast)
At Broadturn Road on Burnham Road (Northwest)
At Broadturn Road on Hanson Road
At Beech Ridge Road on West Beech Ridge Road
At Beech Ridge Road on Dresser Road
At Beech Ridge Road on Holmes Road (East)
At Beech Ridge Road on Holmes Road (West)
At Chamberlain Road on Highland Avenue
At Chamberlain Road on Ramsey Terrace
At Clay Pits Road on Nonesuch Cove Road
At County Road on Broadturn Road
At County Road on Deering Road
At County Road on Gorham Road
At County Road on on Saco Road
At County Road on Beech Ridge Road
At Driftwood Lane on Riversands Drive
At Dunstan Avenue on North Street
At Dunstan Avenue on Charles Circle
At East Grand Avenue on Eleventh Street
At East Grand Avenue on Ninth Street
At East Grand Avenue on Bay Street
At East Grand Avenue on Sea Rose Lane
At East Grand Avenue on Beach Street
At East Grand Avenue on Pine Street
At East Grand Avenue on Dover Street
At East Grand Avenue on Bliss Street
At East Grand Avenue on Granite Street
At East Grand Avenue on Oak Street
At East Grand Avenue on Route #9 at the Traffic Circle
At East Grand Avenue on Pine Point Road (Ocean End)
At Elmwood Avenue on Greenacres Lane
At Elmwood Avenue on Hunnewell Road
At Elmwood Avenue on Maple Avenue (North)
At Elmwood Avenue on Maple Avenue (South)
At Elmwood Avenue on Second Avenue
At Elmwood Avenue on Third Avenue
At Greenacres Lane on I-295 Cut Off

At First Street on Maple Avenue (North)
At First Street on Maple Avenue (South)

At First Street on Sunset Road
At First Street on Hudson Street
At Fogg Road on Ironclad Road
At Glenndale Drive at Broadturn Road (10/2/85)
At Gorham Road on Greenneedle Drive
At Gorham Road on Sawyer Road
At Gorham Road on Maple Avenue
At Gorham Road on Asselyn Drive
At Gorham Road on Spring Street
At Gorham Road on Mussey Road (Northeast)
At Gorham Road on Mussey Road (Northwest)
At Gorham Road on Payne Road (Northeast)
At Gorham Road on Payne Road (Northwest)
At Gorham Road on New Road
At Gorham Road on Running Hill Road
At Gorham Road on Beech Ridge Road (Northeast)
At Gorham Road on Beech Ridge Road (Northwest)
At Gorham Road on Exit Road from Wentworth Middle School by Town Library, (amended 08/01/90)
At Gorham Road on Exit Road from Wentworth Middle School by tennis courts, (amended 08/01/90)
At Green Road on Running Hill Road
At Greenacres Lane on Elmwood Avenue (East)
At Greenacres Lane on Elmwood Avenue

(West)

At Greenwood Avenue on Ocean Avenue (amended 04/05/00)
At Greenwood Avenue on Pearl Street (both sides)
At Greenwood Avenue on Morning Street
At Gunstock Road on Minuteman Drive (amended 11/14/94)
At Gunstock Road on Nutter Way. (Both sides of intersection making a four way stop. Amended August 1, 1990).
At Gunstock Road on Powderhorn Drive (amended 11/14/94)
At Hearn Road on Ash Swamp Road (East)
At Hearn Road on Ash Swamp Road (West) (amended 09/03/03)
At Heritage Lane on Pilgrim Drive
At Heritage Lane on Puritan Drive
At Highland Avenue on Ole Musket Road
At Highland Avenue on Pleasant Hill Road from both directions
At Highland Avenue on Woodland Road
At Highland Avenue on Marcia Street
At High Point Road on Orchard Hill Road
At High Point Road on Sandy Point Road
At High Point Road on Salt Marsh Circle
At Hillside Avenue on Storer Drive
At Hillside Avenue on Kennedy Drive
At Holmes Road on Two Rod Road
At Holmes Road on Mitchell Hill Road
At Holmes Road on Dresser Road
At Houghton Street on Greenwood Avenue (Westerly side)
At Houghton Street on Shell Street
At Hunnewell Road on Laidlaw Lane
At Hunnewell Road on Maple Avenue (North)
At Hunnewell Road on Maple Avenue

(North)

At Jasper Street on Dodge Street
At Jasper Street on Baker Street
At Jasper Street on Merrill Street
At Jones Creek Drive on Tasker Avenue
At Jones Creek Drive on Avenue One
At Jones Creek Drive on Avenue Two
At Jones Creek Drive on Avenue Three
At Jones Creek Drive on Avenue Four
At Jones Creek Drive on Avenue Five
At King Street on Avenue Seven
At King Street on Avenue Six
At King Street on Avenue Five - both sides
At King Street on Avenue Four

At King Street on Avenue Three
At King Street on Avenue Two
At King Street on Avenue One
At King Street on Avenue One – both sides
At King Street on Tasker Avenue
At King Street on Pine Point Road (Ocean side)
At Manson Libby Road on Southgate Road
At Maple Avenue on First Street
At Maple Avenue on Sunset Road
At Maple Avenue on Elmwood Avenue
At Maple Avenue on Laidlaw Lane
At Maple Avenue on Hunnewell Road
At Marion Jordan Road on Meadowood Road
At Minuteman Drive on Gunstock Road (amended 11/14/94)
At Mussey Road on Spring Street (both sides)
At Mussey Road on Honan Road
At Nelson Road on Ramsey Terrace
At Nelson Road on Wayne Circle
At Nutter Way on Gunstock Road
At Nutter Way on Ole Ironside Lane
At Nutter Way on Powderhorn Drive
At Nutter Way on Cannon Lane
At Ocean Avenue on Greenwood Avenue (East and West)
At Old Blue Point Road on Milliken Mills Road
At Old County Road on Kimball Drive
At Old Neck Road on Melbourne Drive
At Old Neck Road on Rhonda Drive
At Old Neck Road on Thomas Drive
At Ole Musket Road on Flintlock Drive
At Olde Mill Road on Coachlantern Lane (East and West)
At Olde Mill Road on Partridge Lane
At Olde Mill Road on Tall Pines Road
At Orchard Hill Road on Tall Pines Road
At Partridge Lane on Fern Circle
At Payne Road on Milliken Road
At Payne Road on Beech Ridge Road
At Payne Road on Scottow Hill Road
At Payne Road on Puritan Drive
At Payne Road on Pilgrim Drive
At Payne Road on Plymouth Drive
At Payne Road on Two Rod Road (North)
At Payne Road on Two Rod Road (South)
At Payne Road on Holmes Road
At Payne Road on Mussey Road
At Payne Road on Gorham Road (both sides)
At Payne Road on Spring Street (North)
At Payne Road on Cummings Road
At Pilgrim Drive on Colonial Drive
At Pine Point Road on Douglas Road
At Pine Point Road on Dunstan Landing Road
At Pine Point Road on Old Blue Point Road
At Pine Point Road on Hillside Avenue
At Pine Point Road on Eagles Nest Drive
At Pine Point Road on Sylvan Drive
At Pine Point Road on Seavey Landing Road
At Pine Point Road on Ocean View Road
At Pine Point Road on Jasper Street
At Pine Point Road on Ross Road
At Pine Point Road on Snow Road
At Pine Point Road on Bickford Street
At Pine Point Road on Holly Street
At Pine Point Road on Depot Street
At Pine Point Road on Jones Creek Drive
At Pleasant Hill Road on Rigby Road
At Pleasant Hill Road on Pond View Drive
At Pleasant Hill Road on Gibson Road
At Pleasant Hill Road on Chamberlain Road
At Pleasant Hill Road on Robinson Road
At Pleasant Hill Road on Nelson Road
At Pleasant Hill Road on Pleasant Avenue
At Pleasant Hill Road on Highland Avenue (East)
At Pleasant Hill Road on Highland Avenue (West)
At Pleasant Hill Road on Flintlock Drive
At Pleasant Hill Road on Gunstock Road
At Pleasant Hill Road on Minuteman Drive
At Pleasant Hill Road on Fogg Road
At Portland Farms Road on Eastern Road (amended 09/15/04)
At Powderhorn Drive on Gunstock Road (amended 11/14/94)

At Powderhorn Drive on on Militia Lane
At Powderhorn Drive on Ole Musket Road
At Powderhorn Drive on Scabbard Road
At Ramsey Terrace on Robinson Road
At Robinson Road on Ramsey Terrace
At Route #1 on Pleasant Hill Road
At Route #1 on Payne Road
At Route #1 on Riverview Place
At Route #1 on Kenosha Avenue
At Route #1 on Portland Farms Road
At Route #1 on Foxcroft Drive
At Route #1 on Maple Avenue
At Route #1 on Downeast Lane
At Route One on Fairfield Road
At Route #1 on Westwood Avenue
At Route #1 on Libby Street
At Route #1 on Ward Avenue
At Route #1 on Millbrook Road
At Route #1 on Scottow Hill Road
At Route #1 on Milliken Road
At Route #1 on Rose Hill Way
At Route #1 on Harlow Street
At Route #1 on Orchard Street
At Route #1 on Church Street
At Route #1 on Dunstan Avenue
At Route #1 on Queens Drive
At Route #1 on Willowdale Road Turn Around
At Running Hill Road on Gorham Road
At Running Hill Road on New Road
At Sawyer Road on Barbara Avenue
At Sawyer Road on Herbert Drive
At Sawyer Road on Imperial Lane
At Sawyer Road on Phillip Street
At Saco Street on Vance Street
At Scottow Hill Road on Two Rod Road
At Serenity Drive on Eastern Road (amended 09/15/04)
At Spurwink Road on Sawyer Road
At Spurwink Road on Pleasant Hill Road
At Spurwink Road on Ocean Avenue
At Spurwink Road on Marion Jordan Road
At Sunset Road on Second Avenue
At Sunset Road on Third Avenue
At Tall Pines Road on Spruce Circle
At Tall Pines Road on Hemlock Circle
At Tall Pines Road on Cedar Circle
At Tall Pines Road on Rocky Hill Road
At Tall Pines Road on Ledgewood Circle
At Thomas Drive on Melbourne Drive
At Thornton Street on Fairfield Road
At Two Rod Road on Heritage Lane
At Vesper Street on Greenwood Avenue
At Welch Drive on Woodland Road
At Westwood Avenue on Seaview Avenue
At Westwood Avenue on Thornton Avenue
At Winnocks Neck Road on Olde Mill Road
At Winnocks Neck Road on Old County Road (2 entrances)
At Winnocks Neck Road on Orchard Hill Road
At Woodland Road on Nelson Road
At Woodland Road on Pleasant Avenue

F. LOCATIONS FOR "NO THROUGH TRUCKS (OVER 26,001 POUNDS)" SIGNS

Chamberlain Road*
Fairfield Road*
Fogg Road*
Maple Avenue*
Mitchell Hill Road***
New Road**
Pondview Drive
Saywer Road*
Thornton Road*
Westwood Avenue*

* Revised to include 10/1/86
** Revised to include 8/4/88
***Revised to include 4/3/91 - No Truck over *10 Tons*

G. LOCATIONS FOR "EMERGENCY STOPPING ONLY" SIGNS [Adopted 01/20/2010]

Pillsbury Drive [the right-of-way between lots 37 and 38].

H. LOCATIONS FOR "NO PARKING/STOPPING/IDLING" SIGNS [Adopted 04/02/2012]

On the eastside of Bayview between Ocean Avenue and Pearl Street.

I. POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES [12/01/93]

Any person, firm or corporation who moves or causes the movement of any over-limit load which requires a permit for movement of such load from the Maine Department of Transportation and said permit stipulates that a police escort is required before such move may be made upon any of the streets or highways with the Town of Scarborough, shall arrange for said escort through the Scarborough Police Department. A fee for a police escort shall be charged by the Police Department in accordance with the hourly rate established by the Scarborough Town Council for "*Special Police Services.*" An additional fee shall be charged for the assignment of any police cruiser(s) assigned to said escort also at a rate established by the Scarborough Town Council. Fees collected must be used to defray the costs of providing services.

J. STICKERED PARKING [12/01/93][Amended 07/16/14]

Parking on the following locations shall be permitted by stickers for residents and non-resident taxpayers:

(1) Bi-Centennial Park
(2) Ferry Beach
(3) Higgins Beach Parking Lot
(4) Hurd Memorial Park

K. PARKING BANS DURING EMERGENCIES [Adopted 01/20/2010]

The purpose of this subsection is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during emergencies.

In order to properly remove snow and to provide safer travel conditions, the Town of Scarborough does implement parking bans. After consultation with the Director of Public Works, the Chief of Police shall decide to impose a parking ban.. During an emergency parking ban, all vehicles are prohibited from parking on any street within the Town of Scarborough unless the ban is specifically described and advertised as being limited to a particular area.

Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect, you can call our hotline at 883-7760-SNO (766).

The Town of Scarborough strictly enforces parking bans – all vehicles in violation WILL BE TOWED at the owner's expense.

Section 26. TOWING [December 1, 1993] [amended 06/21/2006]

(A). APPLICABILITY.

1. Any vehicle which is parked in violation of any parking restriction set forth in Section 5 or Section 25(A) of this Ordinance, may at the option of any police or other officer authorized to enforce the parking regulations of the Town, may be removed by a vehicle wrecker or towing service approved by the Chief of Police and stored in a storage location approved by the Chief of Police pursuant to the provisions of this ordinance, including the provisions of the Scarborough Police Department Wrecker Policy set forth in Section 27 of this Traffic Ordinance until all waiver fees established pursuant to 30-A M.R.S.A. § 3009, for all outstanding notices of parking violations and also the towing and storage charges authorized by this Ordinance have been paid or until the requirements of Section 26(C) have been met.
2. If a motor vehicle has received at least two tickets in violation of this ordinance, both of which tickets were issued after December 31, 2004 and which remain unpaid for more than thirty (30) days, and neither of which tickets is currently under appeal as permitted under Section 24 and the vehicle is found to be in further violation of this ordinance, the motor vehicle may be towed and impounded. (06/21/2006)

(B). PROCEDURE FOR REMOVAL: NOTICE TO OWNER.

The police officer requesting removal of a vehicle under this Ordinance shall at the time of such removal notify the dispatcher of the intended storage location of the subject motor vehicle. Such information shall be recorded by the dispatcher for the use of the Chief of Police or Treasurer. If the motor vehicle is impounded, a reasonable attempt shall be made by telephone to contact the registered owner in order to make the owner aware of the impoundment. If contact is not made by telephone, the Chief of Police or his or her designee shall notify by certified mail the registered owner of such vehicle within five (5) business days of the impoundment thereof, the storage location of such vehicle and the requirements for release as set forth in Section 26(C). (amended 06/21/2006)

(C). RELEASE OF VEHICLES. (amended 06/21/2006)

(1) Before a motor vehicle impounded under Section 26A paragraph 1 may be released, all appropriate towing and storage fees must be paid. If the registered owner of the vehicle is successful in appealing the violation, the registered owner will be reimbursed the towing and storage fees.

(2) Before a motor vehicle impounded under Section 26A paragraph 2 may be released, all outstanding tickets and appropriate towing and storage fees must be paid. The registered owner shall have the right to appeal the ticket issued when the vehicle was impounded. If the registered owner is successful in appealing the ticket, the registered owner shall not be entitled to either reimbursement of fees paid or waiver of fees otherwise due under this paragraph.

(D). INTERFERENCE WITH ENFORCEMENT.

It shall be unlawful for any person to obstruct or attempt to prevent the removal of a vehicle as provided in this Section.

Section 27. SCARBOROUGH POLICE DEPARTMENT WRECKER POLICY

[December 1, 1993] [amended 06/21/2006]

PURPOSE

In order to protect motorists within the Scarborough Town Limits, to insure streets and public ways remain open and free of hazards, to insure efficient enforcement of traffic, parking, snow removal and other regulatory ordinances, it is necessary to set a policy to regulate wrecker companies used by the Scarborough Police Department. A **Wrecker Policy** will be established to regulate towing and services, storage and disposition of vehicles towed and to establish rates for these services.

POLICY

The Scarborough Police Department will maintain a rotation list of wrecker companies approved for use by the Police Department, for towing and service. The list will be used for all normal routine calls town wide and the next due wrecker will have 30 minutes to arrive at the scene of the town **(SEE Regulation "C").** If a towing company is unable to tow, it will be the responsibility of the Scarborough Police Department to assign a replacement wrecker, not the company originally called. Nothing in the foregoing paragraph will prevent the Scarborough Police Department in emergency situations from calling the closest available wrecker.

If the emergency deems the closest available wrecker be called, it will not be logged against the company called and they will not loose their place on the rotation list.

I. INSURANCE

The following policies will be on file with the Chief of Police.

A) Garage Keepers Policy

This will cover fire, theft, windstorm, vandalism and explosion in the amount of, at least, $25,000 with each vehicle suffering damage or loss being deemed a separate claim.

B) Garage Keepers Liability

This will cover the wrecker company's business, equipment and/or other vehicles for bodily injury or property damage. The policy shall be in the minimum amount of $250,000 for any one person injured or killed and a minimum of $500,000 for more than one person injured or killed in any accident and a minimum of $25,000 for property damage.

C) Road Service Liability

This will cover the lifting, hoisting and towing of vehicles in the minimum amount of $25,000.

D) Policy Requirements

Each policy shall contain an endorsement by the carrier providing thirty (30) day notice to both the Town of Scarborough and the insured in the event of any change in coverage and/or cancellation of the policy. Each policy shall also contain an endorsement holding harmless the Town of Scarborough or any of its' officers or employees.

II. REGULATIONS

A) Wreckers and storage facilities shall be within the Town of Scarborough limits.

B) Wrecker company's shall maintain records as required by the Chief of Police and permit their inspection during normal business hours.

C) Wreckers shall arrive on the scene within thirty (30) minutes of receipt of a request for service from the Police Department or lose the call to the next wrecker on the rotation list.

D) Vehicles must be towed and not driven to the storage area.

E) The wrecker operator shall check each vehicle, before towing, and note any existing damage.

F) Each wrecker shall carry equipment such as brooms, shovels, speedy dry, and containers, which may be necessary to clean a normal amount of debris from the accident area. Wrecker operators shall clean the accident area of all debris resulting from the accident.

G) No repairs will be made to the vehicle without the owners consent.

H) The wrecker company shall hold the Town of Scarborough harmless from all claims for damages to property and injuries to persons resulting from wrecker company's negligence in the towing or storing of a vehicle.

I) Police Officers may not recommend a wrecker company to the public.

J) If a request is received from a patron for a wrecker company, the wrecker company's place is not lost on the rotation schedule.

K) Police Officers will note damage, defects, etc., with the wrecker operator before the vehicle is towed.

L) Wrecker companies that are used for motorcycle tows must have a motorcycle "sling" device to provide maximum protection to the motorcycle.

III. SOLICITATION OF BUSINESS

No wrecker operator may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the Scarborough Police Department or persons involved in the accident or emergency. This does not prevent the wrecker company from contracting with any

person, firm or corporation. It does not prevent soliciting a contract at the scene of an accident or emergency.

IV. REMOVAL FROM THE SCARBOROUGH POLICE ROTATION LIST

The Chief of Police may remove a wrecker company from the Police Department Rotation List for any of the following:

A) The wrecker company has violated any of the requirements or regulations established herein.

B) The Chief of Police is not satisfied with the general services of the wrecker company and/or employees or with the cooperation it has received while rendering the services.

V. RATE SCHEDULE

Shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. [amended 09/06/95]

Vote: 6 Yeas.

Order No. 14-66. Act on the names posted to the Senior Program Advisory Board at the June 18, 2014, Town Council meeting, as recommended by the Appointments Committee. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the names posted to the Senior Program Advisory Board; of Philip Christy, Troy Hendrickson and Susan Wilder.

Vote: 6 yeas.

NEW BUSINESS:

Order No. 14-67. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses and schedule a public hearing after the filing of the Planning Board's recommendation, as follows:

Proposed Amendments to the Zoning Ordinance
to Add an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow
Residential Density Bonuses

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Amend Section XV.B VILLAGE RESIDENTIAL 2 – VR2, subsection F.2. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection e. to read (additions are underlined; deletions are struck through):

e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

2. Amend Section XV.C. VILLAGE RESIDENTIAL 4 – VR4, subsection F.2. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection e. to read (additions are underlined; deletions are struck through):

e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per net residential acre beyond the maximum base residential density. ~~If subsections F.2. and F.3. are both used, the additional dwelling units permitted under F3. shall not also be subject to the development transfer provisions under F.2.~~

3. Amend Section XVIIA. RESIDENCE AND PROFRESSIONAL OFFICE DISTRICT RPO, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) –** In lieu of developing affordable housing to utilize additional residential density under subsection E.3., a development may incorporate additional dwelling units beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance if such a bonus is provided for in the abutting residential district.

4. Amend Section XVIII.A. TOWN AND VILLAGE CENTER DISTRICT TVC, subsection F. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. ~~If subsections F(2) and F(3) are both used, the additional dwelling units permitted under F(3) shall not also be subject to the development transfer provisions under F(2).~~

5. Amend Section XVIII.C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT TVC2, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) –** In lieu of developing affordable housing to utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. ~~If subsections (E)(2) and E(3) are both used, the additional dwelling units permitted under (E)(3) shall not also be subject to the development transfer provisions under (E)(2).~~

6. Amend Section XVIII.D. TOWN AND VILLAGE CENTERS FRINGE DISTRICT TVC3, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) –** In lieu of developing affordable housing to utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

~~a.~~ The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. ~~If subsections (E)(2) and (E)(3) are both used, the additional dwelling units permitted under (E)(3) shall not also be subject to the development transfer provisions under (E)(2).~~

7. Amend Section XIXA. GENERAL BUSINESS DISTRICT B3, subsection H. RESIDENTIAL DENSITY REGULATIONS FOR PLANNED DEVELOPMENTS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection H.3, a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. ~~If subsections H(2) and H(3) are both used, the additional dwelling units permitted under H(3) shall not also be subject to the development transfer provisions under H(2).~~

Vote: 6 Yeas.

Order No. 14-68. Act on the request to approve the Terfloth Settlement Agreement, authorize the Town Manager to execute it on behalf of the Town and grant the 2011 and 2012 abatements. Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval the Terfloth Settlement Agreement, authorize the Town Manager to execute it on behalf of the Town and grant the 2011 and 2012 abatements.

Vote: 6 Yeas.

Order No. 14-69. Act on the request to appoint Councilor Jean-Marie Caterina to MMA's Legislative Policy Committee and to authorize the Town Manager to sign the nomination papers. Motion by Councilor Blaise, seconded by Councilor St. Clair, to move approval the request to appoint Council Jean-Marie to MMA's Legislative Policy Committee and to authorize the Town Manager to sign the nomination papers.

Vote: 6 Yeas.

Order No. 14-70. Act to authorize the Town Manager, and after consultation with the Council Chair, to sign future Council nomination/appointment papers for outside committees/boards [e.g. MMA, PACTS & GPCOG, etc.]. Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to authorize the Town Manager, and after consultation with the Council Chair, to sign future Council nomination/appointment papers for outside committees/boards [e.g. MMA, PACTS & GPCOG, etc.].

Vote: 6 Yeas.

Item 8. Non Action Items. None at this time.

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

- Councilor St. Clair gave an update on the Canine Education & Enforcement Ad-Committee meeting.
- Councilor Blaise noted that Bud Hanson [a member of our Senior Advisory Board] had presented an award for Outstanding Volunteer and Community Services received an award for its work with the Seniors.
- Councilor Caterina gave an update on the Long Range Planning Committee.
- Councilor Holbrook gave an update on the Housing Alliance will be meeting tomorrow at 6:30 p.m.
- Chairman Sullivan noted that the Ordinance Committee will be meeting on August 13 at 1:00 p.m.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Gave an update on the Pleasant Hill Road Project and the Pedestrian Improvements along the Wentworth/Hannaford will be complete before school.

- Oak Hill improvements will continue in the spring of 2015
- Friends of Scarborough Hockey would like to discuss the possibility of an ice rink here in Town.
- Reminded the Council that with Summer meeting schedule, the next Town Council meeting would on Wednesday, August 20th.

Item 11. Council Member Comments.

- Councilor Caterina thanked those who voiced their concerns on the cell tower issue. She would like to see improvements to the service and looks forward to working on this issue.
- Councilor Donovan spoke on the cell tower issue and was glad to see it going back to the Ordinance Committee. He too supported cell service, but the health issue was a big deal and the Town Councils need to weigh everything. He mentioned the Piping Plover Coordinator, Ryan Wynne, and the outstanding job he has done relating to the implementing all the changes and training that has taken place relating to dogs and plovers at the beaches. He also thank the Town Manager for all his work and support on this issue.
- Councilor Holbrook commented on the cell tower issue and supports it going back to the Ordinance Committee. Remind everyone that clynk bags are still available at town hall.
- Chairman Sullivan also spoke on the cell tower issues. He had received many emails and letters relating to the issue.

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

Vote: 6 Yeas.

Meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk