

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Councilor Chair Holbrook called the regular meeting of the Scarborough Town Council to order at 7:01 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager, was also present.

Shawn A. Babine

Katherine A. St. Clair - Absent

William J. Donovan

Edward NMI Blaise, III

Jean-Marie Caterina, Council Vice Chair

Pete F. Hayes

Jessica L. Holbrook, Council Chair

Item 4. General Public Comments.

- Michael Turek of Bayberry Lane thanked both of the departing Councilors for their service.
- Will Rowan of Bonneygrove Drive thanked the community for their votes and thanked Councilor Blaise and Council Chair Holbrook for their service to the community, he looked forward to working with the Town Manager and fellow councilors.
- Police Chief Moulton gave an update on Operation Hope noting that the doors were opened on October 1st and it has been extremely helpful. There have been 57 individuals helped. He further noted that Project GRACE had stepped up to be the fiduciary for Operation Hope - www.operationhopemaine.org This is a desperate situation and on Thursday, November 19th there will be a forum with the elected officials on this issue. Individuals are starting to trust us and they are starting to bring items in for disposal. In response to a question from Councilor Caterina, Chief Moulton stated that the individuals that are being assisted are from all over the state. He pointed out that any money being spent, is in no way taxpayers' money – funding comes from grant money received and from donations.

Item 5. Minutes: September 16, 2015 – Regular Meeting and October 7, 2015 – Regular Meeting. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the minutes of the September 16, 2015 meeting and the October 7, 2015 meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. Councilor Caterina presented Council Chair Holbrook with a plaque for her service to the community and Councilor Donovan presented Councilor Blaise a plaque for his service to the community.

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

Order No. 15-077, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance. Council Chair Holbrook opened the public hearing.

The following individual spoke on this Order:

- Joan Jagolinzer of Cedarbrook Drive asked if the Council would please consider adding the social security piece in to in the adjusted gross income, to make a level playing field for all residents

There being no further comments, the hearing was closed at 7:22 p.m.

Councilor Donovan did a quick overview on the proposed recommendations. He, along with Mr. Craig Friedrich, worked together to bring this item forward. There are areas that could potential have changes made, but would like to see what happens in the first year and then make possible changes. He then presented the Council with a survey showing how many residents that were 65 and over with an income of less than \$50,000.00.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the second reading on the proposed amendments to Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance, as follows:

CHAPTER 313-A TOWN OF SCARBOROUGH PROPERTY TAX ASSISTANCE ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance of the Town of Scarborough, Maine is hereby adopted, as shown below:

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or his designee, after review of a complete application submitted under Section 4 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more by last day on which an application may be filed under Section 4 of this Ordinance.
- b. The applicant shall have been a resident of the Town of Scarborough with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 4 of this Ordinance.
- c. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed \$50,000.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information. At the time of application, Applicants must provide adequate evidence of eligibility. The Assessor may accept a statement under oath. No confidential income records, including tax returns, will be kept by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the the applicant (plus that of any other adult members of the applicant's household); or
- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. \$500.00.

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

2. Eligibility for Renters

In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to be 18% of the rent payable from own funds by applicant (and other adult members of applicant's household) in the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent.

Section 6. Annual Report to the Town Council

The Tax Assessor shall report in writing to the Town Council no later than their first regular meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.

Section 7. Program Fund - Limitations On Payments

In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 8. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the Property Tax Assistance Reserve Account.

Section 9. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than December 15th for the year in which participation is sought.

Section 10. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor in consultation with the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

Section 11. Effective Date and Repeal of Prior Ordinance

This ordinance repeals and replaces Chapter 313, the Town of Scarborough Property Tax Assistance Ordinance adopted on April 18, 2007 as amended such that this Chapter applies to applications for property tax assistance received after October 15, 2015 under this chapter for ~~to~~ payments paid beginning in calendar year 2016 related to taxes assessed in fiscal year July 1, 2015 through June 30, 2016, and thereafter.

Town of Scarborough
Property Tax Assistance Program
Determination of Eligibility and Benefits
2016

(This version for Tax Filing Owners)

- | | | | |
|---|-------|----------------|------------------------------|
| 1. Name: | _____ | Phone: | _____ |
| 2. Address: | _____ | E-Mail: | _____ |
| 3. Date of Birth: | _____ | Document Seen: | _____ ME Driver's License/ID |
| Applicants must be 62 on 10/15/2016 | | | _____ US Passport |
| Born on/before 10/15/1954 | | | _____ Other _____ |
| 4. Resident of Scarborough | | Document Seen: | _____ Assessing Record |
| For at least 10 years on 10/15/2016 | | | _____ Other |
| | | | _____ Oath |
| 5. Federal Adjusted Gross Income | | | |
| From filed Form 1040, 1040-A, or 1040-EZ | | | _____ |
| 6. Additional income of other adults in household | | | _____ |
| 7. Total Income (Line 5 plus Line 6) | | | _____ |

8. Income Limit	\$50,000
a. If line 7 exceeds line 8: STOP: No benefit paid	
9. Benefit Threshold	_____
5% of Line 7	
10. Real Estate Tax Assessed	_____
July 1, 2015 through June 30, 2016 (FY 2016)	_____
11. Excess of Tax Assessed over Benefit Threshold	_____
Line 10 minus Line 9. If line 10 does not exceed	
Line 9: STOP: No benefit paid	
12. Benefit Cap	\$500
13. Benefit Determined (Check Mailed by 12/15/2016)	_____
Lesser of Excess Tax of Benefit Cap	
(Lesser of Line 11 or Line 12)	

Oath: I certify that the information contained herein is accurate to the best of my knowledge and belief, under penalties of perjury.

Signed: _____

Prepared / Approved by _____ Date: _____

Vote: 6 Yeas.

Order No. 15-082, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance Section 25, Parking Restrictions, Section A. Parking Restrictions, subsection II. Higgins Beach regarding metered parking.
Council Chair Holbrook opened the public hearing. The following individual spoke on this Order:

- Melissa Gates of the Surfriders Organization spoke against the proposed amendments regarding metered parking. She indicated that it was behavioral issues that needed to be addressed.
- Terry Kane of Gunstock Road thanked everyone for their patience on this issue. He had changed his mind a number of times on this issue and agrees that it is an enforcement issue. People need to follow the rules. He spoke in support of the meters and the cost is issue.
- Joan Lourie of East Grand Avenue was still mystified how the town could spend the money for meters, when you have senior citizens living on \$10,000 a year. Her concern is the money spent. She thanked everyone for their service to the community.
- Elaine Richer of Reef Lane also spoke on the money and where did it comes from? She stated when she spoke on issues regarding beach cleaning she had been told there was not money for extra cleaning, but there is money for meters; this is crazy.
- Maureen Cyr of Higgins Beach asked when is the micromanagement going to end??? She felt that there was other issues bigger than the parking issue at Higgins Beach. Leave it as is and let those who do not obey pay the consequences.

There being no further comments, the hearing was closed at 7:52 p.m. Thomas J. Hall, Town Manager, then gave a brief overview on the proposed amendments.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance Section 25, Parking Restrictions, Section A. Parking Restrictions, subsection II. Higgins Beach regarding metered parking, as follows:

CHAPTER 601
TOWN OF SCARBOROUGH TRAFFIC ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in town Council assembled, that Chapter 601 - - the Traffic Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and/or deleting the text shown below:

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

Vote: 4 Yeas. 1 Nay [Councilors Hayes]. [Councilor Donovan abstained from participating].

Order No. 15-083, 7:00 p.m. Public hearing and action on the new request for a Massage Therapist License from Marisa Hikel, working at Lucinda's Day Spa, located at 311 Beech Ridge Road. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the new request for a Massage Therapist License from Marisa Hikel, working at Lucinda's Day Spa, located at 311 Beech Ridge Road.

Vote: 6 Yeas.

Resolution 15-006. Act to authorize the Town Manager to purchase meters and associated enforcement expenses for Higgins Beach from the Beach Revenue Account, in an amount not to exceed \$17,000.00. Thomas J. Hall, Town Manager, gave a brief overview on this item.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of Resolution 15-006, as follows:

RESOLUTION 15-006

Town of Scarborough

**PARKING METERS AT
HIGGINS BEACH**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled that the Town Council authorizes the Town Manager to expend monies from the Beach Revenue Account to purchase parking meters and associated enforcement for on-street parking at Higgins Beach, in an amount not to exceed \$17,000.00, estimated cost breakdown is as follows:

1. Meter Station	\$ 7,500.00
2. Monthly service fees	
[5 months @ \$65.00]	325.00
3. Installation	500.00
4. Additional staff cost	<u>\$ 8,500.00</u>
	\$16,825.00

Signed and sealed this the 4th day of November, 2015, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Jessica L. Holbrook, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 4 Yeas. 1 Nay [Councilor Hayes].

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-084. First Reading and schedule a Planning Board Public Hearing on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a new Section XVI.B. Higgins Beach Character-Based Zoning Districts and Building Standards. Dan Bacon, Town Planner, gave a brief overview on this Order and the following two Orders [15-085 and 15-086].

The following individuals spoke on this Order:

- Walter Wilson of Design Company from Saco voiced his concerns on the proposed amendments with the rear setback and the height requirements as wells as permit requirements would have to go through an administrative review. Mr. Bacon, Town Planner responded to the administrative review – the process would be the same as if you were to obtain a permit now – an administrative review is conducted by staff. He went on to address Mr. Wilson’s concerns regarding building heights and the rear setback requirements being proposed.

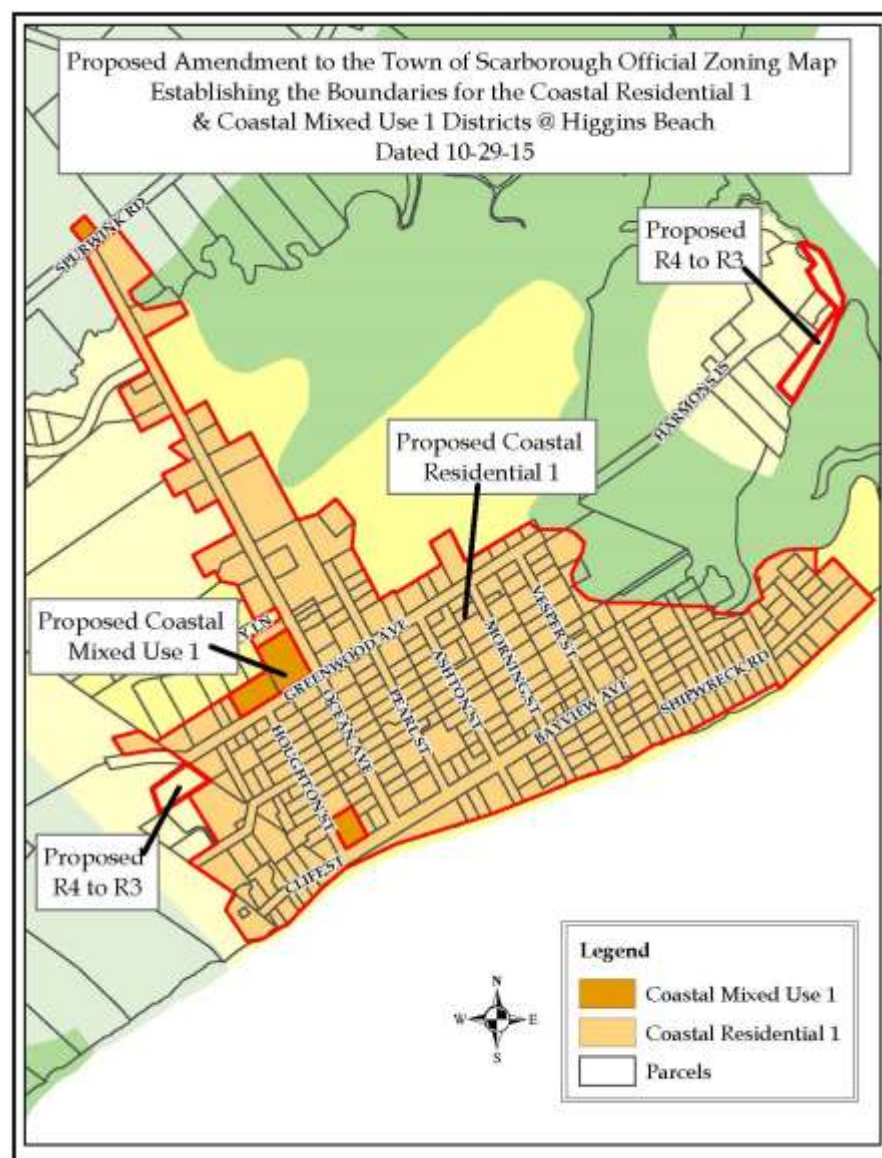
Motion by Councilor Babine, seconded by Councilor Donovan, to move approval of the first reading and refer to the Planning Board for public hearing the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a new Section XVI.B. Higgins Beach Character-Based Zoning Districts and Building Standards and schedule a public hearing upon receipt of the recommendations from the Planning Board, as follows:

SEE ATTACHED DOCUMENT AT END OF MINUTES

Order No. 15-085. First Reading and schedule a Planning Board Public Hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts. The following individuals spoke on this Order:

- Maureen Cyr of White Sands Lane voiced her concerns on some of the requirements on poaches and windows and further concerns.
- Walter Wilson of Design Company did not support the proposed recommendation.

Motion by Councilor Babine, seconded by Councilor Hayes, to move approval of the first reading and refer to the Planning Board for public hearing, the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts and schedule a public hearing upon receipt of the recommendations from the Planning Board, as follows:



Vote 6 Yeas.

Order No. 15-086. First Reading and schedule a Planning Board Public Hearing on the proposed amendments to Chapter 405C, the Town of Scarborough Shoreland Zoning Ordinance to address the development coverage allowance in the Higgins Beach area.

The following individual spoke on this Order:

- Walter Wilson of Design Company spoke this item and asked what does the 35% include? To which Mr. Bacon, Town Planner responded that the 35% is development coverage.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the first reading and refer to the Planning Board for public hearing, the proposed amendments to Chapter 405C, the Town of Scarborough Shoreland Zoning Ordinance to address the development coverage allowance in the Higgins Beach area and schedule a public hearing upon receipt of the recommendations from the Planning Board, as follows:

**Amendment to the Shoreland Zoning Ordinance
regarding Development Coverage at Higgins Beach**

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

Amend Section 14.B.4 as follows (additions are underlined; deletions are struck through):

4. The total footprint area of all structures, parking lots, driveways and other nonvegetated surfaces within the Shoreland Zone shall not exceed twenty (20) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed except as provided for in the following subsections:

a. In the Shoreland Overlay District, when the property is located east of the railroad right-of-way and the underlying zoning district is the Town and Village Centers Pine Point District – TVC-4 and/or the Industrial Overlay District – I-O, the total footprint area shall not exceed seventy-five (75) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed. (amended 09/05/2012)

b. The total footprint area for functionally water-dependent uses shall not exceed seventy (70) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed. (amended 09/05/2012)

c. In the Shoreland Overlay District, when the property is also located in the Coastal Residential 1 (CD-CR1) District or Coastal Mixed Use-Limited (CD-CML) District, the total footprint area shall not exceed thirty-five (35) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed.

Vote: 6 Yeas.

Order No. 15-087. Act on the review of a dangerous building located at 9 Partridge Lane and authorize the Town Manager to schedule a public hearing, pursuant to 17 M.R.S.A.

§2581.Brian Longstaff, Code Administrator, gave a brief overview on this Order. Asking the Town Council to schedule a public hearing – serving the owner, and any other parties in-kind to determine what needs to be done with the property. Mr. Longstaff went on to give a brief overview on Order No. 15-088.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to authorize the Town Manager to schedule a public hearing on 9 Partridge Lane, pursuant to Title 17, M.R.S.A. §2581.

Vote: 6 Yeas.

Order No. 15-088. Act to authorize the Town Manager and Zoning Administrator to pursue legal proceedings to abate the condition of the dangerous building located at 2 Asselyn Drive pursuant to 17 M.R.S.A. §2581. Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to authorize the Town Manager and Zoning Administrator to pursue legal proceedings to abate the condition of the dangerous building located at 2 Asselyn Drive pursuant to 17 M.R.S.A. §2581.

Vote: 6 Yeas.

Order No. 15-089. Act on the request to certify the election results from the Municipal Election that was held on Tuesday, November 3, 2015. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to certify the election results from the Municipal Election that was held on Tuesday, November 3, 2015, as follows:

Presented for certification by the Town Council, are the election results for the Municipal Elections that were held on Tuesday, November 3, 2015:

TOWN COUNCIL

Benedict, James E.	507
Caiazzo, Christopher J.*	2,398
Rowan, Robert W.*	2,149
Somers, William F.	1,254
Turek, Michael B.	1,363

BOARD OF EDUCATION

Beeley, Donna L.*	2,843
Miles, Kathryn E.*	2,615
Perry, Jacquelyn A.*	2,900

BOARD OF EDUCATION – 1 YEAR

Lyford, Cari*	2,865
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TRUSTEES FOR THE SANITARY DISTRICT

Rico, Nicola F.*	2,971
Viola, Benedetto*	2,973

There are approximately 15,659 active voters on our voter registration list. There were 4,271 voters who cast ballots in the November 3rd Election. There were 1,308 absentee ballots issued of which 1,242 were returned. The percentage for voter turnout for this Election was 27%.

*The winners are indicated with an asterisk.

Vote: 6 Yeas.

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

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

- Councilor Hayes gave an update on the following committees: the Transportation Committee, the Shellfish Conservation Commission, the Coastal Water and Harbor Committee and the Senior Advisory Board.
- Councilor Blaise gave an update on the Planning Board.
- Council Chair Holbrook gave an update on the Historic Implementation Committee. She went on to mention that moving the Danish Archway is in progress and that the Hunnewell House would be needing another treatment to get rid of the beetles.
- Councilor Caterina gave an update on the Conservation Commission
- Councilor Donovan gave an update on the Energy Committee and the Rules and Polices Committee
- Councilor Babine gave an update on the Cumberland County Finance Committee and the Town's Finance Committee

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

- Town Projects: All road work is wrapping up. The relocation of the Danish Archway has been moved to the Memorial Park and the next move is to replace the roof and there is plans to put a lamp on it.
- HR Department registered the town in a "Hire a Vet Program" We were the first to join and the first to hire a Vet under this program.
- There will be a ribbon cutting ceremony on Tuesday, November 10th at 11:30 a.m. at town hall introducing the Tri Gen Project. There will be tours and staff to answer questions.
- E-waste Recycling is scheduled for Saturday, November 14th from 9:00 a.m. to 2:00 p.m. at the High School parking lot. Please bring in your old t.v. or old computer monitors, etc.
- Congratulations to the two newly elected Councilors. Mr. Hall would be meeting with them next week. He then acknowledged the two outgoing Councilors – it has been a pleasure.

Item 11. Council Member Comments.

- Councilor Babine thanked the two incoming councilors and their families for making the commitment. To Councilor Blaise – a gentleman – thank you for your service. To Council Chair Holbrook – the flowers are from all of the Council; you have represented the council and you brought a calming presence. He appreciated all that you have done. Thank you. He noted that he had served with 21 different councilors and 8 have been woman. He thanked all the election staff for all that is done. He encourage residents to adopt a hydrant ...snow is coming.
- Councilor Donovan felt that Councilor Blaise was the Council's guard for fiscal accountability. Council and to Chair Holbrook, he thought the leadership was tremendous and there would be a loss of historic preservation; however, was glad that she would be serving on the Historic Implementation Preservation Committee. He went on to speak on the red seaweed issue – it would be addressed in the spring. Spoke on the second cell tower that went up. He noted that the Planning Department held meetings on the Gorham Road issues. He had attended two ribbon cutting ceremonies: OPTA Physical Therapist and Bellavita Assisted Living Facility.
- Councilor Caterina congratulated the two new councilors and to the all the candidates. To Councilor Blaise, she felt he was physical conscience of the council and always the gentleman.

To Council Chair Holbrook, she enjoyed working with her and do not be a stranger; you have evolved tremendously – a real class act and willing to listen and have done a great job.

- Councilor Blaise thanked the Town Manager and all his staff – incredible group of individuals. To my fellow councilors – thank you so much – my tenure on the council has been enjoyable and I will always be around. To Council Chair Holbrook, thank you so much, you have a wonderful as chair and have enjoyed the time that I have worked with you. Congratulation to the two new councilors.
- Councilor Hayes thanked Council Chair Holbrook and Councilor Blaise and welcomed the two new elected Councilors.
- Council Chair Holbrook mentioned the “refrigerator card” this card would contain medical information and contact numbers that would be placed on the refrigerator to be useful in case of emergencies. She was happy to hear about the cell tower expansion is in motion. She thanked the community for electing her to serve for the last six years; thought the world of town staff - noting that she felt they were an extremely dedicated staff. She enjoyed working with fellow councilors and even family. She congratulated Chris Caiazzo and Will Rowan on being elected to serve. She thanked all who ran for all offices. She thanked Councilor Blaise noting that honesty is a great quality. She sent condolences to her family on the loss of her grandmother Althea Green and a special thank you from her family to the Gosnell House, especially to Cindy Hawks, thank you.

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

Vote: 6 Yeas.

Meeting adjourned at 9:56 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk

Proposed Amendment to the Chapter 405, the Town of
Scarborough Zoning Ordinance to establish a
new Section XVI.B Higgins Beach Charter-Based
Zoning Districts and Building Standards

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in
Town Council assembled, that the following amendment to Chapter 405, The
Scarborough Zoning Ordinance of the Town of Scarborough, Maine, be and hereby is
amended as follows:

Town of Scarborough
HIGGINS BEACH
CHARACTER-BASED
ZONING DISTRICTS

Final

10-29-2015

Summer/Fall 2015

TABLE OF CONTENTS

ARTICLE 1: GENERAL PROVISIONS

General

ARTICLE 2: CHARACTER DISTRICTS

Coastal Residential 1 (CD-CR1)

Coastal Mixed Use - Limited (CD-CML)

ARTICLE 3: COASTAL OVERLAY DISTRICTS AND NATURAL RESOURCE REFERENCES

Floodplain Overlay (SD-FL)

Shoreland Overlay (SD-SO)

Coastal Dunes (SD-CD)

ARTICLE 4: BUILDING STANDARDS

Building Types Overview

Standards for All Building Types

Principal Building Types

Accessory Building Types

Building Components

Building Frontage Types

ARTICLE 5: USE PROVISIONS AND ADMINISTRATION

Uses Allowed in Coastal Residential 1 (CD-CR1)

Uses Allowed in Coastal Mixed Use - Limited (CD-CML)

A. GENERAL

1. PURPOSE

- a. To implement the Comprehensive Plan of the Town of Scarborough.
- b. To coordinate development and redevelopment according to plans collaboratively developed with community members from Higgins Beach.
- c. To maintain a complete, walkable neighborhood that continues to promote community and neighborly activity.
- d. To preserve and enhance the existing character of Higgins Beach, respects the existing built form, and honors the historic development pattern inherent in the original plat of Higgins Beach.
- e. To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- f. To promote the adaption of existing buildings and to permit redevelopment and infill construction that contributes to and preserves the character of Higgins Beach.
- g. To allow for a narrow range of business activity that supports the local residents of Higgins Beach.

- h. To enable continued access to Higgins Beach’s greatest amenity, the beach, marshes, and other coastal areas.

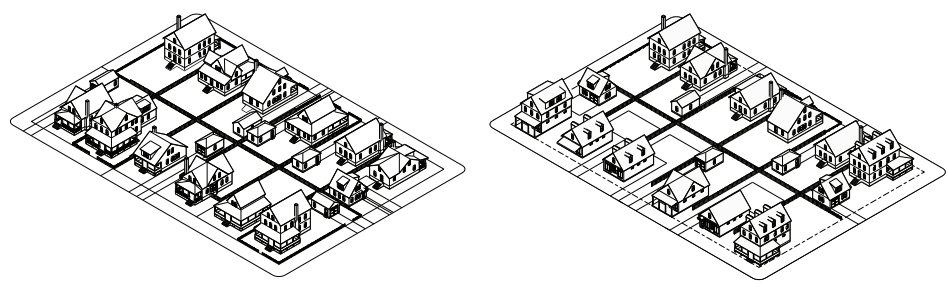
2. APPLICABILITY

- a. Unless otherwise specified, this District is applicable to all real property within Higgins Beach as described on the Town of Scarborough Official Zoning Map.

3. TEXT & GRAPHICS

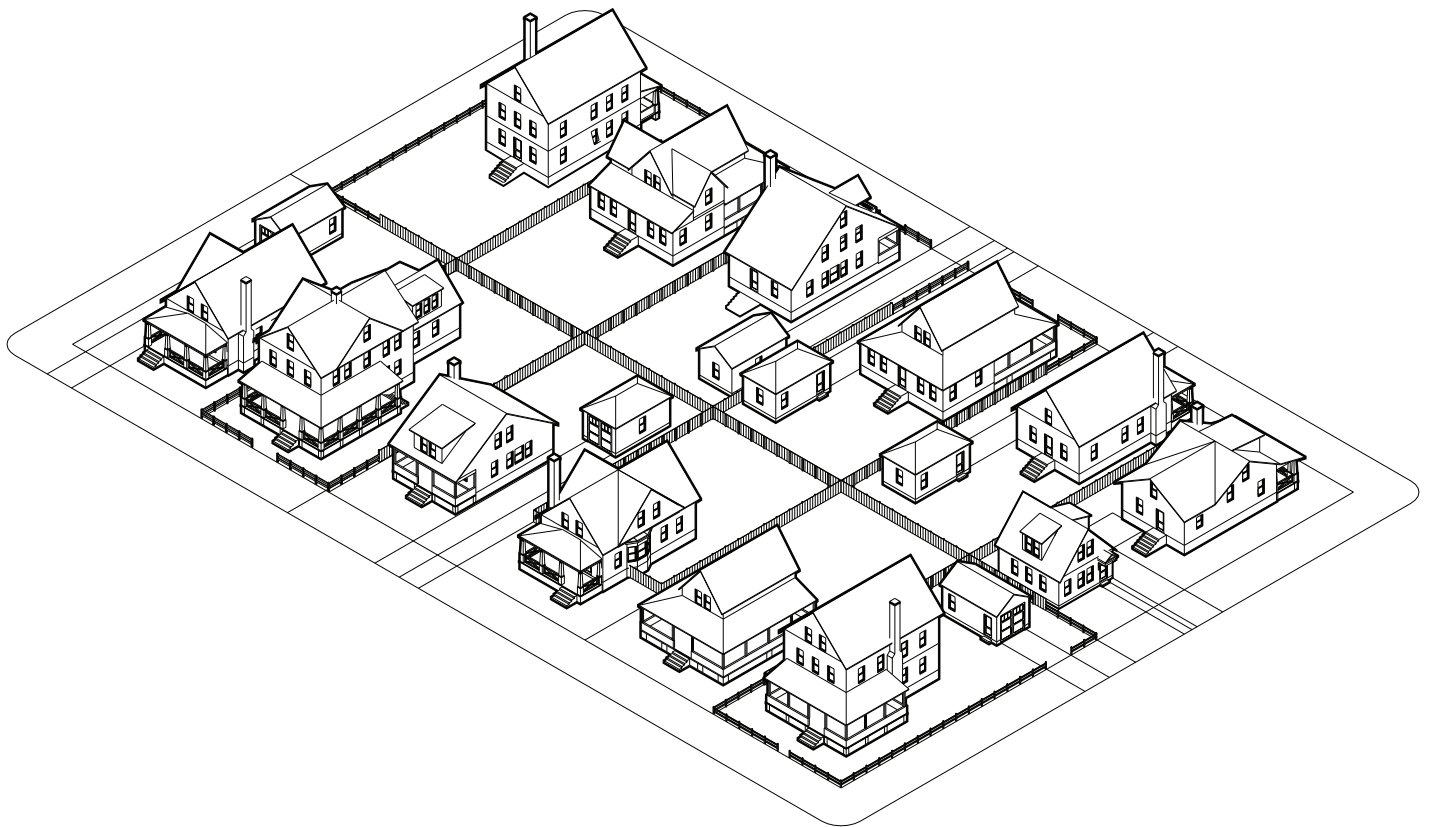
- a. Illustrations, graphics, pictures, and flowcharts are included in this District to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Chapter and any illustration, graphic, picture, or flowchart, the text shall govern.
- b. All metrics included in tables shall be interpreted as text under this Chapter and shall govern.

TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE



1. COASTAL RESIDENTIAL 1 (CD-CR1)	2. COASTAL MIXED-USE LIMITED (CD-CML)
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B. COASTAL RESIDENTIAL 1 (CD-CR1)



1. INTENT

- a. To conserve the already established residential neighborhood fabric of Higgins Beach and the rhythm of single-family homes and cottages.

2. PURPOSE

- a. To permit the development of new single-family residential building types on individual lots.
- b. To provide for the administrative review of additions and modifications to existing structures, in keeping with the standards of this District.

3. BUILDING STANDARDS

- a. See Article 3: Building Standards for the standards for each building type.

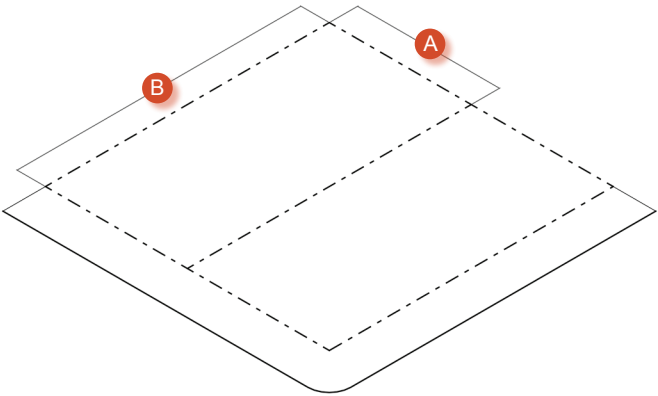
PERMITTED BUILDING TYPES

Coastal Cottage	Permitted
Bungalow	Permitted
House	Permitted
Inn Building	Not Permitted
Shop House	Not Permitted
Neighborhood Store	Not Permitted

4. LOT STANDARDS

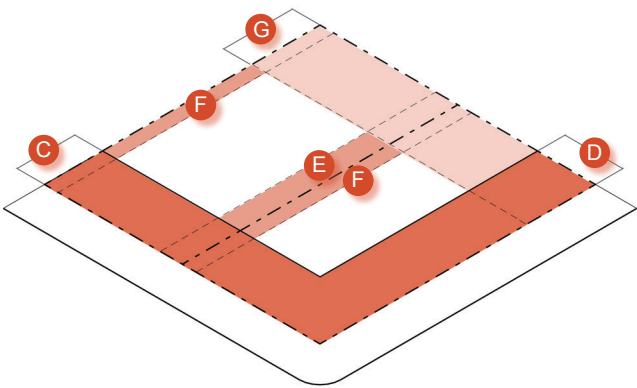
LOT DIMENSIONS

Width*	48 ft min, 98 ft max	A
Depth	98 ft min	B



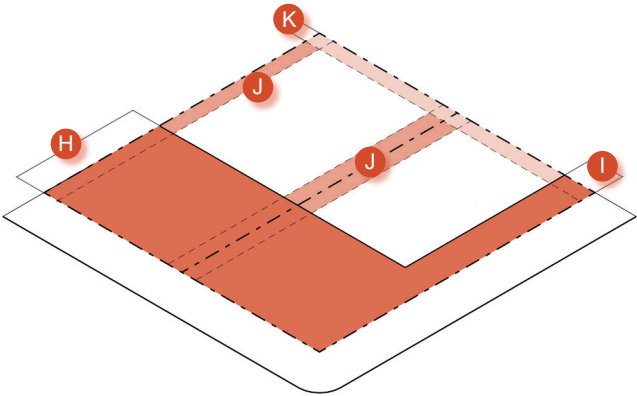
PRINCIPAL BUILDING PLACEMENT

Primary Front Setback	18 ft min, 21 ft max	C
Secondary Front Setback	12 ft min, 21 ft max	D
Primary Side Setback	8 ft min	E
Secondary Side Setback	8 ft min	F
Rear Setback	30 ft min	G

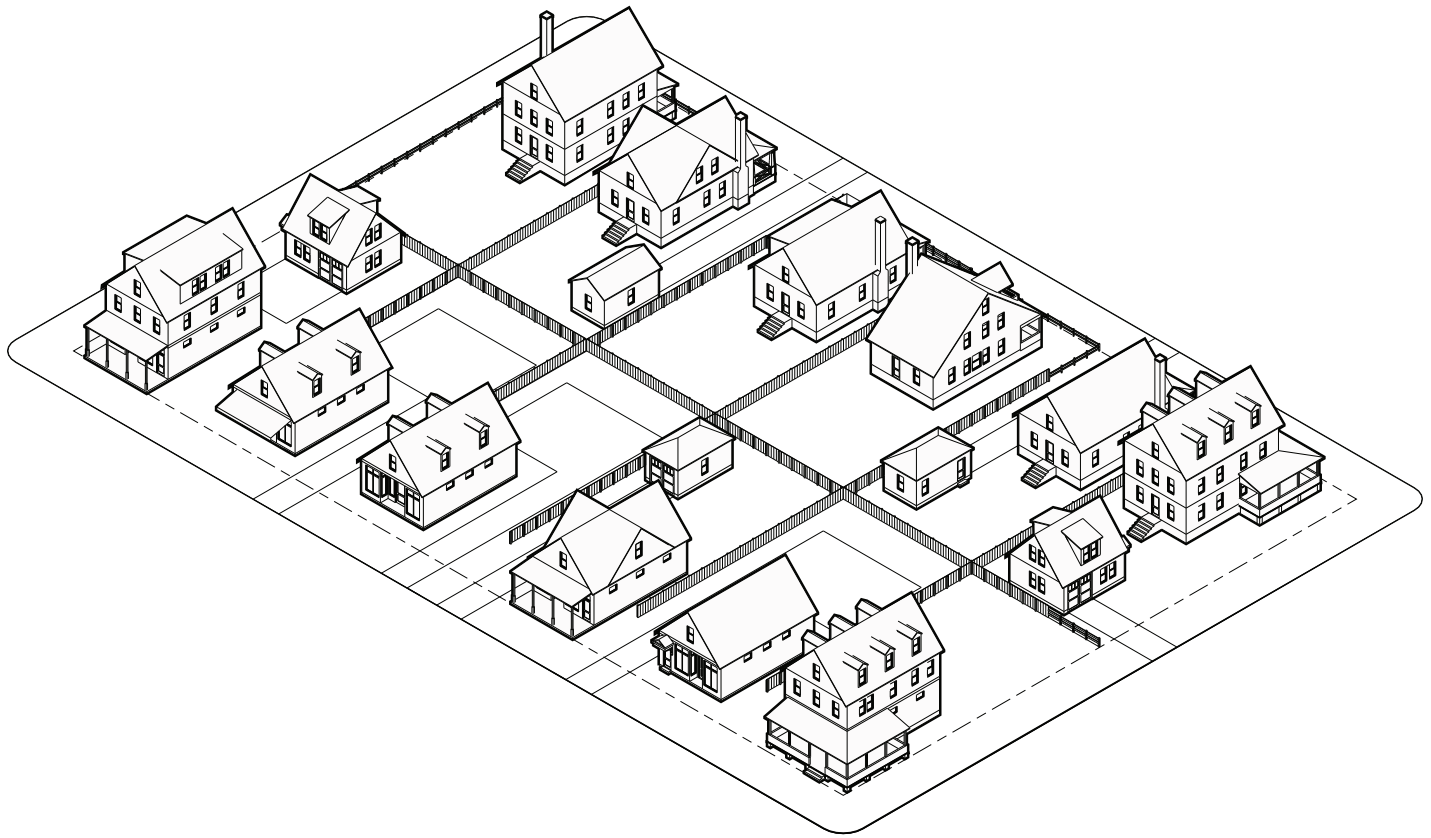


ACCESSORY BUILDING PLACEMENT

Primary Front Setback	40 ft min	H
Secondary Front Setback	12 ft min	I
Side Setback	3 ft min	J
Rear Setback	3 ft min	K



C. COASTAL MIXED-USE-LIMITED (CD-CML)



1. INTENT

- a. To maintain and enhance the existing mixed use and limited commercial uses that support the existing residential neighborhood.

2. PURPOSE

- a. To permit appropriate, small-scale commercial uses in keeping with the character of the neighborhood.
- b. To protect existing historic commercial properties that contribute to the character of Higgins Beach.

C. 3. BUILDING STANDARDS

- d. See Article 3: Building Standards for each building type.

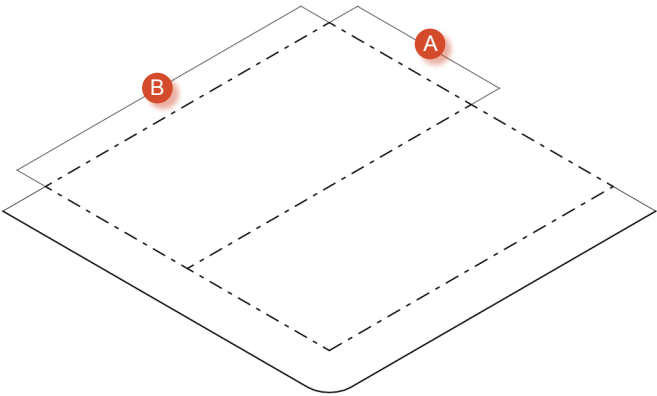
PERMITTED BUILDING TYPES

Coastal Cottage	Permitted
Bungalow	Permitted
House	Permitted
Inn Building	Permitted
Shop House	Permitted
Neighborhood Store	Permitted

4. LOT STANDARDS

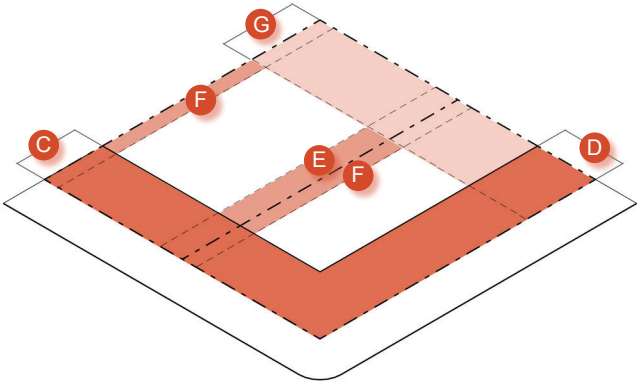
LOT DIMENSIONS

Width	48 ft min, 98 ft max	A
Depth	98 ft min	B



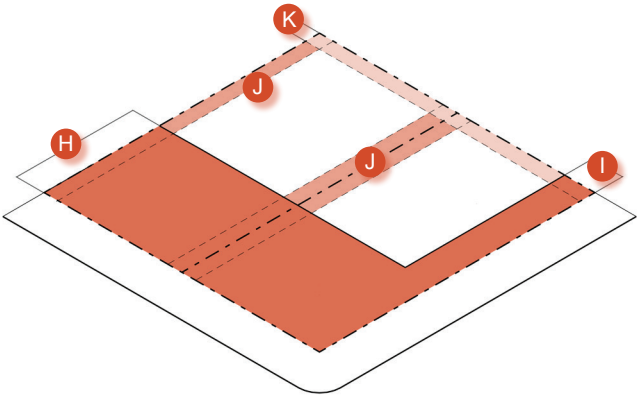
PRINCIPAL BUILDING PLACEMENT

Primary Front Setback	8 ft min, 21 ft max	C
Secondary Front Setback	8 ft min, 21 ft max	D
Primary Side Setback	8 ft min	E
Secondary Side Setback	8 ft min	F
Rear Setback	20 ft min	G

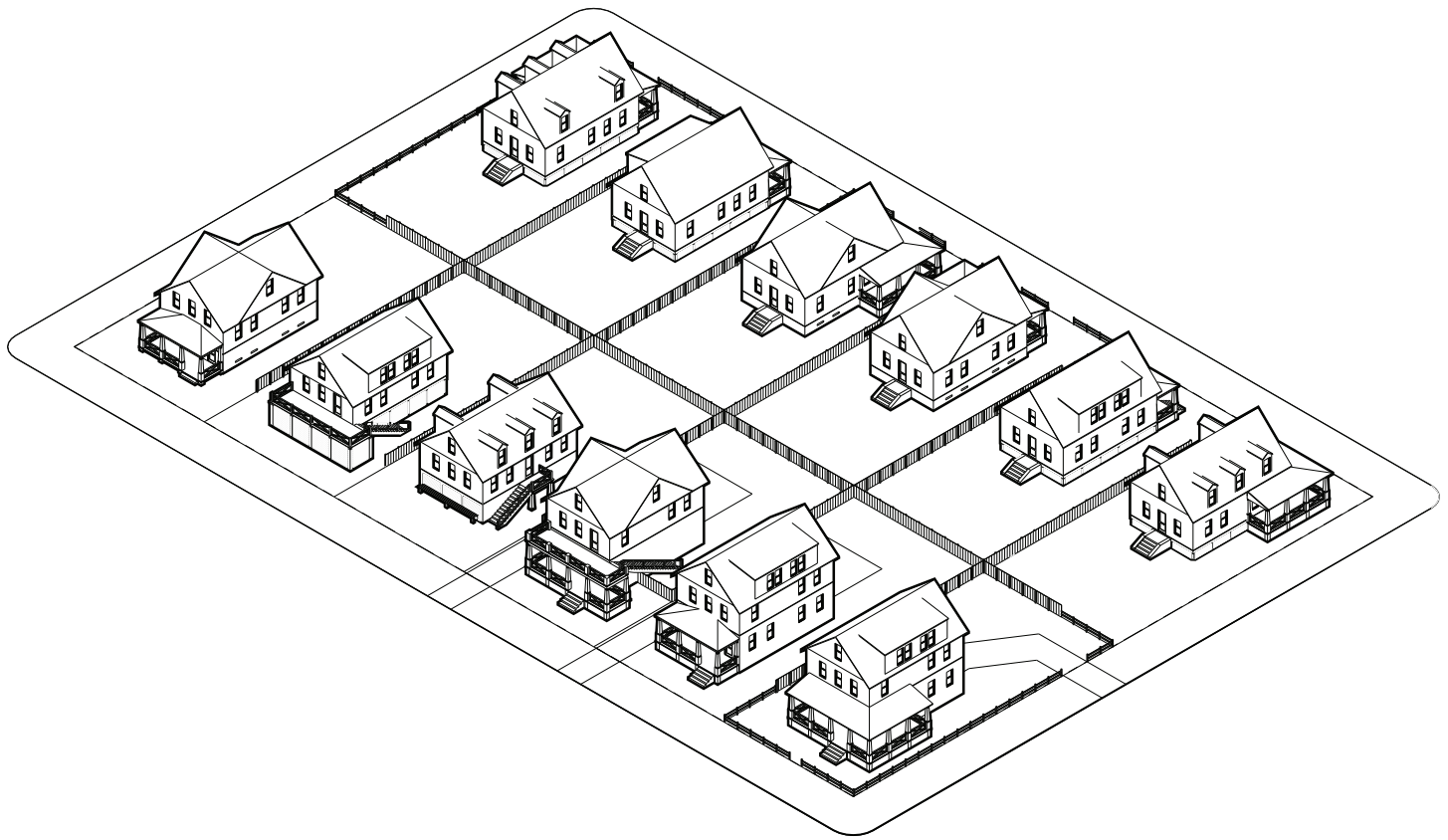


ACCESSORY BUILDING PLACEMENT

Primary Front Setback	40 ft min	H
Secondary Front Setback	8 ft min	I
Side Setback	3 ft min	J
Rear Setback	3 ft min	K



COASTAL OVERLAY ZONES



A. SHORELAND OVERLAY

** measured from highest annual tide

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405C THE SHORELAND ZONING ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS

75 ft from the resource

75 to 250 ft from the resource

New Construction	No new construction.	New construction allowed per Coverage standards below.
Additions/Expansions	30% expansion max.	Expansions allowed per Coverage standards below.
Coverage	Limited to existing coverage as per Chapter 405C the Shoreland Zoning Ordinance	35% Development Coverage * includes all land covered by nonvegetated surfaces as per Chapter 405C the Shoreland Zoning Ordinance
Height	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	May not move or add to an existing structure any closer to resource as per Chapter 405C the Shoreland Zoning Ordinance	See Article 2. Character Districts

B. FLOODPLAIN

** measured from base flood

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405A THE FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS

	VE	AE	AO	A
New Construction	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.
Additions/ Expansions	No additions to existing structures, except fire escapes and handicap access.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.
Coverage	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.
Elevation	1 ft above base flood * Measured to bottom of lowest horizontal framing member	1 ft above base flood * Measured to top of lowest enclosed floor.	1 ft higher than the flood depth specified on FIRM or at least 3 ft if no depth number is specified	1 ft above base flood as determined by the methods under Chapter 405A the Floodplain Management Ordinance Article III.H.1.b.
Height	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning
Specifications	Post, Piers, Pilings See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	Flood vents in basement. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	See Article 4.D.	See Article 4.D.

C. SAND DUNES

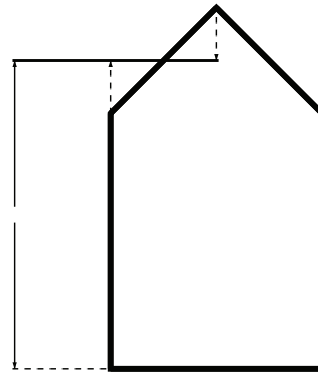
THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS FOR SPECIFIC STANDARDS AND REQUIREMENTS

	Frontal Dune	Back Dune	Erosion Hazard Area
New Construction	No new construction with exceptions	New construction allowed per standards below.	New construction allowed per standards below.
Additions/ Expansions	Additions to new structures are not allowed, except vertical building additions within the existing footprint, fire escapes, and handicap access.	Expansions allowed per standards below.	Expansions allowed per standards below.
Coverage	40% development coverage * includes buildings, porches, and landscaped areas.	40% development coverage * includes buildings, porches, and landscaped areas.	40% development coverage * includes buildings, porches, and landscaped areas.
	20% lot coverage * includes building footprint, n/a porches.	20% lot coverage * includes building footprint, n/a porches.	20% lot coverage * includes building footprint, n/a porches.
	2,500 sf max building footprint * includes building footprint, including porches.	2,500 sf max building footprint * includes building footprint, n/a porches.	2,500 sf max building footprint * includes building footprint, n/a porches.
	Plus additional 500 sf for parking or handicap access.	Plus additional 500 sf for parking or handicap access.	Plus additional 500 sf for parking or handicap access.
	In the case where existing development exceeds 20% lot coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing development exceeds 20% lot coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing development exceeds 20% lot coverage, the replacement building can not exceed the footprint of the previously existing building.
Elevation	Undeveloped lot: 3 ft above highest existing elevation.		Undeveloped lot: 3 ft above highest existing elevation.
	Developed lot: 3 ft above the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.		Developed lot: the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.
Height	35 ft * measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft * measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft * measured from the elevation used by the municipality when determining compliance with local ordinances.
Placement on Lot	Seaward building facade may not extend beyond that of adjacent structures	Controlled by Character District.	Controlled by Character District.
Specifications	Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.		Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.

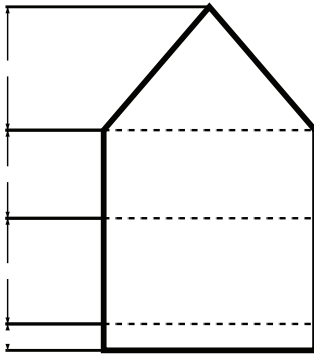
A. STANDARDS FOR ALL BUILDINGS

1. GENERAL

- a. Principal building types are summarized on Table 3.1 and permitted according to Character District standards in Article 2: Character Districts.
- b. See Article 3.B for the standards for each building type.
- c. The Planning and Code Enforcement Department shall classify existing principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types.



2. HEIGHT



- a. Building Height, Stories
 - i. To calculate building height by number of stories, each story above the average ground level of the lot is counted as 1 story.
 - ii. Basements are counted as 1-story when 5 feet or more of an exterior wall, excluding the rear wall, is exposed above the average grade of the lot.
 - a). An unfinished or flood resistant enclosure for utilities, building access or storage in an area other than a basement area is not considered a building's basement.
 - iii. When building height allows for a half-story, the half story is counted as the habitable space located directly under a pitched roof. The following standards apply:
 - a). The roof rafters must intersect the wall plate or top of the wall frame of the exterior walls at a height no more than 2 feet above the finished floor of the half story.
- b. Building Height, Feet
 - i. In the Character Districts building height is generally regulated by stories, but shall also comply with a maximum building height limit of thirty-two (32) feet.
 - ii. Building height shall be measured as required in the Zoning Ordinance definition: the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roof
- c. Story Height
 - i. Story height is measured from the top of the finished floor to the finished floor above.
 - ii. Minimum story height requirements do not apply to half-stories.
- d. Ground Floor Elevation
 - i. Ground floor elevation is measured from the average ground level at the front of the building, to the top of the finished floor of the ground story of a building.
 - ii. Ground story dwelling units must be elevated above grade a minimum of 2 ft.
 - iii. In Floodplain Overlay Districts the elevation of the lowest floor is required to be calculated as the distance between the assayed Base Flood Elevation and the bottom of the lowest horizontal structural floor framing member.
- e. Height Exceptions
 - i. Height limits do not apply to mechanical equipment; roof mounted cellular, radio and internet transmission equipment; vents or exhausts; solar

panels or skylights; flagpoles; chimneys; parapets or other non-habitable architectural features; and to roof walks and dormers. in conformance with Article 4.

3. FEATURES

- a. Roofs
 - i. Pitched roofs, if provided, must be symmetrically sloped in accordance with roof pitch standards for the building type (Table 4.1) with the exception of the Bungalow type, which has a unique roof composition.
- b. Fenestration
 - i. Facades are required to have windows and doors with transparent glass for a percentage of the total area of a facade, measured for each story independently.
 - ii. Fenestration of a story facade is measured from the top of a finished floor to the top of the finished floor above.
 - iii. Fenestration requirements are only applicable to

front facades. Exterior walls not facing a front lot line are exempt.

- iv. To the extent possible, fenestration patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts. Other strategies, including the use of translucent glass on the bottom half of windows or strategically placed landscape elements, should be utilized if it is not possible to offset windows.

4. BUILDING PLACEMENT

- a. Setbacks
 - i. All buildings and structures must be located at or behind any required minimum front, side, or rear setback, except as allowed for under Article 4.A.5. Setback Encroachments.
 - ii. All stories of the facade of a principle building must be built at or within the provided setback range.
 - iii. The facade of a principle building must be built parallel to a front lot line or to the tangent of a curved front lot line.

TABLE 4.1A ROOFS BY BUILDING TYPE

	Gable	Hip	Bungalow Gable	Shed	Flat*
Coastal Cottage	9:12 Min 14:12 Max	-	-	-	-
Bungalow	-	-	6:12 Min 14:12 Max	-	-
House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	-
Inn	6:12 Min 12:12 Max	3:12 Min 12:12 Max	-	-	1.5:12 Min* 2:12 Max
Shophouse	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	-
Neighborhood Store	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Outbuilding	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Carriage House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	-

NOTE: Roofs marked with a dash (-) are not permitted with that building type.

* Or minimum slope required by building code for specified roof system.

Article 4: Building Standards

5. SETBACK ENCROACHMENTS

- i. Notwithstanding the general “Yard” requirements applicable to other Districts within this Ordinance, building frontages and components within the Character Districts may extend beyond a required front, side or rear setback (or yard) as indicated for each type provided that at least 3 ft is maintained from the vertical plane of any side or rear lot line. Specific encroachments for frontages and components can be found in Article 4.D
- ii. Accessory buildings and structures may encroach as indicated in Article 4: Building Standards and Article 6: Development Standards.

6. MATERIALS

- a. Buildings must be sided with wood siding, vinyl siding, or cement board siding.
- b. Buildings located closer than 15 feet from a side or rear property line must meet the Town’s Fire Rating requirements as approved by the Scarborough Fire Department.

TABLE 4.1B ROOFS BY COMPONENT TYPE

	Gable	Hip	Bungalow Gable	Shed	Flat*
Projecting Porch	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Integral Porch	-	-	-	-	-
Enagaged Porch	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Balcony	-	-	-	-	-
Bay Window	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Dormer Window	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	6:12 Min 14:12 Max	-
Cross Gable	9:12 Min 14:12 Max	-	-	-	-
Roof Walk	-	-	-	-	-
Retail Awning	-	-	-	-	-
Canopy	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Stoop	-	-	-	-	-
Deck	-	-	-	-	-
Rear Addition**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-
Side Addition	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-
Estate Addition	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-

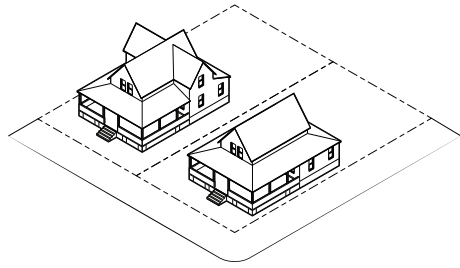
COMPONENTS

NOTE: Roofs marked with a dash (-) are not permitted with that component type.

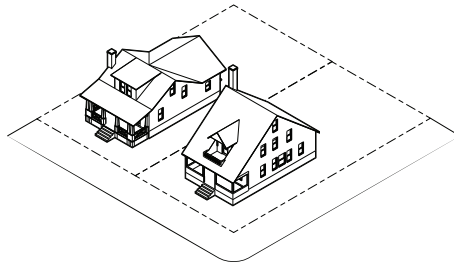
* Or minimum slope required by building code for specified roof system.

** Rear Additions may not exceed the roof pitch of the Principal Building to which they attach.

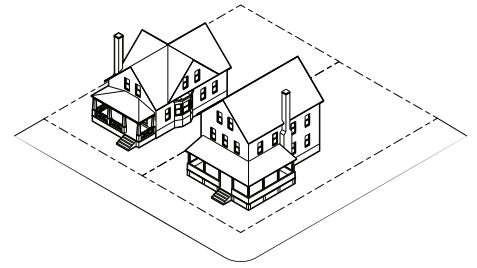
TABLE 4.2A BUILDING TYPES SUMMARY TABLE



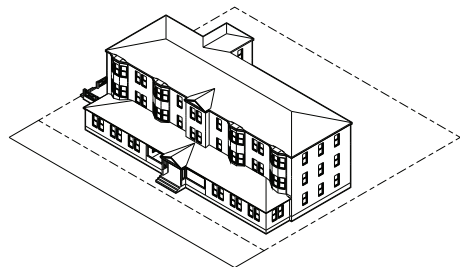
1. COASTAL COTTAGE



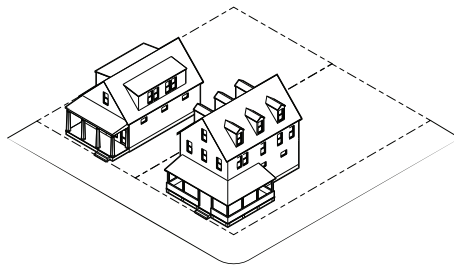
2. BUNGALOW



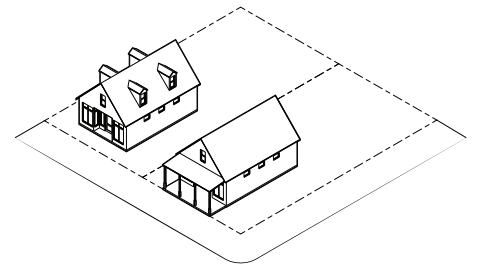
3. HOUSE



4. INN BUILDING

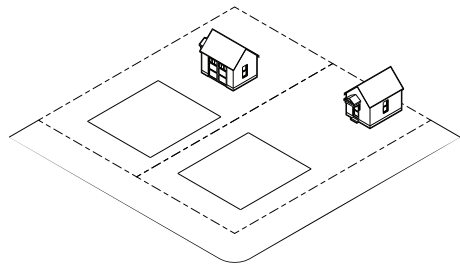


5. SHOPHOUSE

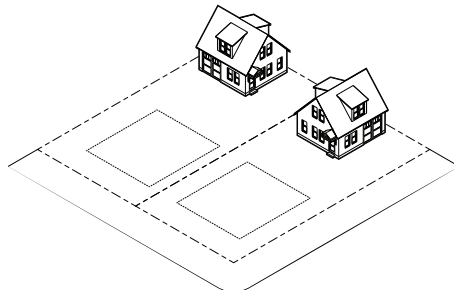


6. NEIGHBORHOOD STORE

TABLE 4.2B ACCESSORY BUILDING TYPES SUMMARY TABLE



1. ONE-STORY OUTBUILDING

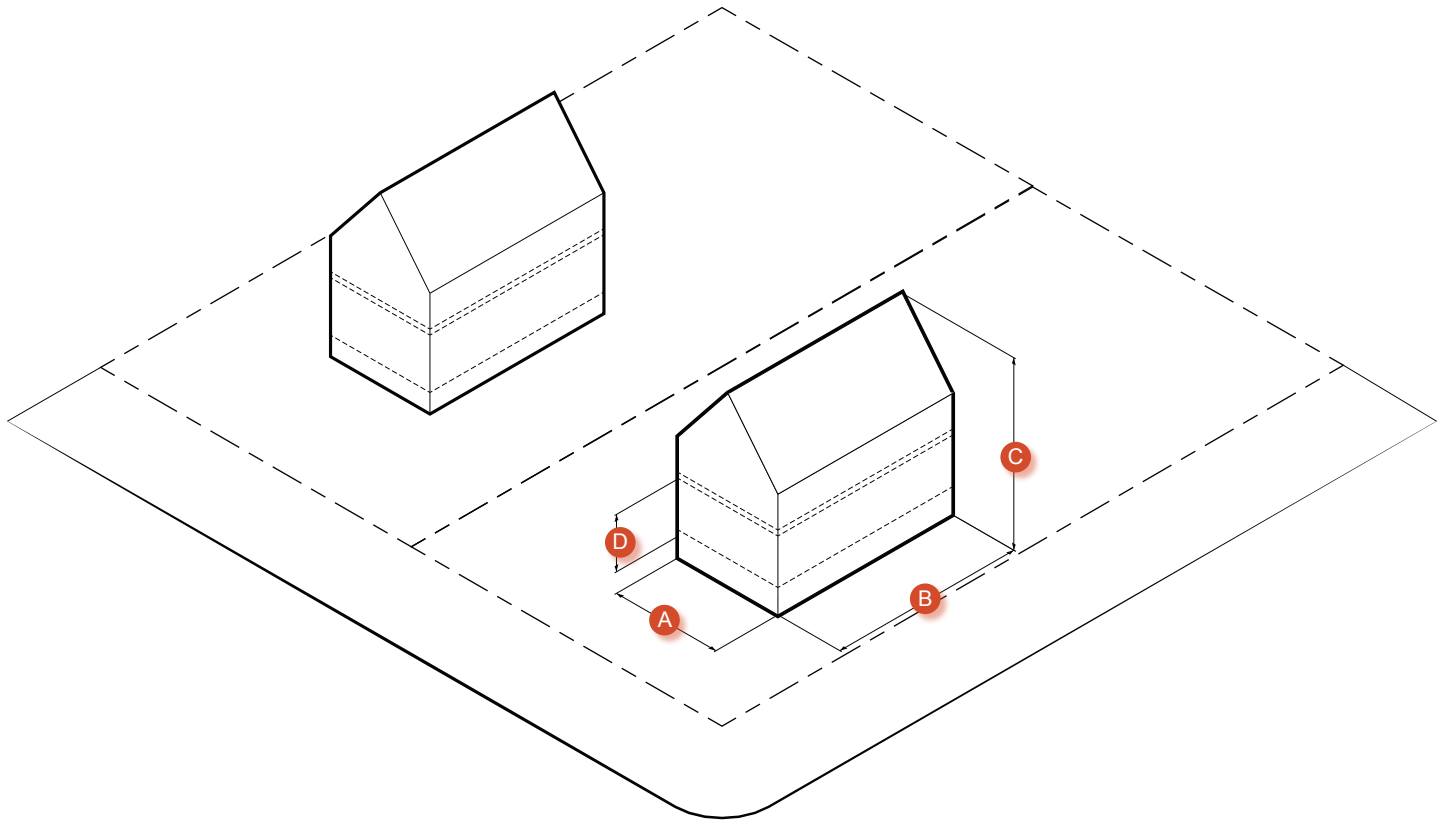


2. ONE-STORY CARRIAGE HOUSE

B. PRINCIPAL BUILDING TYPES & STANDARDS

1. COASTAL COTTAGE

A detached residential building type with one principal dwelling unit and defined by a narrow, projecting center massing that has a wrap-around porch, which is typically engaged on the sides.



BUILDING FORM

Building Width	18 ft max	A
Building Depth	36 ft max	B
Total Stories	2 stories max	C
First Story Height*	10 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

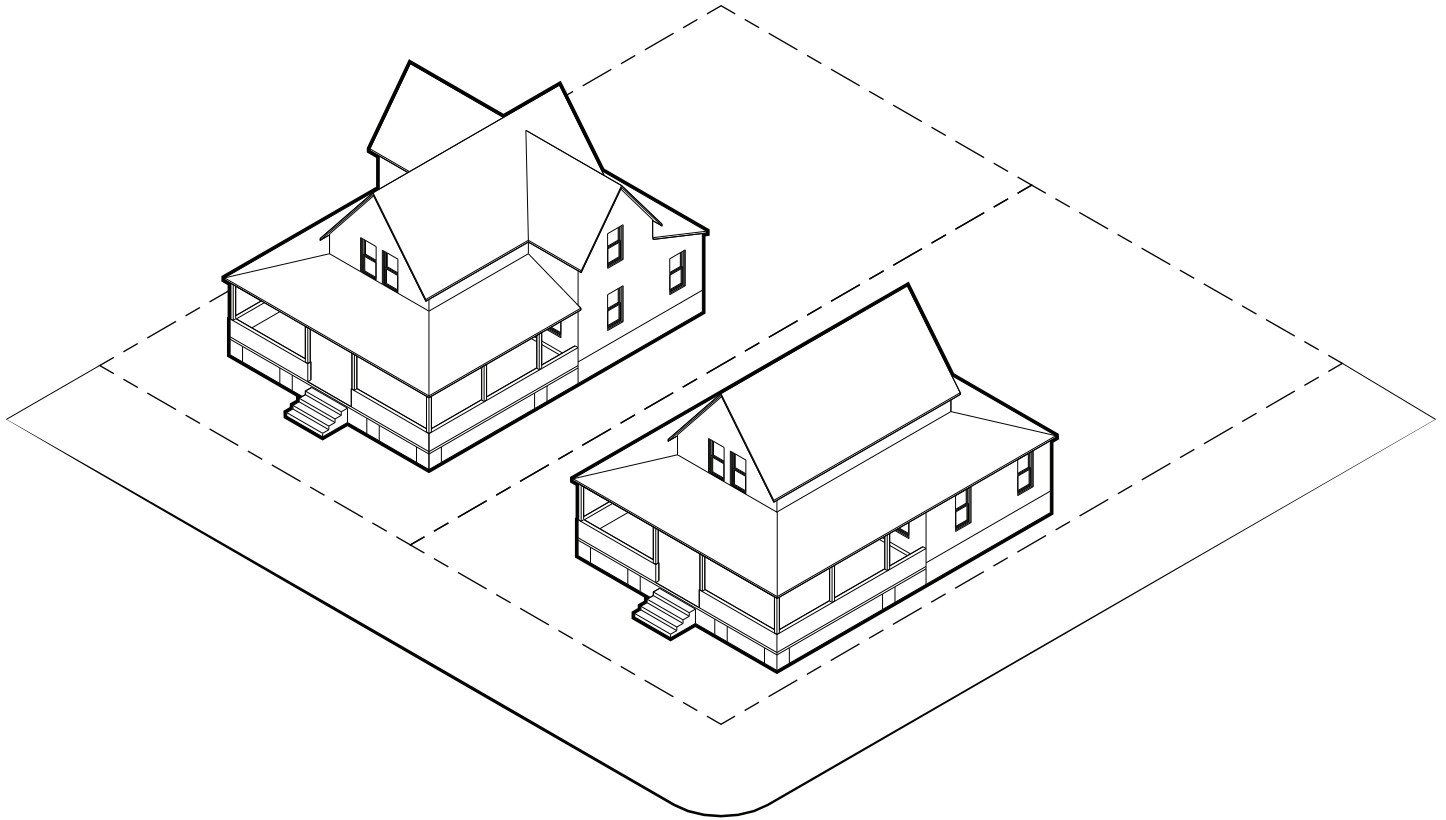
FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	15% min

FRONTAGES

	See Article 4D
Residential Yard	Required
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

1. COASTAL COTTAGE



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted

Stoop	Permitted
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Deck	Permitted
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COMPONENTS (CONT'D)

See Article 4C

Rear Addition	Permitted
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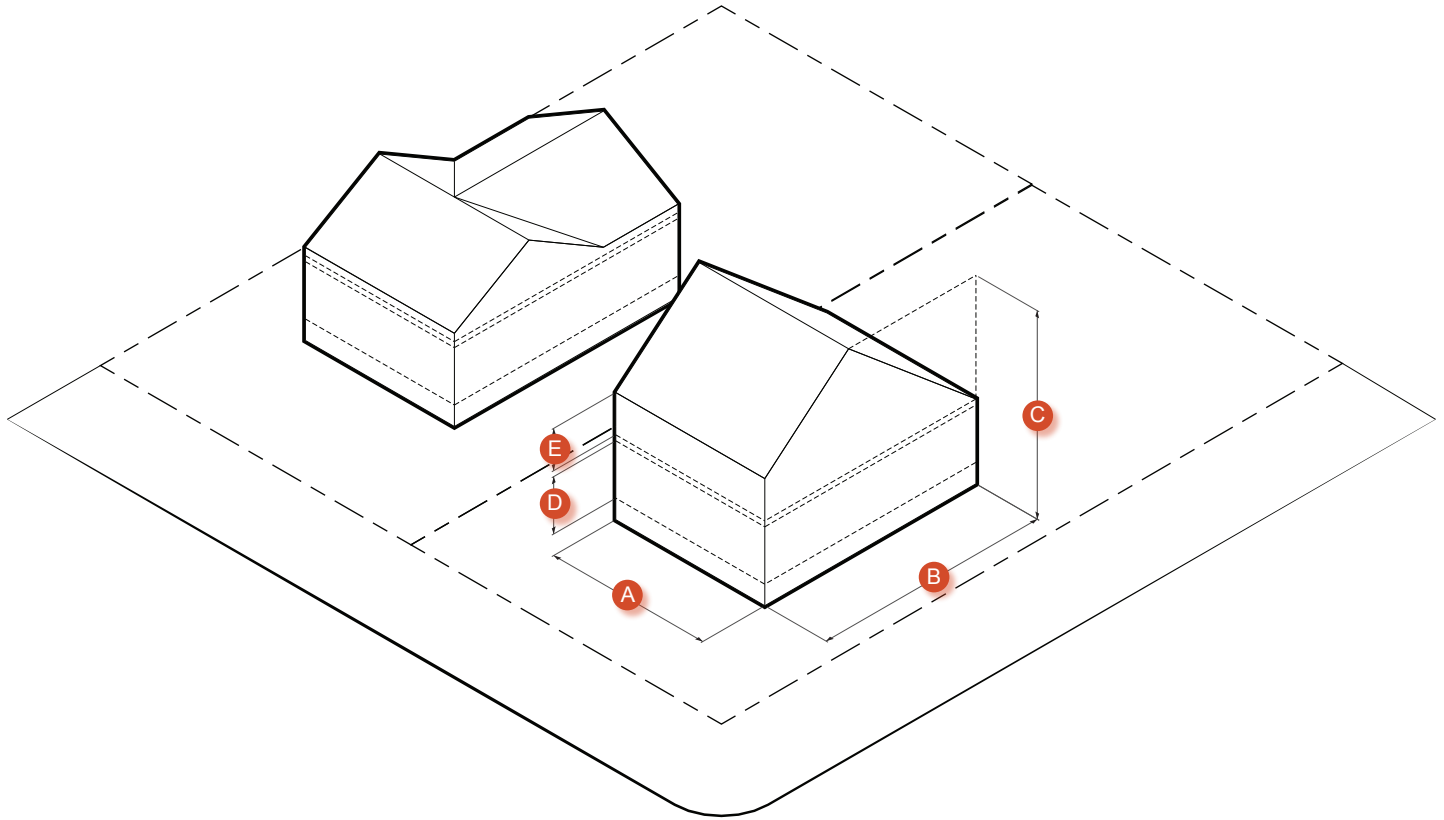
Side Addition	Permitted
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STANDARDS

- i. A minimum of two components must be applied to the base building massing, including a Porch as required under the Residential Yard Frontage standards (Article 4D)

2. BUNGALOW

A detached residential building type with one principal dwelling unit and defined by a front porch that is integral to the massing and contained under the roof.



BUILDING FORM

Building Width	25 ft max	A
Building Depth	36 ft max measured from the inside wall of the porch	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

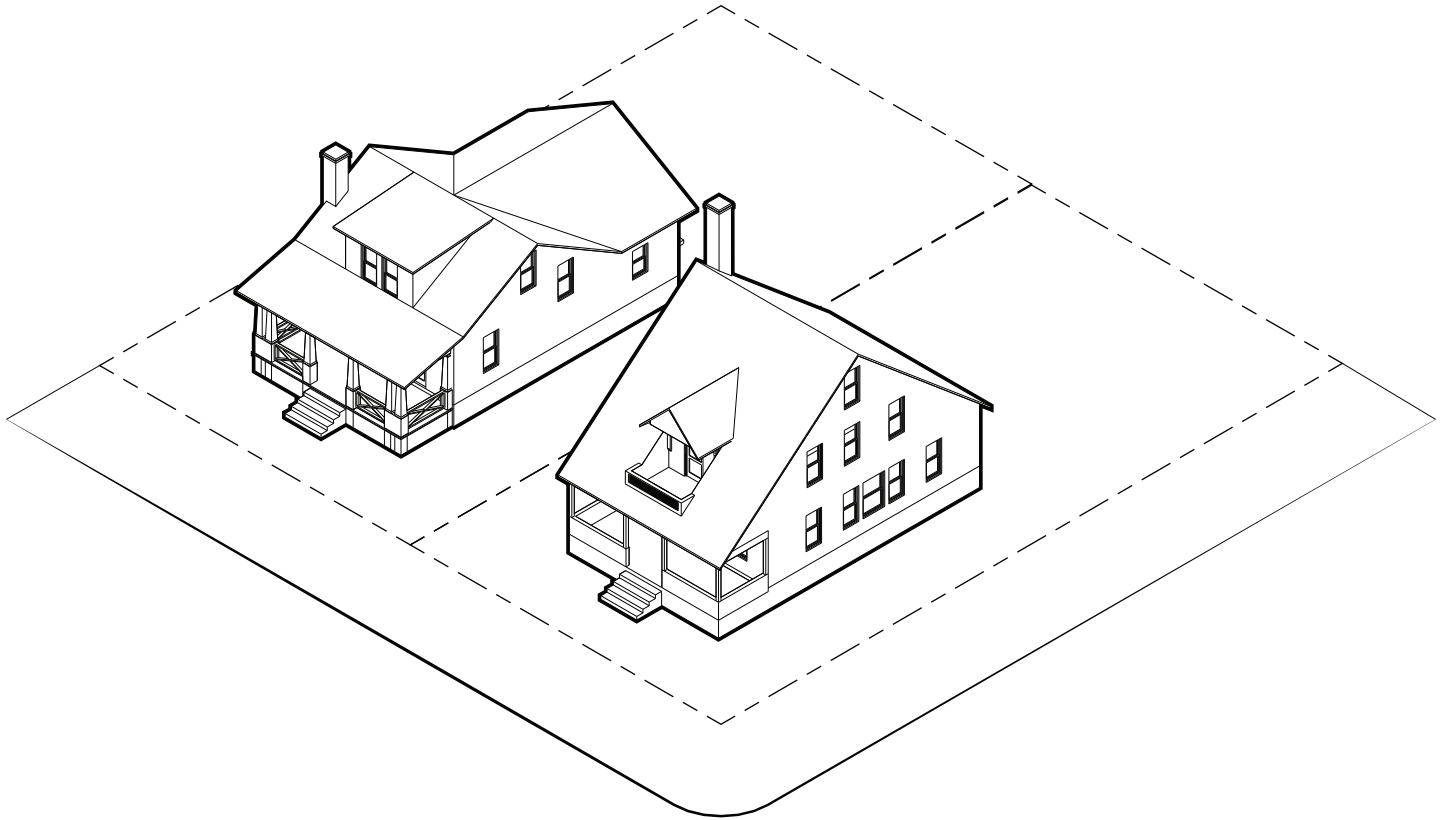
FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	20% min

FRONTAGES

	See Article 4D
Residential Yard	Permitted
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

2. BUNGALOW



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Required
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

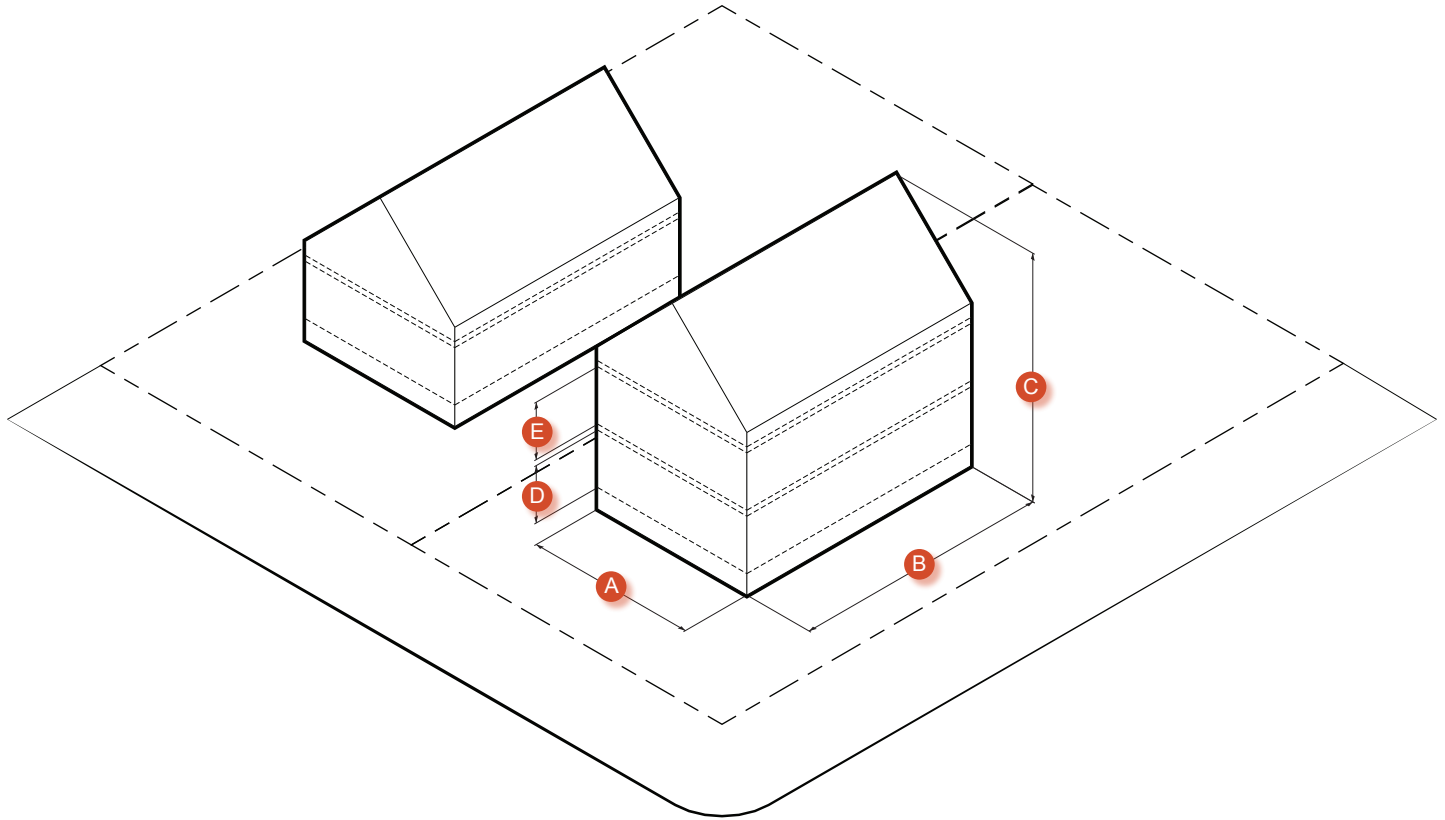
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

STANDARDS

- i. *Stories above the first story must be contained within the roof structure.
- ii. A minimum of two components must be applied to the base building massing, including a Porch as required under the Residential Yard Frontage standards (Article 4D)

3. HOUSE

A detached residential building type with one principal dwelling unit and exhibiting architecture with Character District components.



BUILDING FORM

Building Width	30 ft max	A
Building Depth	36 ft max	B
Total Stories	2.5 stories max	C
First Story Height*	10 ft max	D
Upper Story Height*	10 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

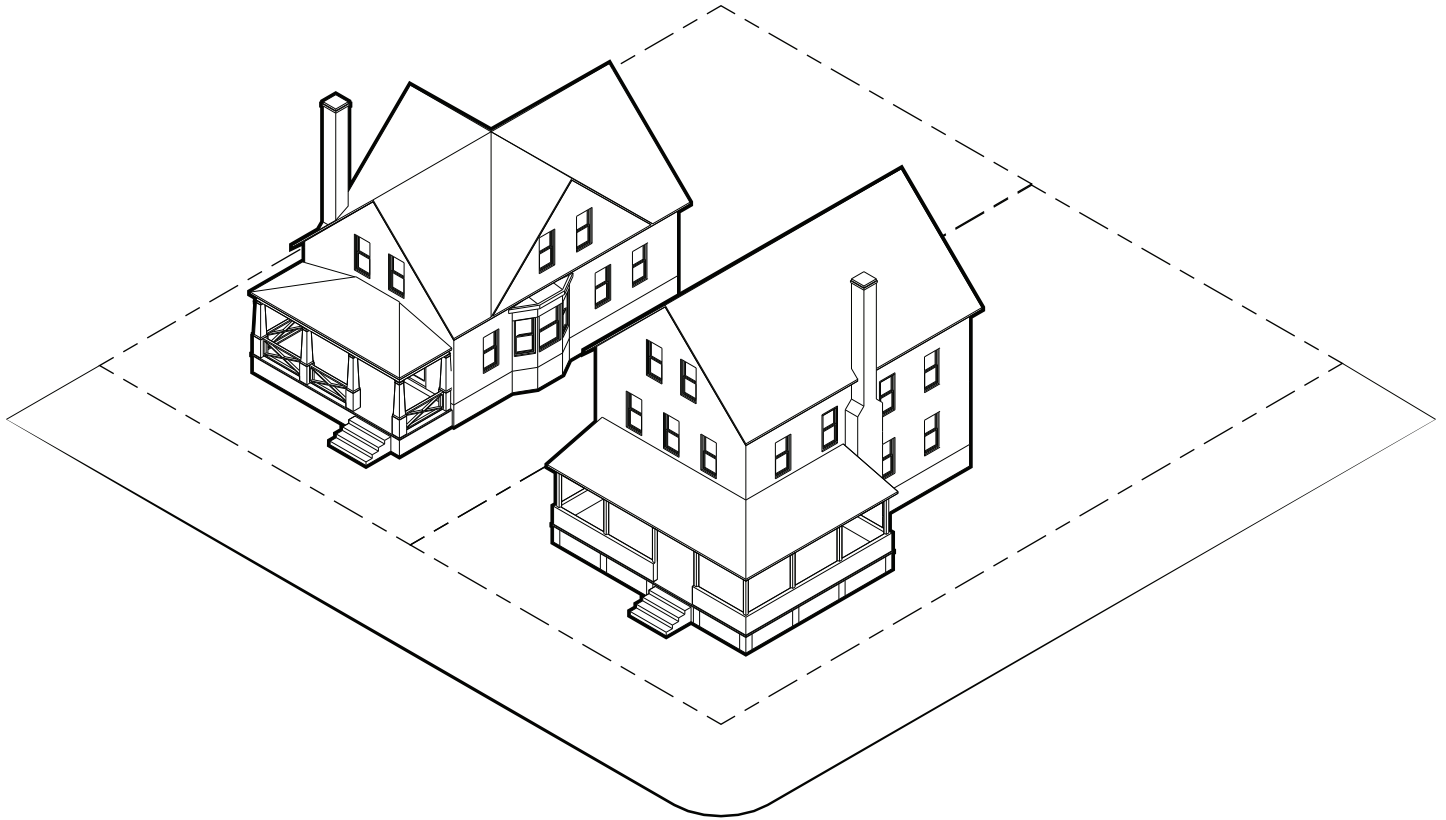
FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

FRONTAGES

Residential Yard	Required
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

3. HOUSE



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

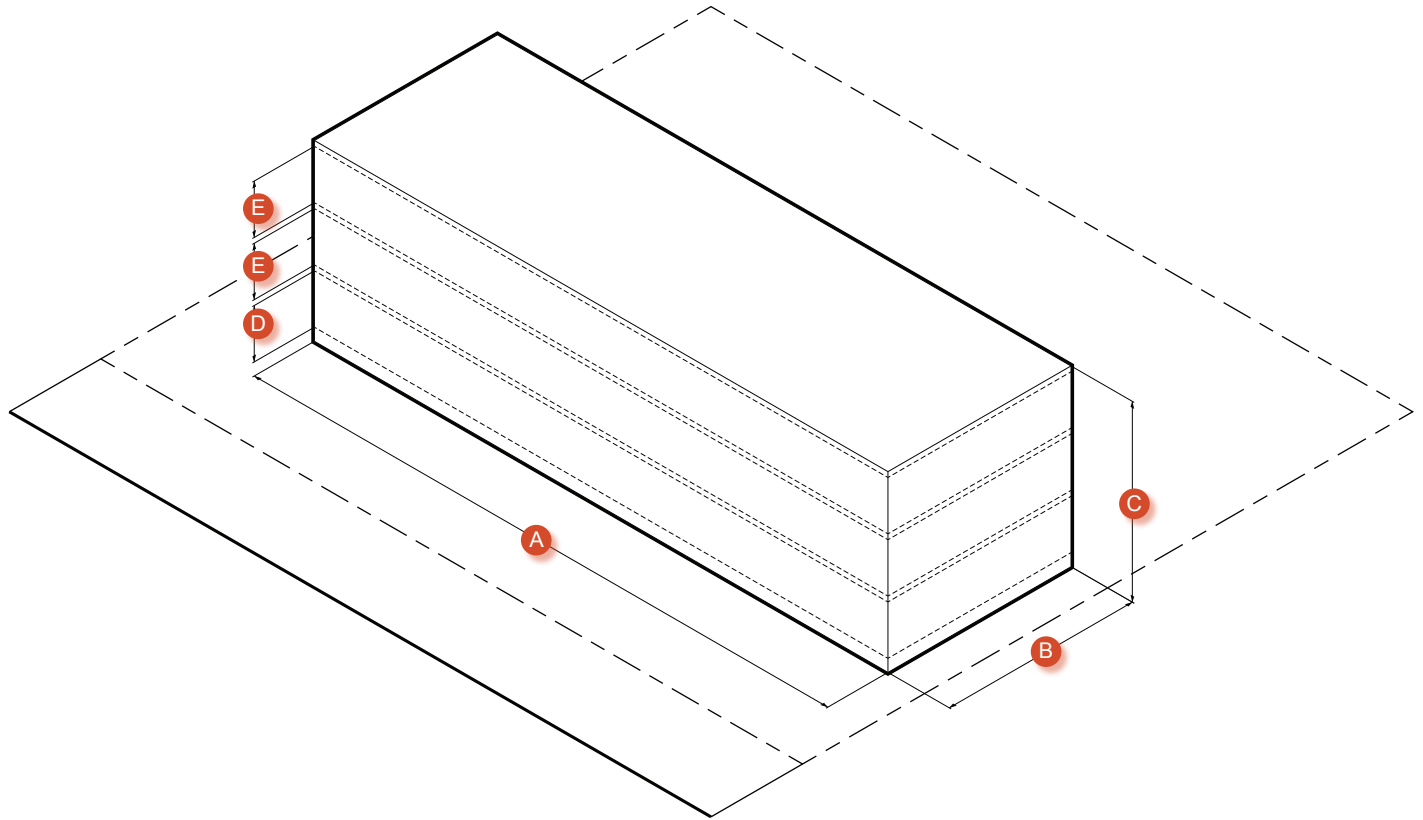
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

STANDARDS

- i. A minimum of two components must be applied to the base building massing, including a Porch as required under the Residential Yard Frontage standards (Article 4D)

4. INN BUILDING

A large floor plate, detached mixed-use building type with residential or lodging units on upper floors and supporting limited commercial uses on the ground floor.



BUILDING FORM

Building Width	100 ft max	A
Building Depth	50 ft max	B
Total Stories	3 stories max	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	12 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

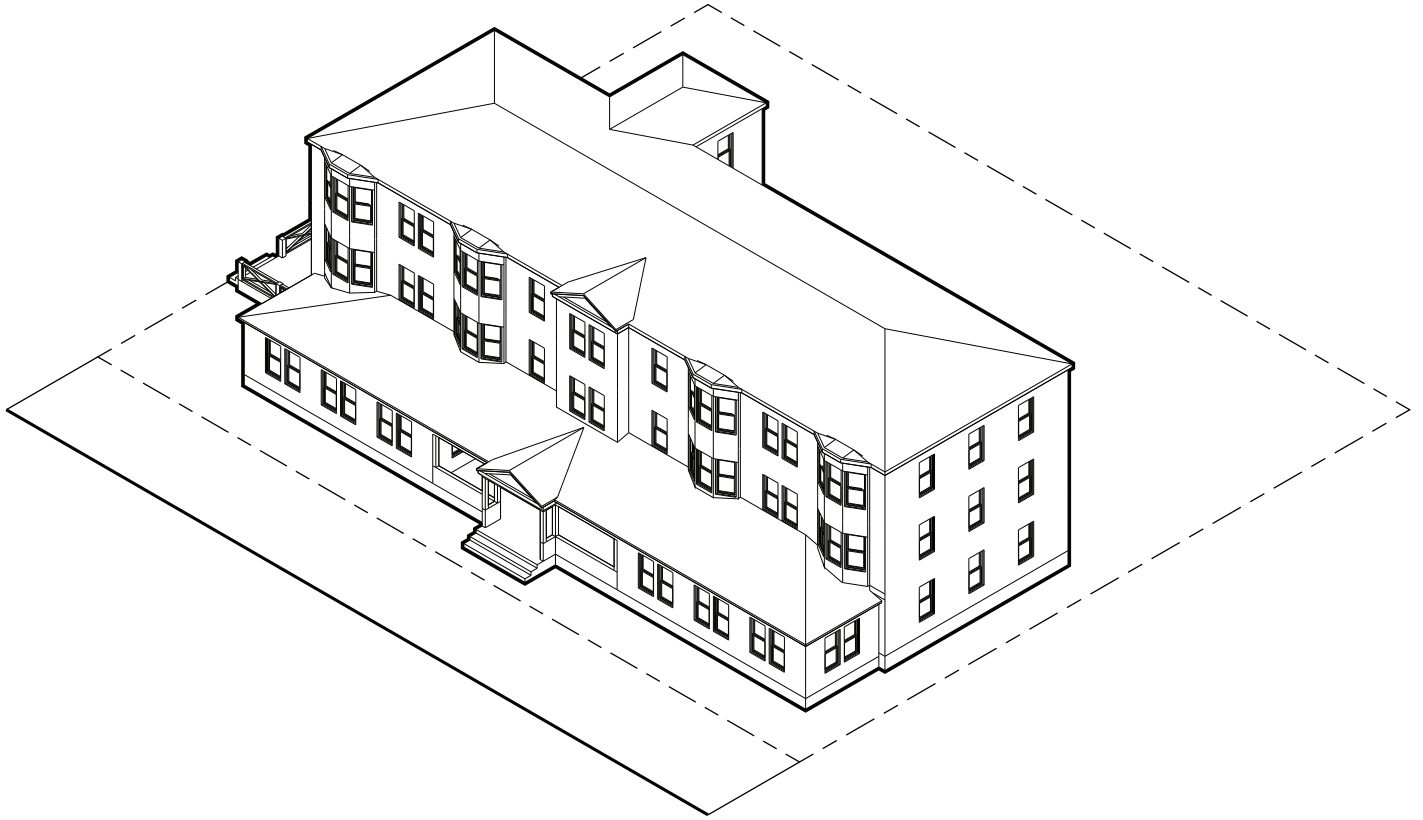
FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

FRONTAGES

Residential Yard	Permitted
Shopfront	Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

4. INN BUILDING



COMPONENTS

See Article 4C

Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

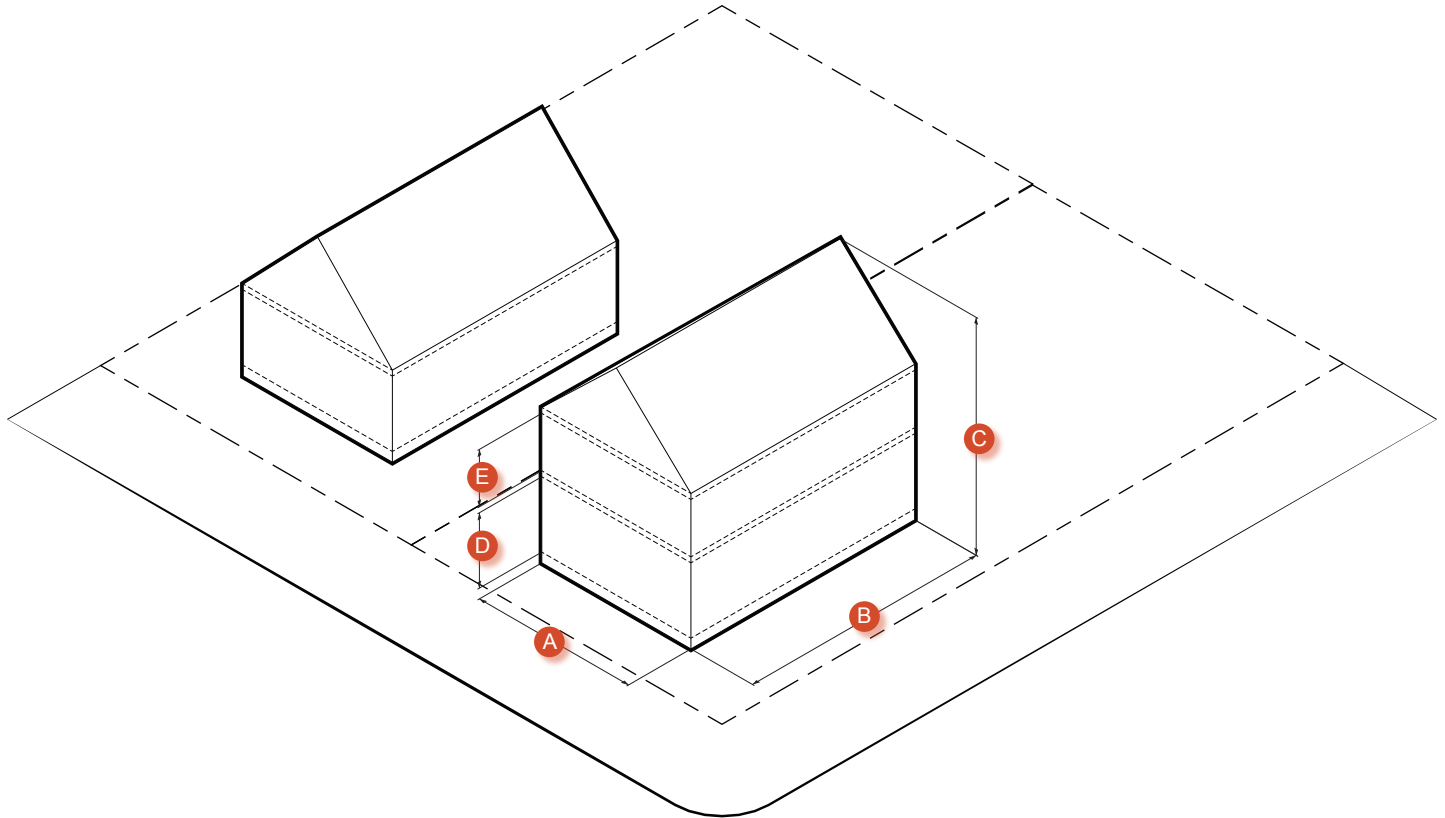
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

STANDARDS

- i. A minimum of two components must be applied to the base building massing.

5. SHOP HOUSE

A mixed-use building type that appears residential in character, with ground floor commercial uses and an upper story residential unit.



BUILDING FORM

Building Width	30 ft max	A
Building Depth	36 ft max	B
Total Stories	2.5 stories max	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	10 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

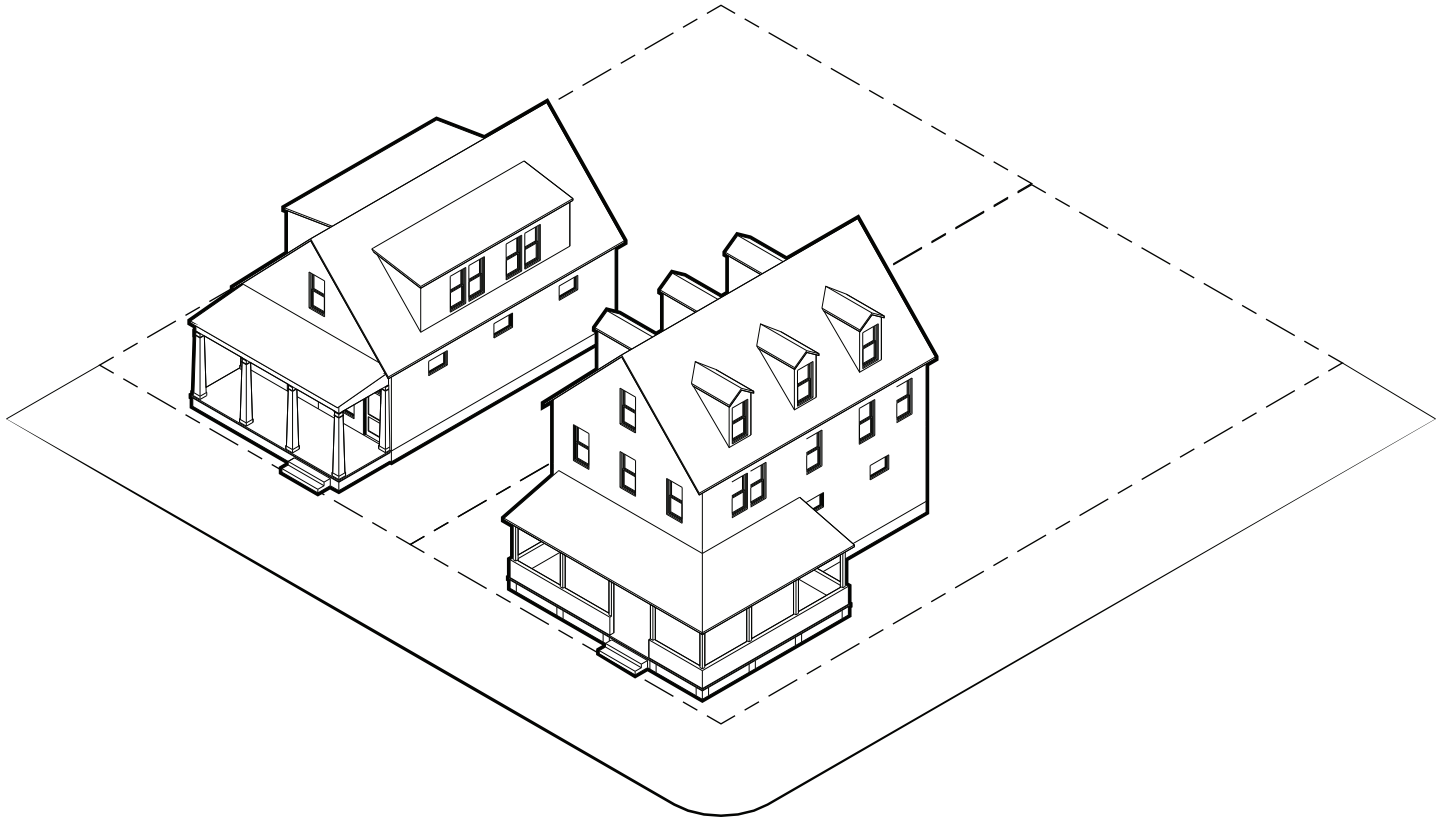
FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

FRONTAGES

Residential Yard	Permitted
Shopfront	Required
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

5. SHOP HOUSE



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted

Deck

Permitted

COMPONENTS (CONT'D)

See Article 4C

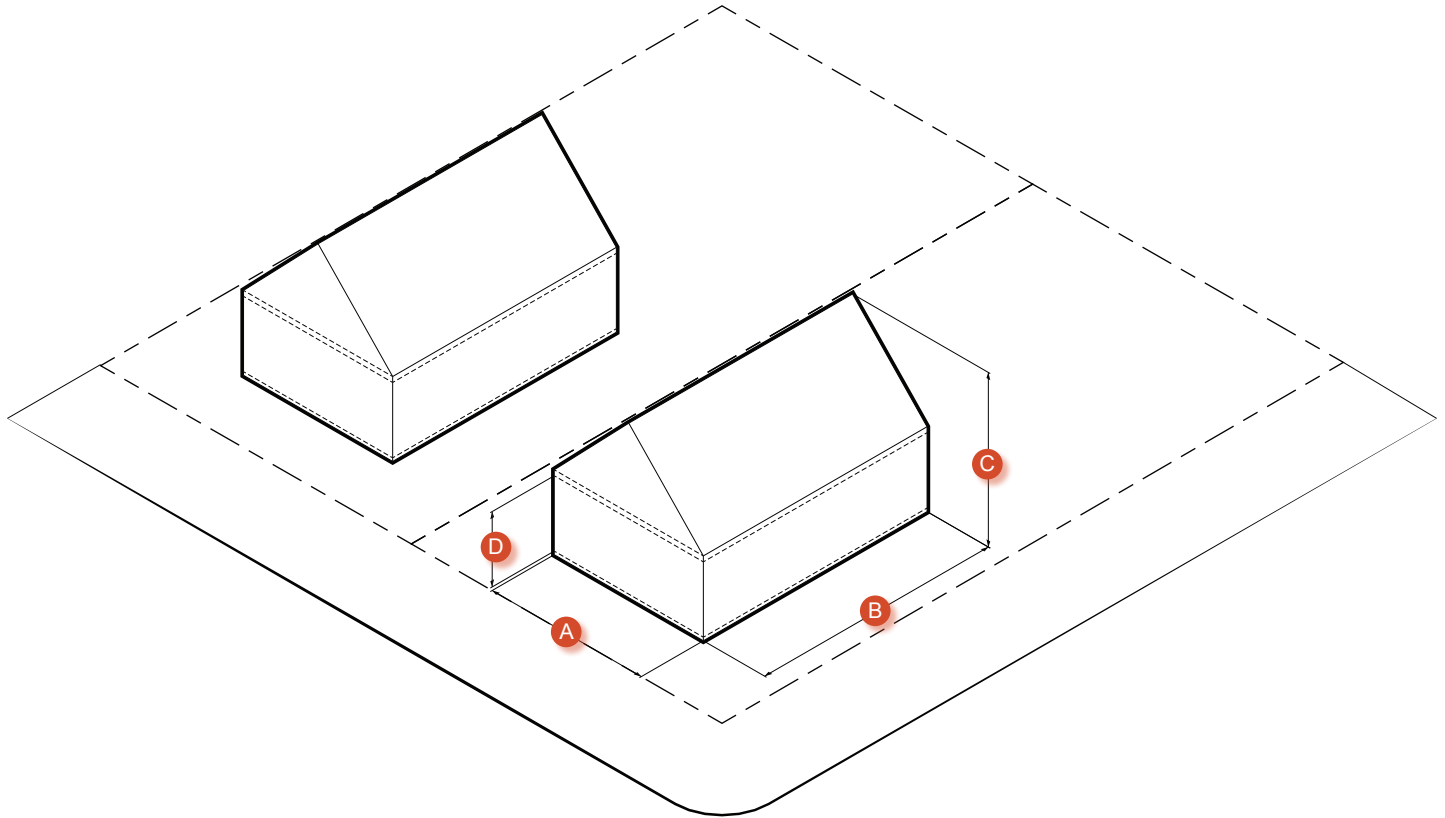
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

STANDARDS

- i. A minimum of two components must be applied to the base building massing.

6. NEIGHBORHOOD STORE

A moderate floor plate, single-story building type designed for commercial purposes.



BUILDING FORM

Building Width	40 ft max	A
Building Depth	30 ft max	B
Total Stories	1.5 story max	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	n/a	

Roof See Table 4.1

*See Article 4.A.2 for Height Standards

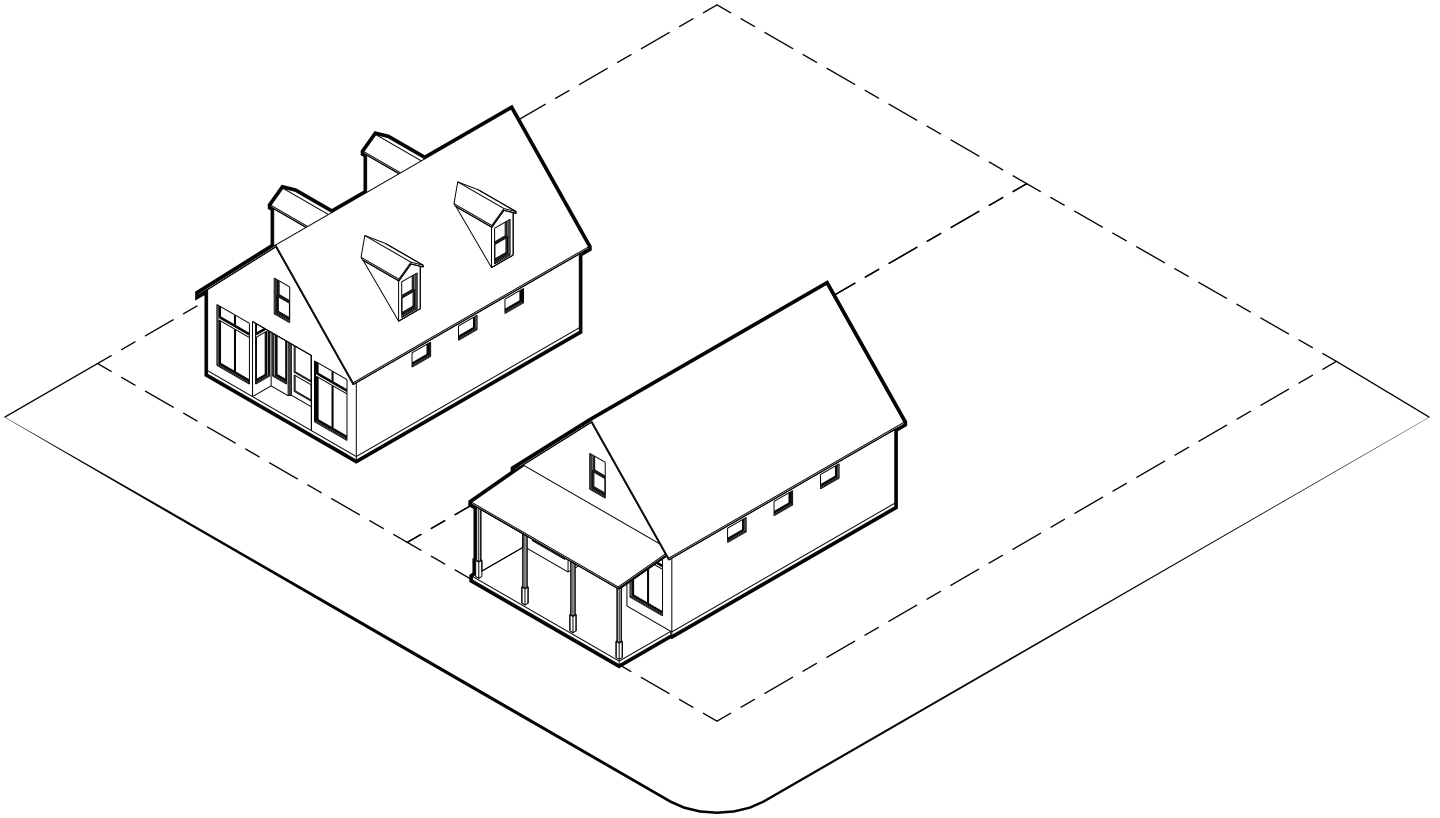
FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

FRONTAGES

	See Article 4D
Residential Yard	Permitted
Shopfront	Required
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

6. NEIGHBORHOOD STORE



COMPONENTS

See Article 4C

Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

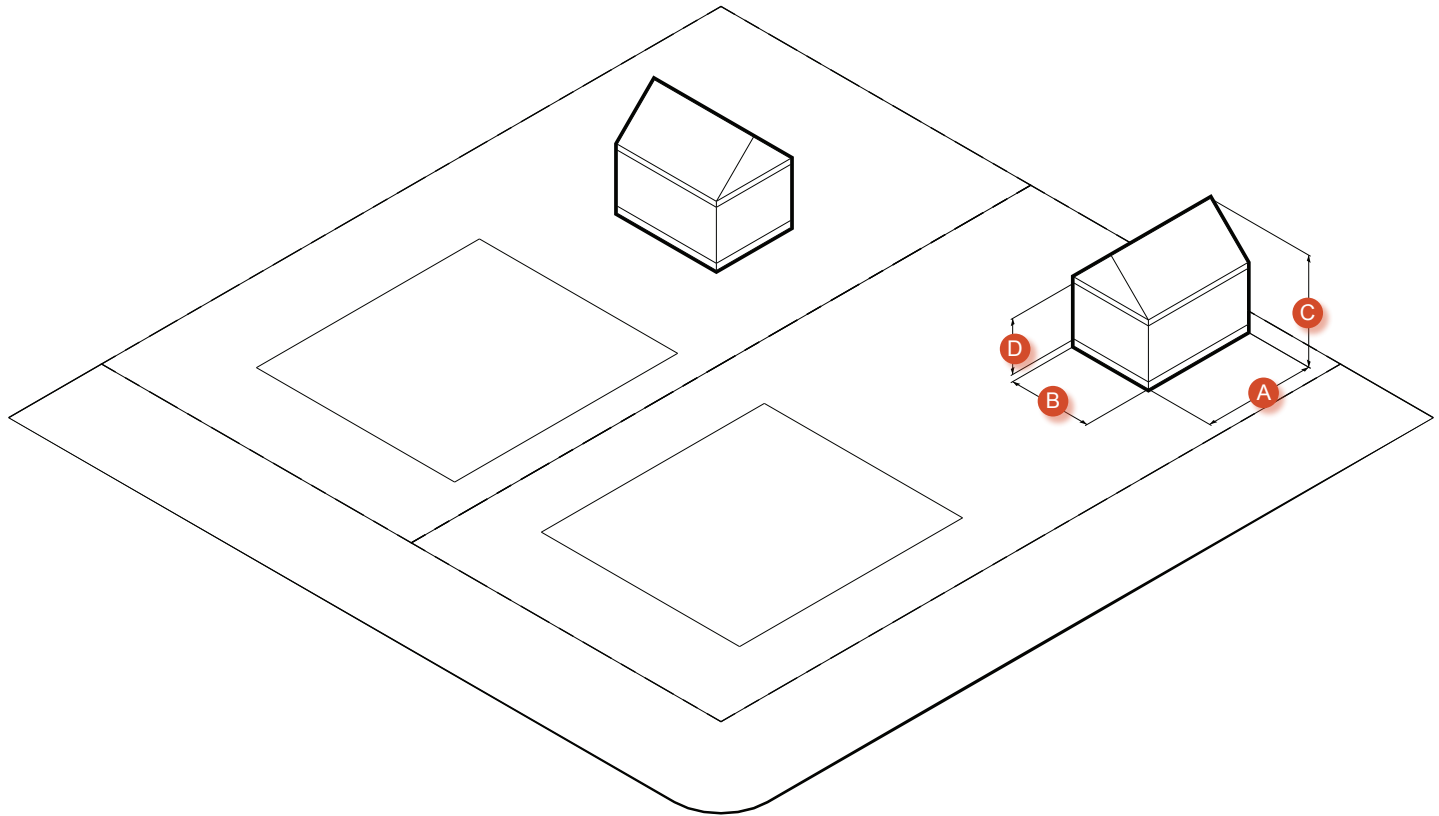
STANDARDS

- i. A minimum of two components must be applied to the base building massing

C. ACCESSORY BUILDING TYPES & STANDARDS

1. ONE-STORY OUTBUILDING

A one-story detached accessory building that does not contain an accessory dwelling unit.



BUILDING FORM

Building Width	20 ft max	A
Building Depth	12 ft max	B
Total Stories	1.5 story max	C
First Story Height*	10 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

FACADE COMPOSITION

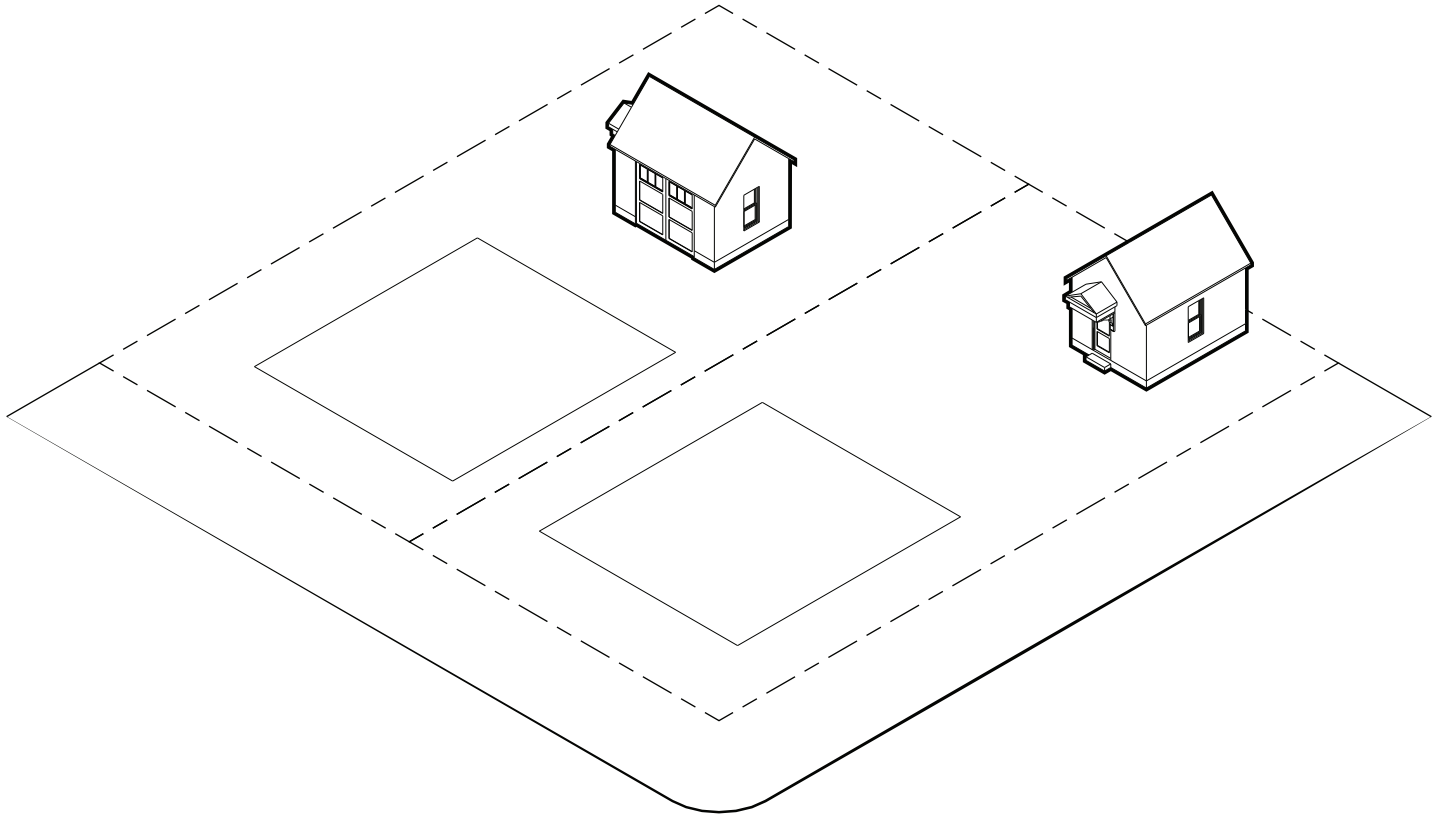
Ground Story Fenestration	10% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

1. ONE-STORY OUTBUILDING



COMPONENTS (CONT'D) See Article 4C

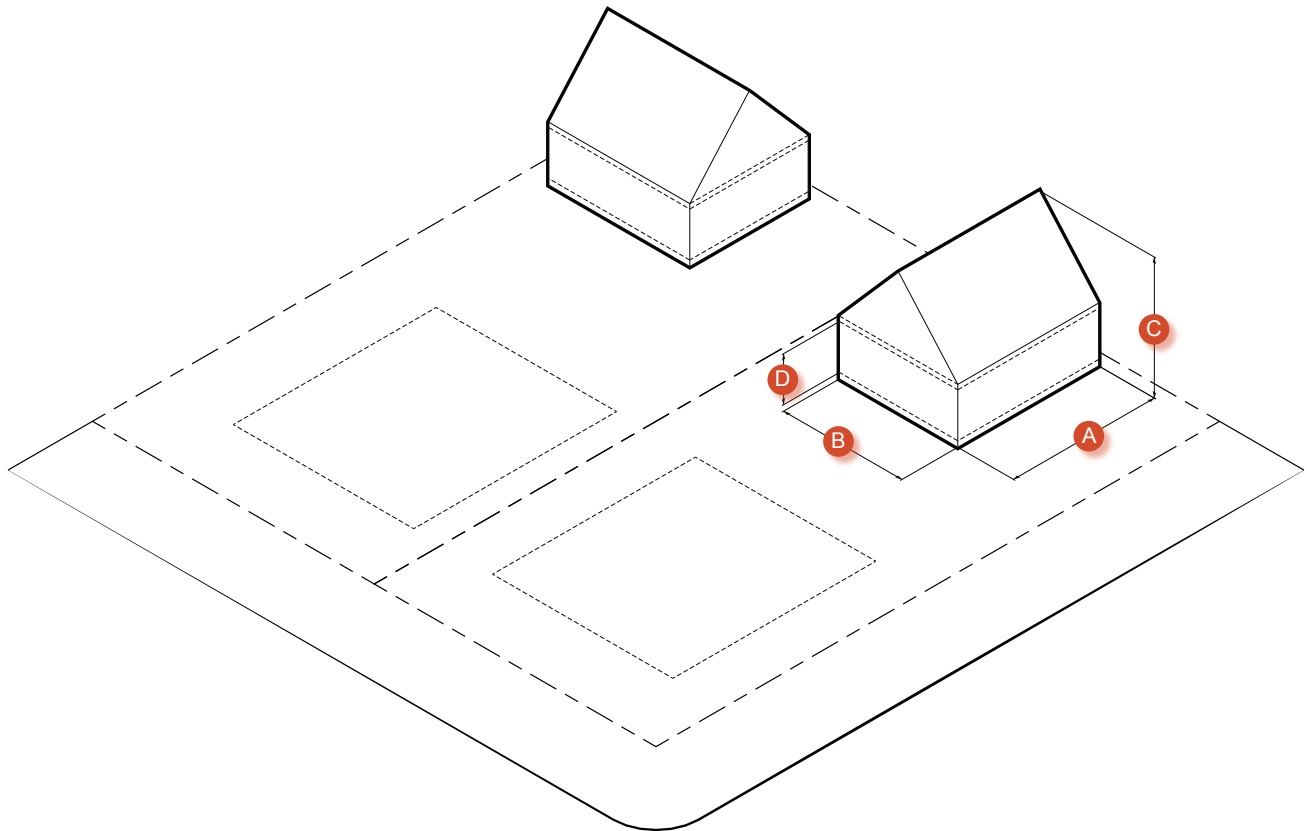
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

STANDARDS

- i. The Outbuilding is required to be detached from the principal building and components and sited in accordance with the accessory building placement under Article 2.

2. ONE-STORY CARRIAGE HOUSE

A one-story detached building that can serve as a garage, an accessory dwelling unit, or a combination of the two.



BUILDING FORM

Building Width	24 ft max	A
Building Depth	24 ft max	B
Total Stories	1.5 story max	C
First Story Height*	12 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

FACADE COMPOSITION

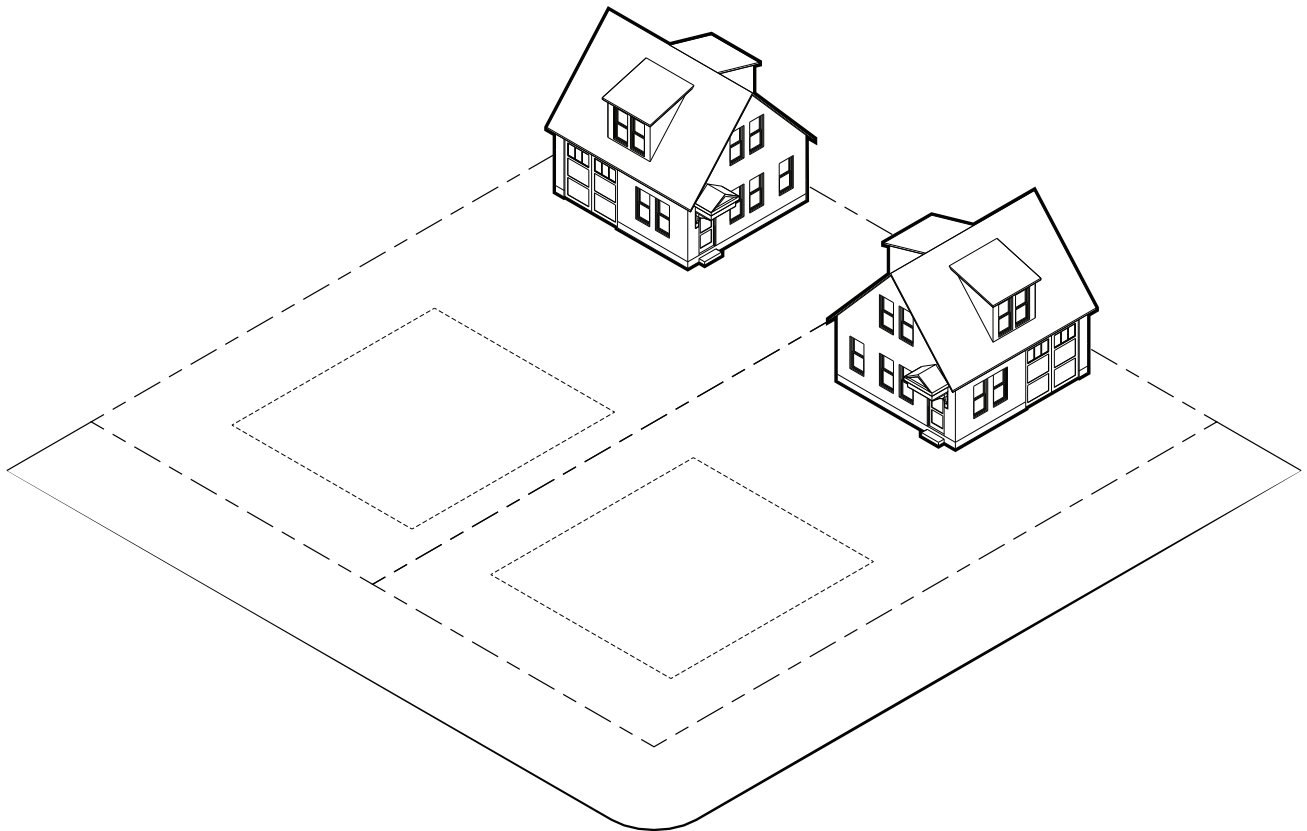
Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

2. ONE-STORY CARRIAGE HOUSE



COMPONENTS (CONT'D) See Article 4C

Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

STANDARDS

- i. The Carriage House is required to be detached from the principal building and components and sited in accordance with the Accessory Building Placement under Article 2.
- ii. A minimum of one Component must be applied to the carriage house massing.
- iii. Carriage Houses may not be built on the same lot as a Rear Addition.

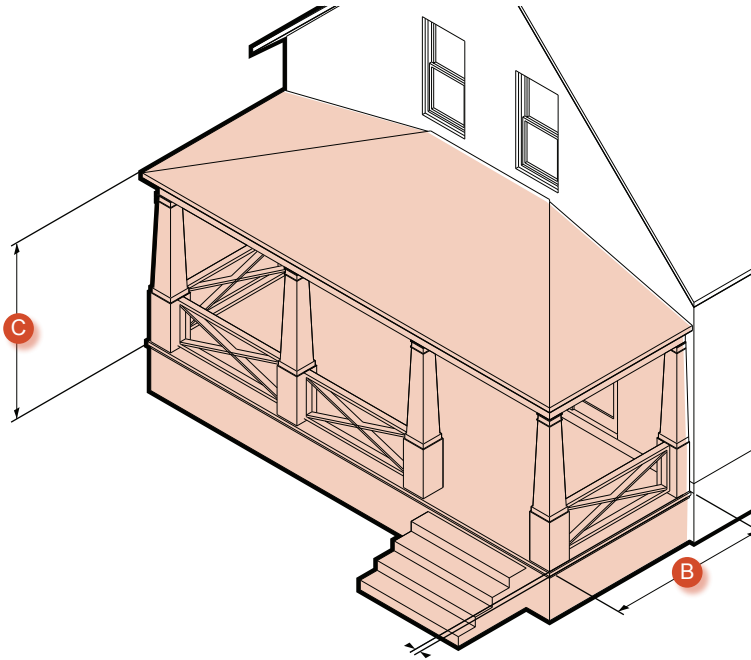
D. BUILDING COMPONENTS

1. GENERAL

- a. Building Components are summarized on Table 4.3 and permitted according to the standards in this Article 2.B-D.
- b. Building components are accessory features that increase the floor area, living space, exterior space and/or generally enhance the usefulness of a building.
- c. Certain Building Components are permitted to encroach into the Building Setbacks found in the Character Districts Standards in Article 2 and as per Article 4.A.4. This Permitted Encroachment standard is meant to encourage and allow certain Building Components that contribute to the character of Higgins Beach.

1. PORCH - PROJECTING

A wide, raised platform with stairs that lead to the principle entrance of a building and a roof supported by columns or piers.



DIMENSIONS

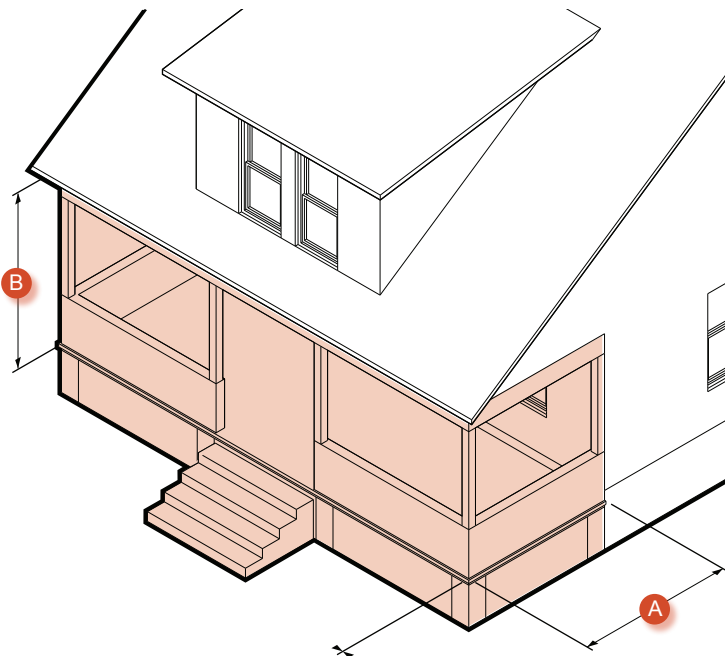
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% in (when enclosed)	

STANDARDS

- Porches may be partially or fully enclosed.
- Stairs may extend off the front or side of the porch.
- Porches may wrap around corners to connect with porches or decks on adjacent building faces.

2. PORCH - INTEGRAL

A raised platform with stairs that lead to the principle entrance of a building and a roof supported by columns or piers. Integral porches are unique in that they are located under the roof of the principle building, such as in a bungalow type.



DIMENSIONS

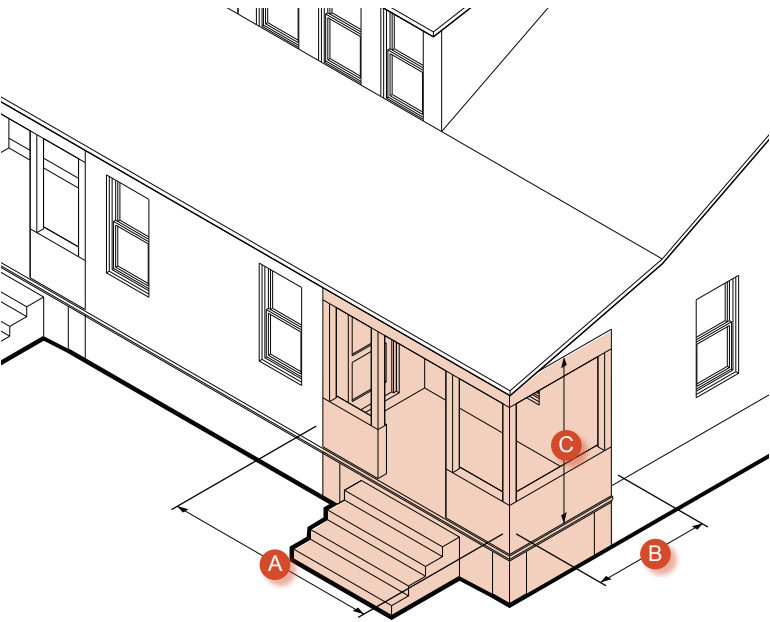
Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% min (when enclosed)	

STANDARDS

- Porches may be partially or fully enclosed.
- Stairs may extend off the front or side of the porch.
- Porches may wrap around corners to connect with porches or decks on adjacent building faces.

3. PORCH - ENGAGED

A raised platform with stairs leading to a secondary entrance of a building. Engaged porches are attached to the building at two sides and are integrated within the building’s roofline.



DIMENSIONS

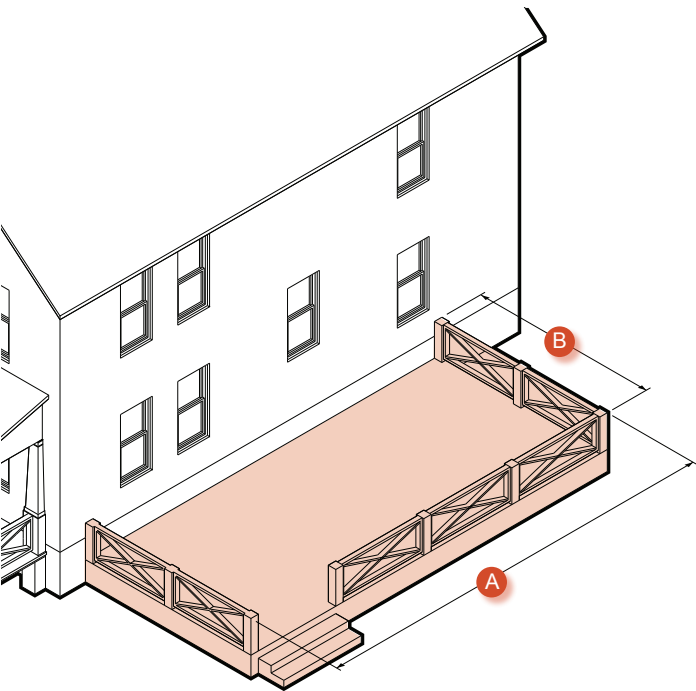
Width	8 ft min	A
Depth	6 ft min, 10 ft max	B
Height	8 ft min	C
Permitted Encroachment	May encroach into setbacks as part of a rear addition, side wing or estate wing.	
Roof	See Table 4.1	
Fenestration	60% min (when enclosed)	

STANDARDS

- i. Stairs may extend off the front or side of the porch.
- ii. Engaged porches may not occur on any primary frontage except the Garage Court Frontage
- iii. Porches may wrap around corners to connect with porches or decks on adjacent building faces.

4. DECK

A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.



DIMENSIONS

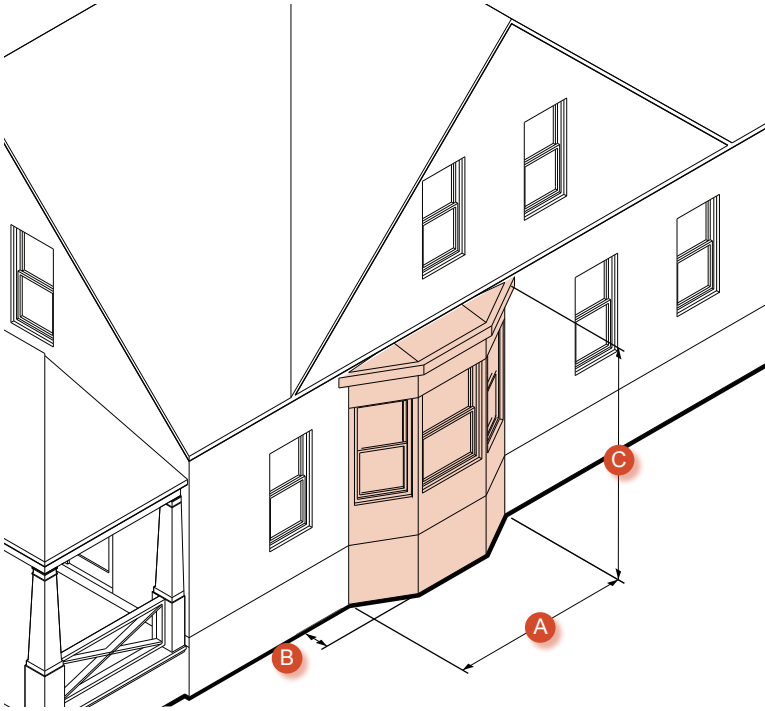
Width	12 ft min, 24 ft max	A
Depth	8 ft min	B
Permitted Encroachment	8 ft	

STANDARDS

- i. Decks may only encroach into side and rear setbacks, with the exception of houses elevated more than 6 ft on pilings or piers in a coastal overlay zone, in which case a deck may be used in lieu of a porch, provided it is similarly elevated.

5. BAY

A window assembly extending from the main body of a building to permit increased light, multi-directional views, and articulate a building facade.



DIMENSIONS

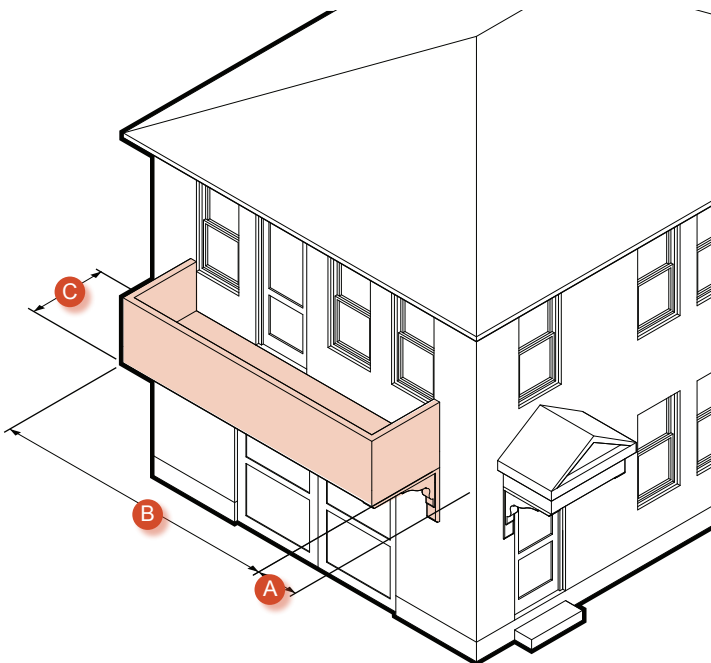
Width	50% max of Facade or Elevation	A
Depth	12 in min, 3 ft max	B
Fenestration	50% min	
Height	Total number of complete building stories	C
Permitted Encroachment	3 ft	

STANDARDS

- i. Bays must have a foundation extend all the way to the ground level or be visually supported by brackets or other architectural supports.

6. BALCONY

A platform with a railing that provides outdoor amenity space.



DIMENSIONS

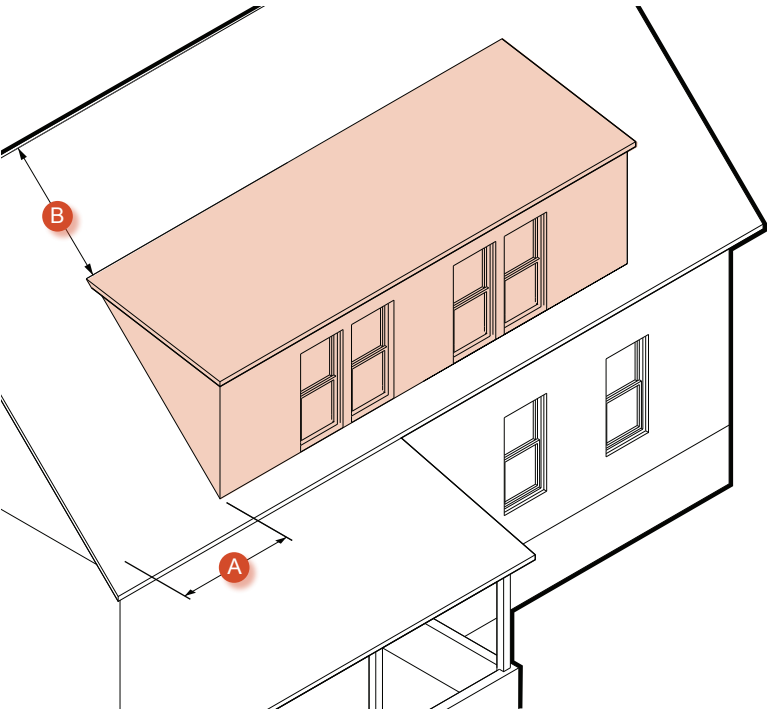
Required Inset	3 ft min	A
Width	5 ft min	B
Projection from Facade	5 ft min	C
Permitted Encroachment	5 ft	

STANDARDS

- i. Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a portico, porch, or bay.
- ii. Terraced balconies are the only type permitted on the primary frontage.
- iii. A projecting balcony must have a clear height above the ground of at least 10 ft.
- iv. The railing of any balcony oriented toward a front lot line must have posts and rails with spacing.

7. DORMER WINDOW

A window or set of windows that projects vertically from a sloped roof, designed to provide increased light and expand the habitable space of a half-story.



DIMENSIONS

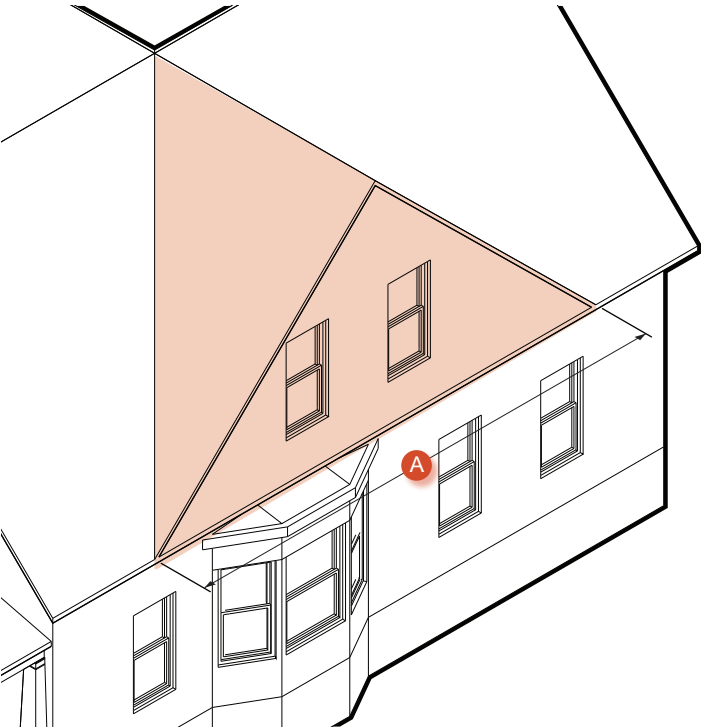
Gable End Setback	4 ft min	A
Ridge Line Setback	1 ft min	B
Fenestration	50% min	
Roof	See Table 4.1	

STANDARDS

- i. The face of the dormer should not project beyond the building eaves

8. CROSS GABLE

A sloped roof that projects perpendicularly from the main roof of a building to significantly increase the habitable space of a half-story.



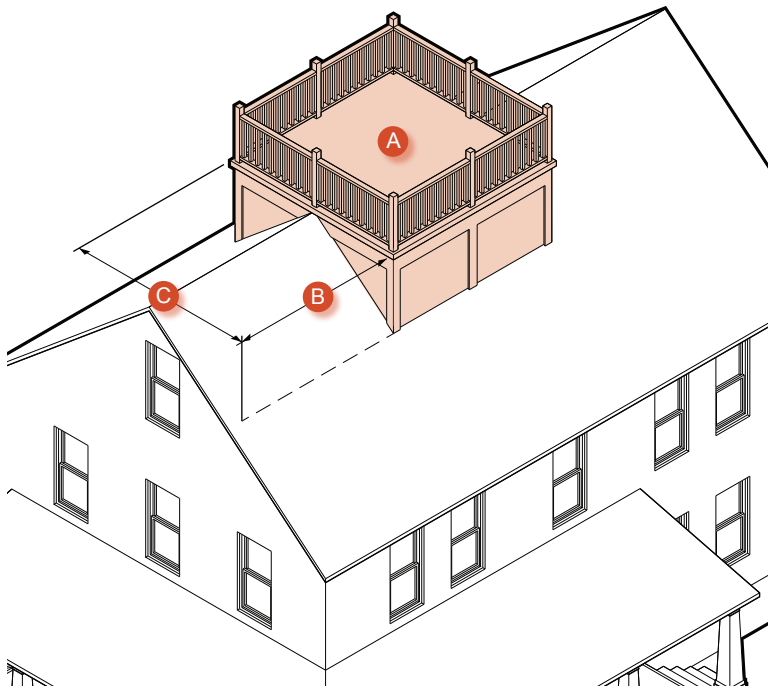
DIMENSIONS

Width	maximum of 50% of the eave length of the main roof	A
Roof	See Table 4.1	

STANDARDS

9. ROOF WALK

A raised platform on the roof of a building that provides outdoor amenity space and allows for views.



DIMENSIONS

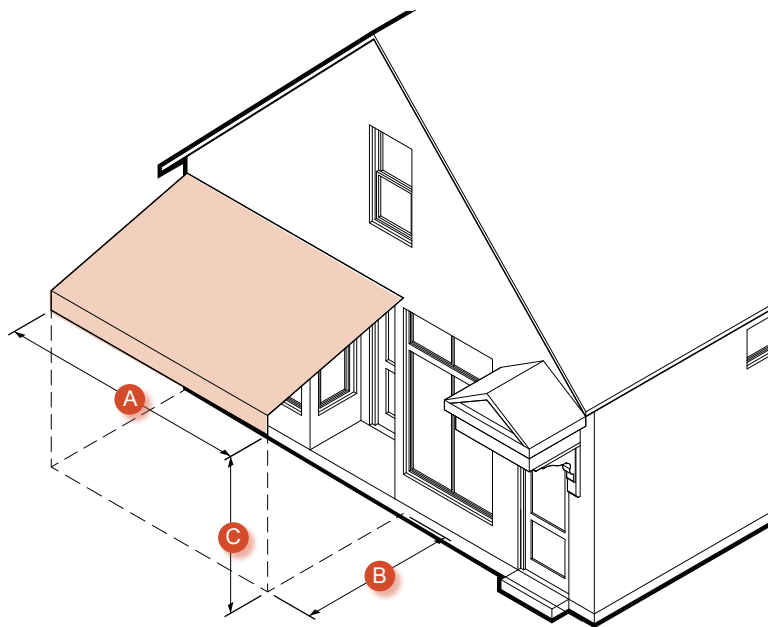
Total Area	400 sq ft max	A
Setback from Facade	5 ft min	B
Railing Height	3 ft min 4 ft max	C

STANDARDS

- The width of Roof Walks may not exceed 50% of the Building Width.
- The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity.

10. AWNING

A wall mounted, pitched, fabric covering extending from a building to provide shade and weather protection for pedestrians.



DIMENSIONS

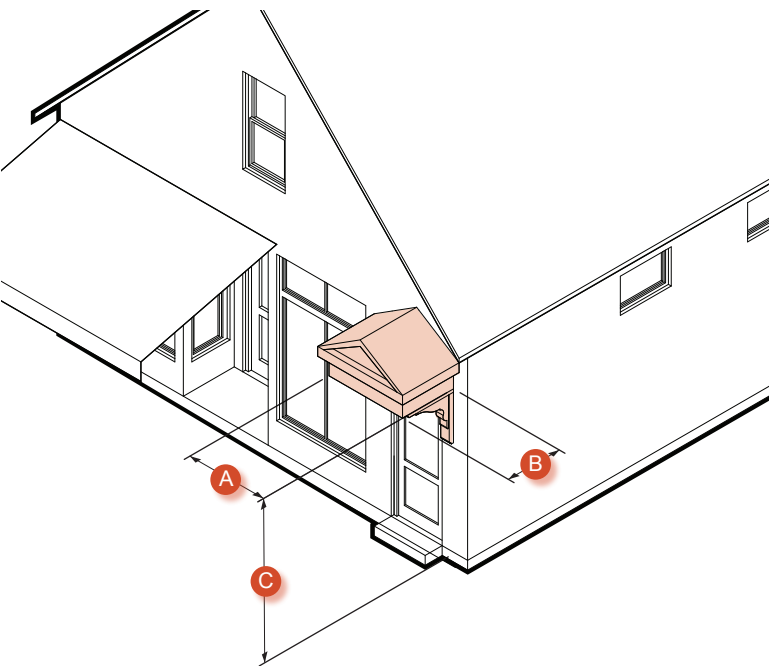
Width	12 ft min	A
Depth	6 ft min	B
Clearance	8 ft min	C
Permitted Encroachment	6 ft	

STANDARDS

- Where possible, awnings should be retractable.

11. CANOPY

A wall mounted, pitched, solid overhang extending from a building to provide shade and weather protection for pedestrians.



DIMENSIONS

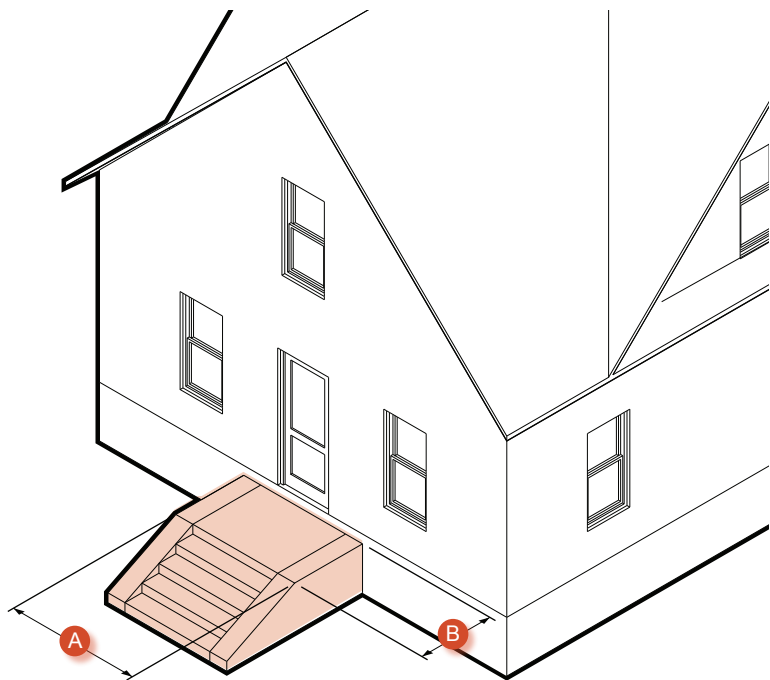
Width	4 ft min	A
Depth	3 ft min	B
Clearance	8 ft min	C
Roof	See Table 4.1	
Permitted Encroachment	3 ft	

STANDARDS

- i. Canopies should be supported on wood or metal brackets or columns in keeping with the character of the building.

12. STOOP

A component type featuring set of stairs with a landing leading to the entrance of a building.



DIMENSIONS

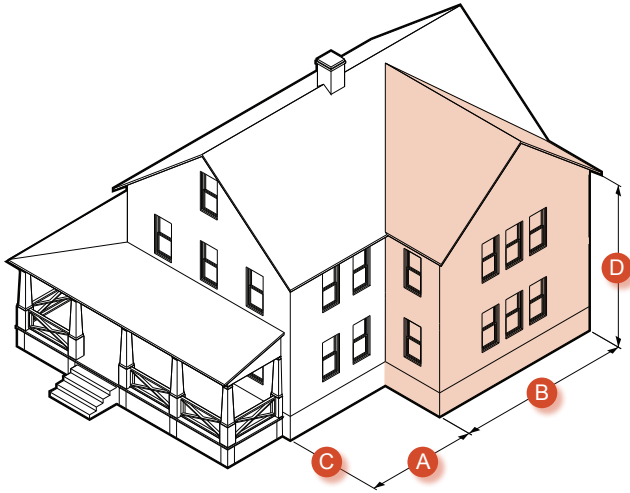
Landing Width	4 ft min	A
Landing Depth	4 ft min	B
Permitted Encroachment	4 ft	

STANDARDS

- i. Stairs may be recessed into the building facade.
- ii. Stairs are not permitted to encroach onto any abutting sidewalk.
- iii. Stairs may be built perpendicular or parallel to the building facade, but must lead directly to ground level or an abutting sidewalk.

13. SIDE WING

A multi-story extension from one or more side walls of the main body of a building.



DIMENSIONS

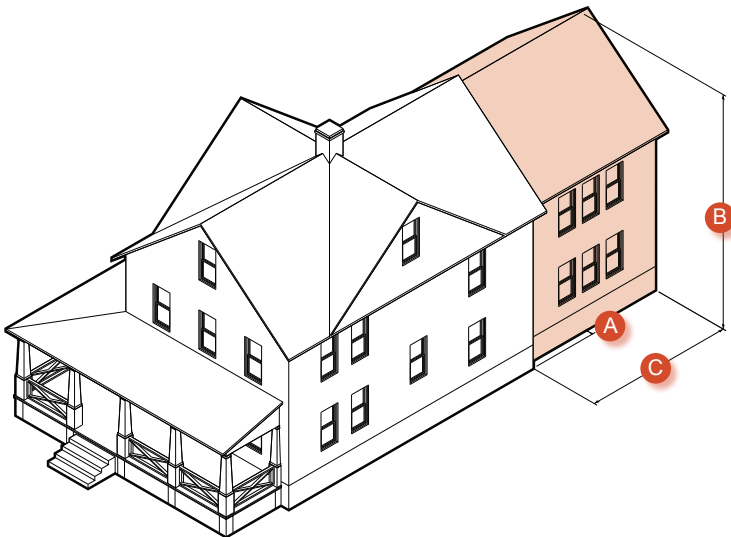
Setback from Facade	10 ft min	A
Floor Plate Area	50% max of the Floor Plate of the Principle Building	
Width		B
1-Story	1/2 depth of the Principle Building	
2-Story	1/3 depth of the Principle Building	
Projection	2/3 width of the Principle Building	C
Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	20% required on wall oriented toward the front lot line	

STANDARDS

- i. Side Wings may not encroach on setbacks.

14. REAR ADDITION

An extension from the rear wall of the main body of a building.



DIMENSIONS

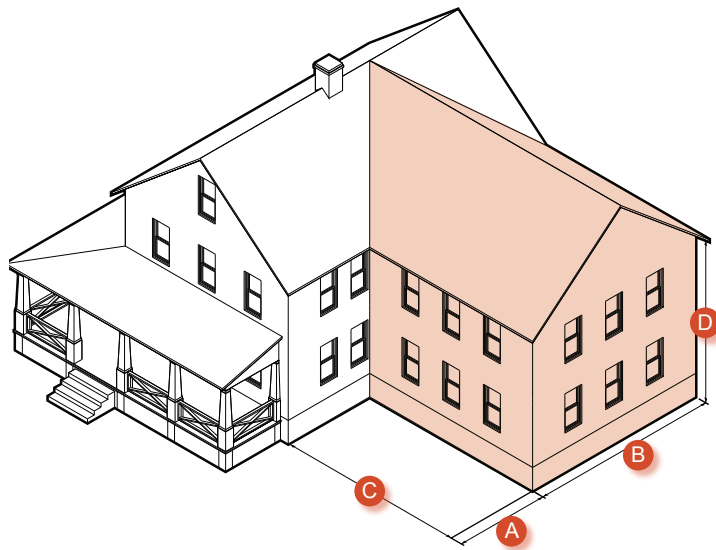
Setback from Side Elevations	1 ft	A
Height	Same Height of Principal Building (max)	B
Roof	see Table 4.1	
Encroachment into Rear Setback	5 ft (if less than 2 stories) 0 ft (if 2 stories or greater)	C

STANDARDS

- i. Rear Additions may encroach only on rear setbacks per standards above.
- ii. Rear Additions may not be built on the same lot as a Carriage House.
- iii. Rear additions may not contain a garage.

15. ESTATE WING

A large multi-story extension from one side wall of the main body of a building. Estate Wings are only allowed on lots 100' in width or greater.



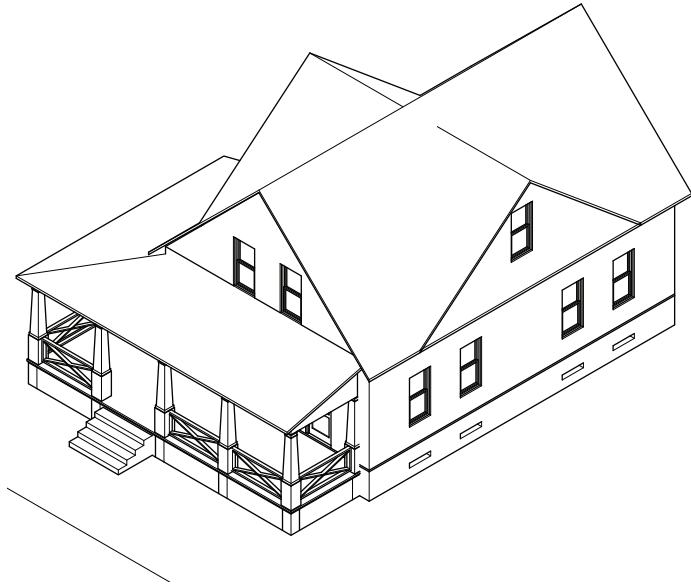
DIMENSIONS

Setback from Facade	10 ft min	A
Width	Same Width as Principal Facade (max)	B
Projection	Same Width as Principal Facade (max)	C
Max Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	20% required on wall oriented toward the front lot line	

STANDARDS

- Estate Wings may not encroach on setbacks.
- Estate Wings may only be used on lots 100 ft x 100 ft or greater in size

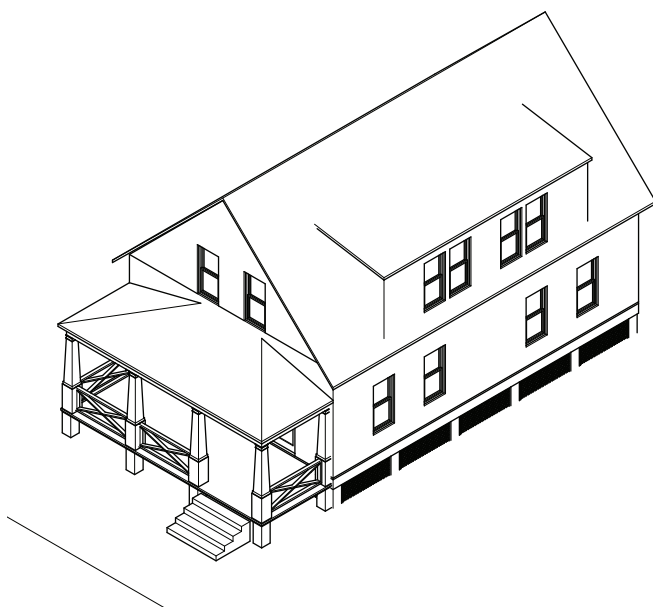
16. 0-4 FT HYDRAULIC FOUNDATION



STANDARDS

- i. Hydraulic foundations up to 4 ft in height should have the general appearance of typical foundations.
- ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.
- iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance
- iv. All heights measured from established ground plane.

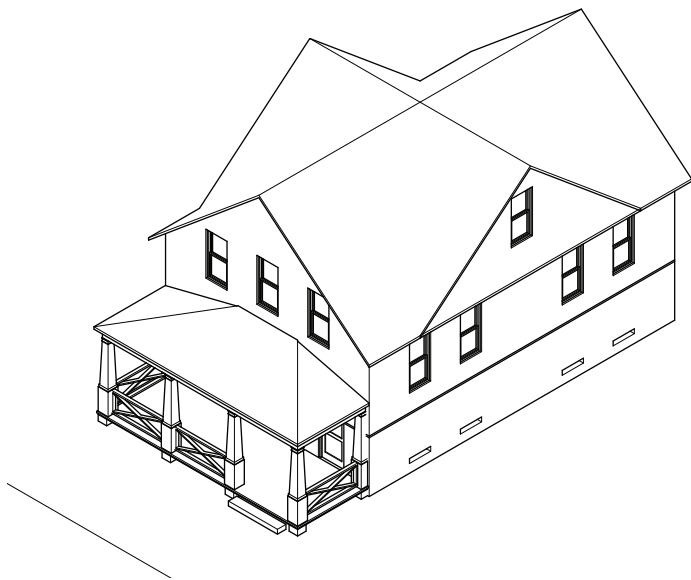
17. 0-4 FT PILE/PIER FOUNDATION



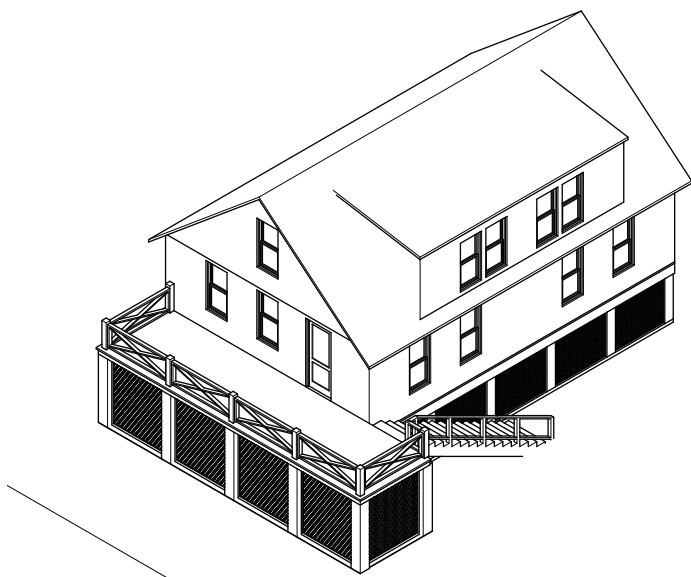
STANDARDS

- i. Pile/pier foundations up to 4 ft in height should be consistent with overall building architecture and have the gaps between piles or piers filled with approved breakaway panels or flow through latticework to give an impression of solidity.
- ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.
- iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance.
- iv. All heights measured from established ground plane.

18. 4-8 FT HYDRAULIC FOUNDATION



19. 4-8 FT PILE/PIER FOUNDATION



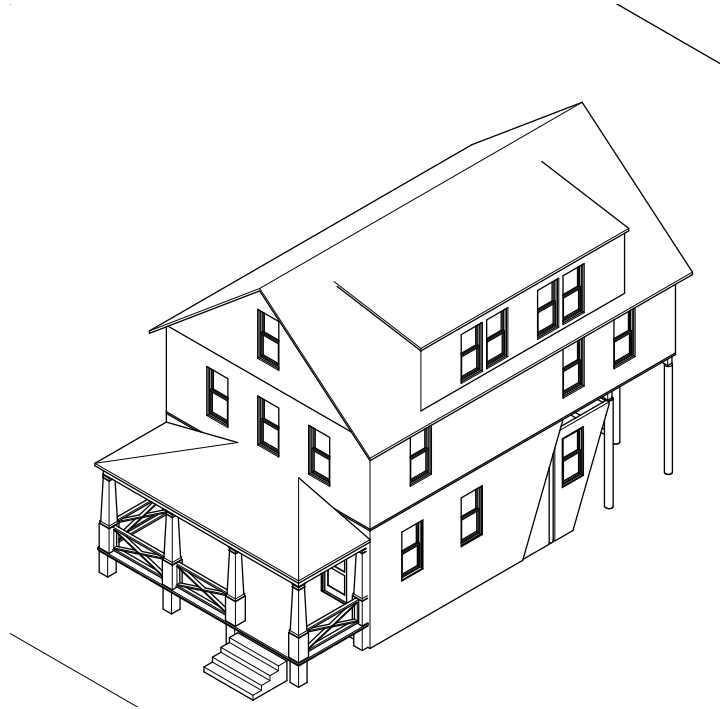
STANDARDS

- i. Hydraulic foundations between 4 ft and 8 ft in height may have the general appearance of a split-level foundation.
- ii. Doorways and windows may penetrate the foundation in order to provide access from the outside and to conceal access stairs within the enclosed area of the foundation itself.
- iii. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- iv. All heights measured from established ground plane.

STANDARDS

- i. Pile/pier foundations between 4 ft and 8 ft in height may not have the appearance of a split-level foundation.
- ii. Gaps between pile/ piers must be filled with approved breakaway panels or flow through latticework to give an impression of solidity on all street facing walls.
- iii. Doorways and windows may occur in break-away walls as a means of access to the enclosed area, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause damage to the house.
- iv. Stairways should be concealed either within the enclosed area or in a side or rear yard. Stairways should not extend across the primary frontage.
- v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

20. 8 FT AND TALLER PILE/PIER FOUNDATION



STANDARDS

- i. Pile/piers foundations above 8 ft in height should have the general appearance of a full story.
- ii. Gaps between pile/ piers must be filled with approved breakaway panels on all street facing walls.
- iii. Doorways and windows should occur in break-away walls as a means of access to the enclosed area and to appear like a typical first floor, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to seperate and may cause extensive damage to the house.
- iv. Stairways should be concealed either within the enclosed area or in a side or rear yard, stairways should not extend across a primary frontage.
- v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

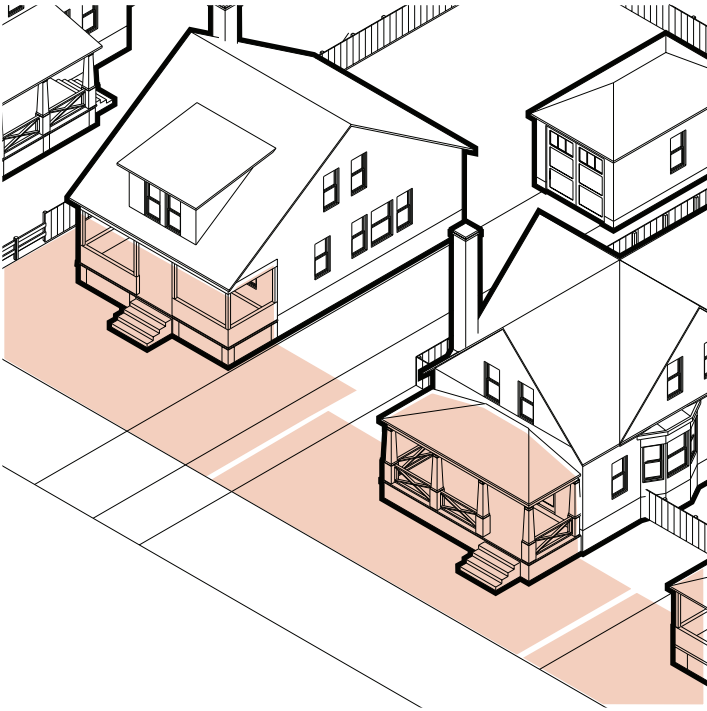
E. BUILDING FRONTAGE TYPES

1. GENERAL

- a. Building Frontages are summarized on Table 4.3 and permitted according to the standards in Article 2.B-C.
- b. Building frontages provide an important transition between the public realm (sidewalks, streets, and civic space) and the private realm (yards and building interiors).
- c. At least 1 building frontage type is required for each principal building.
- d. Lots may include multiple frontage types.

1. RESIDENTIAL YARD

A frontage featuring a fenced or common front yard with porches allowed to encroach into the front setback.

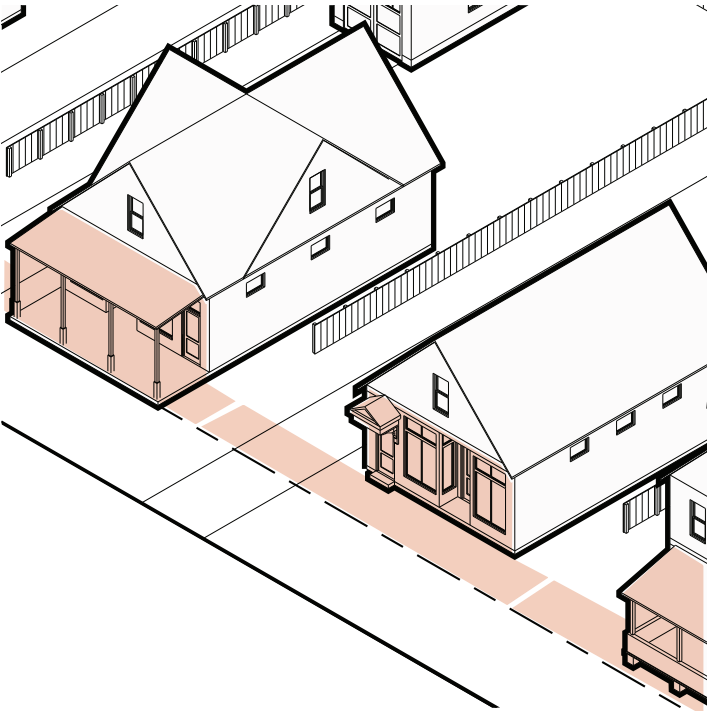


STANDARDS

- i. Porches are required along the Primary Frontage and must extend across at least 50% of the width of the building facade.
- ii. Off-street parking may not be located in the residential yard and shall be sited behind the minimum front setback.
- iii. Paving is restricted to walkways and driveways, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.
- iv. When two driveways are located next to each other an effort should be made to provide vertical landscaping between the driveways to break up the visual width of the paved areas.
- v. Landscaping should consist primarily of native species requiring minimal irrigation, fertilization, and maintenance.
- vi. Accessory Buildings are prohibited within this frontage.

2. SHOPFRONT

A mixed-use frontage type accommodating storefronts punctuated by entrances to uses on the floors above.



STANDARDS

- i. Storefronts are required on the Primary Frontage and may be used in conjunction with a front porch.
- ii. Frontage may be paved or planted with turf or garden beds.
- iii. Frontage requires at least one component be utilized
- iv. Accessory Buildings are prohibited within this frontage

3. BEACHFRONT GARAGE COURT

A primary street frontage allowed only on lots with both street frontage and beach frontage.



STANDARDS

- i. Driveways and parking may occur within the beach-front garage court
- ii. Paving is restricted to walkways, driveways, and parking, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.
- iii. Notwithstanding the Accessory Building Placement requirements in Article 2, an Accessory Building is allowed within this frontage subject to a front setback of 3 ft. This is the only frontage type that allows this placement.
- iv. Whenever possible, garage doors should be oriented away from the primary and secondary frontages.

A. USE PROVISIONS - COASTAL RESIDENTIAL 1 DISTRICT

1. PERMITTED USES

- a. Single family detached dwellings
- b. Accessory Units subject to the performance standards of Section IX.J.
- c. Accessory uses
- d. Municipal buildings and uses

2. SPECIAL EXCEPTION USES

- a. Home occupations
- b. Family day care homes, group day care homes, and nursery schools
- c. Public utility facilities including substations, pumping stations and sewage treatment facilities permitted uses

3. RESIDENTIAL DENSITY

- a. One principal dwelling unit is allowed per lot that complies with the Lot Standards in Article 2

B. USE PROVISIONS - COASTAL MIXED USE - LIMITED

1. PERMITTED USES

- a. Hotels
- b. Bed and Breakfasts, except that in this District they are not subject to the performance standards of Section IX of this Ordinance
- c. Restaurants with no drive-thru service
- d. Retail Sales and Services, excluding automobile repair and service facilities, car washes, and outdoor sales and services
- e. Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions
- f. Municipal buildings and uses
- g. Single family detached dwellings
- h. Accessory Units subject to the performance standards of Section IX.J.
- i. Accessory uses

2. SPECIAL EXCEPTION USES

- a. Home occupations
- b. Family day care homes, group day care homes, and nursery schools

- c. Public utility facilities including substations, pumping stations and sewage treatment facilities residential density

3. RESIDENTIAL DENSITY

- a. One principal dwelling unit is allowed per lot that complies with the Lot Standards in Article 2

C. ADMINISTRATION AND PERMITTING

1. ADMINISTRATIVE REVIEW

- a. Applications for new single family detached dwellings, additions, renovations, modifications, accessory units, out buildings, carriage houses and other permitted uses shall be reviewed and permitted administratively by the Planning and Code Enforcement Department. This administrative process will include a review and determination of compliance and consistency with the provisions of the Character Districts and standards as well as review and permitting under any other applicable local codes and ordinances including the building permit.
- b. Applications for special exception uses shall require Zoning Board of Appeals review and permitting prior to any administrative review and permitting by the Planning and Code Enforcement Department.
- c. Applications for uses and activities requiring review under Chapter 405B the Site Plan Review Ordinance shall require review under that ordinance by the Planning Board prior to any administrative review and permitting by the Planning and Code Enforcement Department.