

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.**

Item 1. Call to Order. Chairman Babine called the regular meeting of the Scarborough Town Council to order at 6:00 p.m. He stated that Order No. 17-082, the request for an executive session would be taken out of order and taken up after Call to Order.

Order No. 17-082. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals. *[Town Manager]* Motion by Councilor , seconded by Councilor , to move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals.

Vote: 7 Yeas.

The Council recessed to executive session at 6:00 p.m. Chairman Babine reconvened the regular meeting at 7:02 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:

William J. Donovan	Katherine A. St. Clair, Vice-Chair
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo
Shawn A. Babine, Chairman	

Item 4. General Public Comments.

- Michael Doyle of Falmouth gave comments on “content based speaking” and read a letter relating to this subject.
- Judy Roy of Second Avenue thanked the Council for the opportunity to speak. The August 16th meeting had been troubling to her in the way the public spoke that evening. The Council as whole represents the town as a whole. Be part of the solution not the problem, volunteer and get involved with the community.
- Larry Hartwell of Puritan Drive spoke relating to issue from the July 25th. He went on to comment about the vote and the procedures that have been taken. He asked that the council not certify the results of either election until after the Audits had been conducted. Chairman Babine responded to comments made by Mr. Hartwell.

Item 5. Minutes: August 16, 2017 – Regular Meeting. Motion by Councilor Rowan, seconded by Councilor Foley, to move approval of the August 16, 2017, Town Council minutes, as written.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. Chairman Babine noted that he would like to add an item to the agenda just before Order No. 17-090. The Order Number would be Order No. 17-092. Act to appoint a Town Council Ad-Hoc Committee to review established local rules and procedures for the administration of municipal elections and referendum votes.

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

Order No. 17-015, 7:00 p.m. Public hearing and schedule a second reading on the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs. [Ordinance Committee] Councilor Donovan spoke on this item. Chairman Babine opened the public hearing. There being no comments, the hearing was closed at 7:17 p.m.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval to schedule the second reading on Order No. 17-015 to Wednesday, September 20, 2017.

Vote: 7 Yeas.

Order No. 17-083, 7:00 p.m. Public hearing and action on the request for a Food Handler's License and a Special Amusement Permit from the Loyal Order of Moose, located at 19 Spring Street. [Town Clerk] Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:18 p.m.

Motion by Councilor Hayes, seconded by Councilor Foley, to move approval on the request for a Food Handler's License and a Special Amusement Permit from the Loyal Order of Moose, located at 19 Spring Street.

Vote: 7 Yeas.

Order No. 17-084, 7:00 p.m. Public hearing and action on the request for a Food Handlers from Village Tie-Up Market & Deli, LLC, d/b/a New Higgins Beach Market, LLC, located at 82 Spurwink Road and DJIJR, INC, d/b/a Salty Bay Seafood, located at 68 Jones Creek Drive. [Town Clerk] Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:19 p.m.

Motion by Councilor Rowan, seconded by Councilor Hayes, to move approval on the request for a Food Handler's License from Village Tie-Up Market & Deli, LLC, d/b/a New Higgins Beach Market, LLC, located at 82 Spurwink Road and DJIJR, INC, d/b/a Salty Bay Seafood, located at 68 Jones Creek Drive.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 17-055. Second reading on the proposed fourth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One. [Planning Department] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval of the second reading on the proposed fourth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One; as follows:

**FOURTH AMENDMENT TO EXHIBIT I
CONTRACT ZONING AGREEMENT
BETWEEN THE TOWN OF SCARBOROUGH AND
FRANK R. GOODWIN, E & F LIMITED LIABILITY COMPANY
AND RAYMOND C. FIELD**

WHEREAS, E & F Limited Liability Company (“E & F”) entered into a Contract Zoning Agreement with the Town of Scarborough on the 15th day of July 1996 (the “Contract”), a copy of which is attached hereto as Schedule A; and,

WHEREAS, E & F acquired certain real estate from Raymond C. Field by two deeds dated June 21, 1996 and recorded in the Cumberland County Registry of Deeds at Book 12576 Page 54 and by Corrective Warranty Deed dated October 27, 1997, recorded in the Cumberland County Registry of Deeds at Book 13402, Page 45; and,

WHEREAS, E & F built a 3,826 square foot addition to its existing building on the north side of the building away from U.S. Route One, which addition is used for the purposes of automobile sales and service pursuant to a First Amendment to the Contract, dated October 2, 2000, a copy of which is attached hereto as Schedule B; and,

WHEREAS, in order to have the proper setbacks, E & F acquired an approximate additional 17,070 square feet by deed of KDA LLC (successor to Raymond Field), which deed was dated April 10, 2000 and recorded in the Cumberland County Registry of Deeds at Book 15410, Page 322; and,

WHEREAS, the Amended Contract, Schedule B, at paragraph 3(a), states that E & F was authorized to have an automobile dealership with the structure of 13,730 square feet; and,

WHEREAS, the current initial structure is 13,730 square feet and the anticipated additions to the structure will be 2,270 square feet for a total building footprint of 16,500 square feet; and,

WHEREAS, the addition to the automobile dealership will also involve an increase in the square footage of the area utilized for outdoor display, storage or parking of vehicles. An additional 7 parking spaces, 5 new spaces being visible from the road will bring the total number of parking spaces to 115, 23 of which will be visible from the road. The relocation of outdoor vehicle storage and display or parking areas to parts of the site closer to the property boundaries or road sidelines than shown on the originally approved site plan is contemplated; and,

WHEREAS, the size, location, configuration and topography of this site permit a level of buffering, landscaping and site design which will mitigate what might otherwise be adverse impacts of outdoor displays, storage and sales, because the additional square footage of the building is away from U.S. Route One.

WHEREAS, the Amendment to the Contract Zoning Agreement would be consistent with the policies and future land use plan of part three of the Scarborough Comprehensive Plan and is permitted pursuant to the Zoning Ordinance and Maine Law and is consistent with the existing and permitted uses within the original zoning classification.

NOW THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Map of the Town of Scarborough by adopting the map change shown on Schedule C hereto.

2. All references in the original Contract Zoning Agreement, the First Amendment to the Contract, the Second Amendment to the Contract, the Third Amendment to the Contract, and the Fourth Amendment to the contract and to the "site plan" shall hereafter mean the amended site plan approved by the Scarborough Planning Board on (TBD), 2017, attached hereto as Schedule D.
3. Upon approval of an amended site plan by the Scarborough Planning Board, E & F Limited Liability Company is authorized to construct the addition to the automobile dealership as portrayed on the Attached Schedule C. The additional construction will be completed within 12 months after execution of this Agreement. Construction of the addition shall be subject to the following conditions:
 - a. The maximum allowable building footprint for the building shall be 16,500 square feet and the maximum building height shall be two stories.
 - b. Building design, style and materials for the addition shall be substantially as depicted on the building elevation plans as prepared by Ryan Senatore Architecture dated TBD 2017, submitted during Site Plan Review.
 - c. No trees or other vegetation existing on the date of this Agreement shall be removed except as indicated in the approved addition site plan.
4. Except as amended hereby, E & F Limited Liability Company reaffirms each and every provision of the Contract Zoning Agreement, Schedule A and the First Amendment, Schedule B.
5. E & F Limited Liability Company shall record this Amendment to Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to Contract Zoning Agreement this ____ day of _____, 2017.

WITNESS:

TOWN OF SCARBOROUGH

By: _____

Its: Town Manager (duly authorized by a vote of
the Scarborough Town Council on (TBD), 2017)

E & F LIMITED LIABILITY COMPANY

By: _____

Frank R. Goodwin Its: Managing Member

STATE OF MAINE

COUNTY OF CUMBERLAND

_____, 2017

Personally appeared the above named _____, in his/her capacity as Scarborough Town Manager and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE

COUNTY OF _____

_____, 2017

Personally appeared the above named Frank R. Goodwin in his capacity as Managing Member of E & F Limited Liability Company and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public/Attorney at Law

Vote 7 Yeas.

Order No. 17-065. Second reading on the proposed amendments to the Higgins Beach Character-Based Zoning Districts. [Planning Department] Thomas J. Hall, Town Manager, gave a brief overview and asked that the Town Council replace the document in the file with the document that is being presented this evening as the final document. He then introduced Jay Chace, Town Planner, who then gave an overview on the amendments that are being proposed. Mr. Chase went on to respond to questions from the Town Council.

The following individual spoke on this Order:

- Alison Bristol of Higgins Beach congratulated the Council of the School Budget Vote. She then went on to voice her concerns with the proposed changes and was appealing to the Town Council not to approve these recommendations. She stated that she would email the details to the Town Manager.

Motion by Councilor Hayes, seconded by Councilor Rowan, to move approval of the second reading on the proposed amendments to the Higgins Beach Character-Based Zoning District and to replace the document in the packet with the document presented this evening. [See Attachment]

Vote: 6 Yeas. 1 Nays [Councilor St. Clair].

Order No. 17-066. Second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations. [Ordinance Committee] Councilor Donovan gave a brief overview on the proposed amendments that is being recommended by the Ordinance Committee.

The following individuals spoke on this order:

- Jean-Marie Caterina of Gorham Road thanked the Ordinance Committee for their consideration on her concerns. She then went on to voice her concerns with a few other recommended changes.
- Benjamin Howard of Windsor Pines also spoke on the proposed changes and then went on to speak on some data that he had received from the Police Chief.
- Larry Hartwell of Puritan Drive spoke on this issue and acknowledged that there had been good changes. Thank you for working with the public.

Motion by Councilor Rowan, seconded by the Councilor Hayes, to move approval second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations.

Motion by Chairman Babine, seconded by Councilor St. Clair, to move approval to amend the main motion on page 16 by removing the verbiage “To protect public safety in and around” and replace it with “At...”

Chairman Babine and Councilor St. Clair withdrew their motion and Chairman Babine made the following motion

Motion by Chairman Babine, seconded by Councilor Donovan, to move approval to amend the main motion on page 16 by changing protect to promote as follows: “To ~~protect~~ promote public safety in and around.....”

Vote on amendment: 7 Yeas.

At the request of the Chairman, Larissa Crocket, Assistant Town Manager, responded to questions from the Town Council.

Motion by Councilor Hayes, seconded by Councilor Foley, to move approval to amend the main motion that all restrictions around the intersections - Section j paragraph 4 to 1.

Vote on amendment: 3 Yeas. 4 Nays [Chairman Babine, Councilors Caiazzo, Donovan and St. Clair].

Vote on main motion as amended:

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013][Amended 09/06/2017]

A. SIGNS – PURPOSE AND PERMITTING

1. Purpose.

The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed exterior advertising and signage; to allow for attractive, legible signs to serve the needs of individual businesses, properties, and general destinations within the community; to protect property values, enhance and protect the physical appearance of the community, preserve its scenic and natural beauty; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment.

2. Sign Permits.

After the effective date of this Ordinance and except as otherwise herein provided, no person shall erect, make structural alterations to or move any signs without first applying for and obtaining from the Code Enforcement Officer a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as may be required by the Code Enforcement Officer for a complete understanding of the proposed work and shall be accompanied by the required fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council.

Except as otherwise provided in subsection J., temporary signs must conform to all provisions of this Ordinance, but shall not be counted in calculating the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall. Permits are not required for: [Amended 04/6/94] [09/06/95] [05/01/96][12/06/02][09/06/17]

Temporary signs

Bulletin boards and similar signs under Section XII(B.)(4).

Directional signs under Section XII(B.)(12)

Doorway signs under Section XII(B.13.)

Banners under Section XII(B.)(21.)

3. Application for Sign Permits.

Permits for permanent signs shall only: be granted to the owner(s) or the agent of the building or the property upon which the sign(s) will be installed. See Section XII(J.) for application requirements for temporary signs.

4. Exceptions.

For the purpose of this Ordinance, the term "sign" does not include banners attached to or printed on and signs located under the cover of a tent or tarp allowed under Section IX(F); signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations; "name signs" not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located; or the Town of Scarborough public banner, controlled by the Town of Scarborough and placed from time-to-time across Gorham Road (Route 114) near the Scarborough High School driveway to provide public notice of events or functions authorized by the Town and occurring at municipal facilities. [10/21/92][4/6/94][5/01/96][09/06/17]

B. GENERAL SIGN STANDARDS

The following provisions relating to signs are applicable in all districts.

1. Maintenance and Conformance of Signs. No sign shall be erected, maintained, used or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings. The sign must be maintained at all times in safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents. [4/6/94]
2. General Safety Standards for Signs. No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.
3. When a commercial sign is authorized on a residential building it must not exceed six (6) square feet in area and be non-illuminated.[09/06/17]
4. A bulletin board, reader board or similar sign in connection with any commercial activity or similar public structure is allowed. [4/6/94][09/06/17]
5. Except as provided in Section XII(J.) concerning temporary signs and Section XII(I.) off-premise official business directional signs, no sign shall project over or be located within a public right of way. [4/6/94][09/06/17]
6. Animated signs, animated displays or flashing signs are prohibited, with the exception of time and temperature signs as allowed under Section XII(C.). No sign or part of a sign shall consist of a balloon or other inflatable component. [4/6/94]

7. Internally-lit signs shall have an opaque or dark background to minimize glare and lighting impacts.
8. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign. This paragraph does not prohibit temporary decoration of buildings or structures during holiday seasons when such decoration is customary. [4/6/94]
9. Motor Vehicle Signs. Signs on motor vehicles are not subject to the regulations of this Section XII unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exists:
 - a. the motor vehicle is unregistered;
 - b. the motor vehicle is uninspected;
 - c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
 - d. the motor vehicle is parked or stored continuously in the same locations;
 - e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
 - f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right-of-way adjacent to the front yard when there is parking available in a side or rear yard; or,
 - g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section CII may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

9. Decoration and Ornamentation. Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section XII unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if one or more of the following circumstances exists:
 - a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
 - b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
 - c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

The presumption that any decoration or ornamentation has the effect of circumventing this Section XII may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

11. Any sign which no longer advertises a bonafide business conducted, product sold, activity or campaign being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after written or personal notification from the Code Enforcement Officer, except in the case of temporary signs which shall be removed in accordance with Section XII(J). [4/6/94]
12. Directional signs having a display area that does not exceed three (3) square feet, and does not extend higher than seven (7) feet above ground level, are permitted with permission of the Code Enforcement Officer.
13. Identification signs indicating the location of, or direction to a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.
14. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this ordinance.
15. Roof signs are not allowed.
16. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified in Section XII.E.
17. Identification signs identifying the name of a commercial activity or similar public activity, may be permitted if approved by the Planning Board. Such signs may be illuminated by shielded lights and located as approved by the Planning Board, and shall be maintained by an approved owner or association. The Planning Board may waive setback requirements for an identification sign when the Board finds that locating the sign in compliance with setback requirements would be impractical or ineffective. Signs allowed under this paragraph shall not be counted in calculating the maximum number of signs allowable on a lot or in applying requirements for separation between signs. [05/01/96][09/06/17]
18. Graphics and pictorial artwork are allowed on signs and shall be considered a part of the gross display area for the purpose of determining the size of a sign. [4/6/94]
19. An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall constitute a wall sign, including the calculation of total gross display area. [4/6/94]
20. Any premises which utilizes an identification or advertising sign must display its street numbers on at least one of the permanent signs permitted under this Section XII in a location visible from the nearest street. Numbers shall be placed on the sign face or on a panel parallel to the sign face and shall be as nearly perpendicular to the sideline of the street as possible. If it is not physically feasible to place the street numbers on the sign face, the numbers may be

placed on the end of the sign parallel to the sideline of the street as long as they are of contrasting color and easily visible from the roadway. The characters of the street number shall be at least 11 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 11 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 11 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after April 7, 1994 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph. [4/6/94] [4/5/95] [05/01/96]

21. A banner, limited to a maximum of twenty five (25) characters (numbers and letters), the dimensions of which do not exceed twenty-four square feet may be displayed by any commercial or similar public entity during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Under this subsection, a commercial or similar public entity may display one banner limited to a maximum of twenty-five (25) characters during the hours such business is open for customers. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag. [4/6/94] [08/19/09][09/06/17]
22. No lighted sign, including a nonconforming sign replaced or relocated pursuant to Section XII.K. shall be located within eight feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver. [4/6/94] [4/5/95] [5/01/96]
23. Marquees may not be animated signs or have animated sections. [09/06/17]
24. One or more freestanding signs installed at the points where customers place their orders at a drive-through commercial establishment, which does not exceed 32 square feet of gross display area per sign and the location of which has been approved by the Planning Board under the Scarborough Site Plan Review Ordinance, shall not be counted as a sign in applying the dimensional requirements of Sections XII(D), XII(E) and XII(F). [08/17/05][09/06/17]
25. Illuminated signs are prohibited in all residential districts, except as allowed by Section XII(B)(17). [7/17/91]

In the Residence and Professional Office District RPO, no illuminated sign may be located on a lot abutting or across the street from a lot containing a dwelling until the lighting for the sign is reviewed and approved by the Planning Board, or Town Planner at the direction of the Planning Board, applying the standards of the Scarborough Site Plan Review Ordinance. [4/6/94]

26. Vision triangle. No sign shall be located in an area that conflicts with clear sight distance for oncoming traffic. Sign permits will be issued by the Code Enforcement Officer if the applicant provides supporting evidence that the proposed sign will be located at least 15 feet from the existing edge of pavement. If an applicant desires a location less than 15 feet from the edge of pavement then they must provide certifiable evidence from a licensed Professional Engineer who specializes in Traffic Engineering that the proposed sign location will not obstruct vehicular sight distance within the boundaries of following described vision triangle:

a. The vision triangle is determined by measuring from the intersection of the edge of the major street and the minor street or driveway along the major street the appropriate distance as determined based upon the posted speed limit (see table) and a distance of 15 feet along the minor street/driveway. and then connecting: the two points with a straight line.

b. Sight distance will be measured in accordance with the current Maine DOT standards and procedures.

c. Major Street Speed Limit Measurement Distances

25 mph	=	250 feet
35 mph	=	350 feet
40 mph	=	400 feet
45 mph	=	450 feet
50 mph	=	500 feet
55 mph	=	550 feet

C. SIGN DIMENSIONAL CHART [Amended 08/19/09]

The following chart summarizes the maximum gross area (in square footage) that is permitted for signage and is listed by type of signs and zoning districts in which they allowed.

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O, L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
TEMPORARY SIGNS										
Temporary signs in the right-of-way	J	Gross Area	6 sf				6 sf			
Temporary Signs on private property	J	Gross Area	16 sf	16 sf	16sf	16 sf	32 sf			
Banner (see note 2)	J	Gross Area	24 sf							
Temp. sandwich board	J	Gross Area	8 sf				8 sf			
CAMPUS SIGNS										
Campus directory	H.	Gross Area						75 sf	75 sf	75 sf
		Height						10’	10’	10’
Campus	H.	Gross Area						45 sf	45 sf	45 sf

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
primary directional		Height						9'	9'	9'
Campus secondary directional	H.	Gross Area						16 sf	16 sf	16 sf
		Height						8'	8'	8'
Campus pedestrian directional	H.	Gross Area						8 sf	8 sf	8 sf
		Height						8'	8'	8'
Freestanding Signs	B/C	Gross Area: FS	32 sf	32 sf	32sf	32 sf	100 sf			
	C	Length FS	16'	16'	16'	16'	16'	16'	16'	16'
	C	Height FS	8'	8'	8'	8'	16'	16'	16'	16'
Wall Signs	C	Gross Area/bldg. face: Wall (See Note 5)	50 sf	50 sf	16 sf	16 sf	100 sf			
		Combined Gross Area Corner Lot (See Note 4)					150 sf			
Business Directory Signs	F.	Gross Area					150 sf			
Commercial Signs on Residential Property	B.1	Gross Area	6 sf							
Off-premise directional	I	Gross Area					Not to exceed State standards or ≤ 16” x 72”			
Readerboards (See Note 3)	G	Gross Area					25sf	25sf	25sf	
IDENTIFICATION, BULLETIN AND DIRECTIONAL SIGNS										
Bulletin board	B.4	Gross Area	24 sf							
Directional signs at driveways	B.11	Gross Area	3 sf							
		Height	7'							
Doorway identification	B.12	Gross Area	10% of doorway or opening							

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
<u>TYPE OF SIGN</u>	<u>REF.</u>	<u>MAX. DIM.</u>	<u>RF</u> <u>R4A</u> <u>RFM</u>	<u>RPO</u>	<u>R2,</u> <u>R3,</u> <u>VR2,</u> <u>VR4</u>	<u>R4</u>	<u>B1</u>	<u>B2,</u> <u>B3</u> <u>BO-</u> <u>R,</u> <u>Ind.,</u> <u>I-O,</u> <u>L-I</u>	<u>TVC,</u> <u>TVC-2,</u> <u>TVC-3,</u> <u>TVC-4,</u> <u>RH, RH2,</u> <u>CPD</u>	<u>HP</u>
Identification Signs	B.17	Gross Area	32 sf							

Sign Dimensional Chart Notes and Standards

1. Identification signs do not count toward maximum number of signs on a lot, or for applying requirements for separation of signs.
2. Banners allowed under Section XII(B)21. do not count toward maximum number of signs on a lot.
3. Area of readerboard included in the maximum sign area of the freestanding sign of which it is a part of.
4. Gross sign area may be divided between the principal and secondary sign and under this section the principal sign shall not exceed 100 sf.
5. Unless otherwise provided, wall and window signs shall conform to the following:
 - a. Total gross display area of all wall and window signs shall not exceed 10% of the area of the wall on which they are located. Where separate units of occupancy exist in a building, the gross display area under this paragraph shall be calculated separately for each unit of occupancy, based on the wall areas which enclose each unit, provided that the total gross display area for the building does not exceed the limits of this paragraph.
 - b. Except in the case of an awning, no wall sign shall project more than 12" inches beyond the surface of the wall to which it is attached, or extend above the drip edge of the roof above it or extend laterally beyond the ends of the wall to which it is attached. Where separate units of occupancy exist in a building, the limitations of this paragraph shall apply separately to the wall surface which encloses each unit.

D. MAXIMUM NUMBER OF FREESTANDING SIGNS PER LOT

MAXIMUM NUMBER OF FREESTANDING SIGNS							
TYPE OF SIGN	<u>RF, R4A,</u> <u>RFM, R2,</u> <u>R3, R4,</u> <u>VR2,</u> <u>VR4</u>	<u>RPO</u>	<u>B1</u>	<u>B2,</u> <u>B3,</u> <u>BO-R</u>	<u>IND, I-</u> <u>O, L-I</u>	<u>TVC,</u> <u>TVC-2,</u> <u>3, 4, RH,</u> <u>RH2</u>	<u>HP</u>
Temporary	1/lot						
Permanent: frontage on one street	1/lot	1/lot	1/lot	2/lot			
Minimum street frontage for 2 signs				300'			
Permanent: corner lot	1/lot	1/lot	1 principal sign, 1 secondary sign				
Minimum separation			100', measured along rights-of-way or front property line				
Business Directory			1 (Note 1)				

MAXIMUM NUMBER OF FREESTANDING SIGNS							
<u>TYPE OF SIGN</u>	<u>RF, R4A, RFM, R2, R3, R4, VR2, VR4</u>	<u>RPO</u>	<u>B1</u>	<u>B2, B3, BO-R</u>	<u>IND, I- O, L-I</u>	<u>TVC, TVC-2, 3, 4, RH, RH2</u>	<u>HP</u>
Campus Directional Signage				Note 2		Note 2	
Readerboards			1 incorporated into principal freestanding sign				

Note 1. Lots are limited to one (1) Business Directory signs except for lots that qualify and are approved in accordance with Section XII(F)5.

Note 2. Number of campus directional signs shall be approved by the Planning Board as part of review of Signage Master Plan (see Section H Campus Directional Signs and the Commercial Design Standards)

E. ADDITIONAL FREESTANDING SIGN REQUIREMENTS

Unless otherwise provided, freestanding signs shall conform to the following:

1. The required minimum distance between signs on the same lot or unified development is one hundred (100) feet.
2. The required minimum lot line setback is fifteen (15) feet from side and rear lot lines.
3. The required minimum setbacks to the front lot line and right-of-way (ROW) is variable based on the height of the sign in accordance with the following chart:

VARIABLE SETBACKS		
<u>DISTANCE FROM ROW</u>	<u>MAXIMUM HEIGHT</u>	<u>MAXIMUM SIZE</u>
5'	8'	32 sf
10'	10'	60 sf
15'	16'	100 sf

- a. There is no minimum front lot line setback required for freestanding signs from the Haigis Parkway right-of-way; all other dimensional requirements established in Section XII (C) shall apply
4. The maximum sign height requirements are listed in Section XII(C) and are, subject to the variable setback requirements above. [10/20/04]
 5. The required minimum setback/distance for signage located in a “Business” District is two hundred (200) feet from a “Residential” District. [7/17/91] [4/6/94]

F. BUSINESS DIRECTORY SIGNS [Amended November 17, 1993]

1. Except as otherwise provided in this Subsection (F), a Business Directory Sign shall comply with all the requirements of this Section XII. A Business Directory Sign shall be deemed an on-premise, freestanding sign, not a billboard.

2. Business Directory Signs shall be permitted only in the B-1, TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, HP, BO-R, RH, RH2, CPD and Industrial districts.

3. Notwithstanding the provisions of Sections XII(C) and XII(D), the maximum gross display area of a Business Directory Sign shall be 150 square feet. At least 10 percent of the gross display area shall be devoted to identifying the Unified Development by name (or by generic description such as "office park" or "shopping center" if no name has been assigned) and by street address on the Main Thoroughfare. The numbers of the street address must be no less than 11" (eleven) inches high. The remaining gross display area may be used only to identify and advertise uses within the Unified Development and must be located below the name and street address of the Unified Development. Before the Building Inspector issues a permit for a Business Directory Sign, the Addressing Officer in coordination with the Town Planner must determine that the name of the Unified Development is not identical to or likely to be confused with the name of any other development already existing in Scarborough. [4/6/94]

4. Notwithstanding Subsection XII(F), no lot within a Unified Development which utilizes a Business Directory Sign may contain more than one freestanding sign, except that the lot on which the Business Directory Sign is located may contain both the Business Directory Sign and one other freestanding sign otherwise allowed by this Ordinance. The Building Inspector shall not issue a permit for a Business Directory Sign without the written consent of each lot owner within the Unified Development to the limitation of one freestanding sign per lot and the written agreement of the owner of any lot on which there are two or more freestanding signs to remove all but one of such signs upon the erection of the Business Directory Sign. [4/6/94] [4/5/95]

5. A Business Directory Sign must be located on property within the Unified Development which abuts the Main Thoroughfare, must be visible from the Main Thoroughfare and must be located at or near the driveway or street entrance to the Unified Development in order to direct motorists to that entrance. When a Unified Development abuts and has a driveway or street entrance from more than one Main Thoroughfare, the Planning Board may approve one Business Directory Sign at or near the driveway or street entrance from each of the Main Thoroughfares for a total of two Business Directory Signs.

6. Business Directory Signs shall comply with all applicable setback requirements, except that no setbacks shall be required from property lines separating lots within the Unified Development from one another or from common areas (other than streets), and no setbacks shall be required from boundaries of leasehold or easement interests (other than streets) within the Unified Development.

7. No Business Directory Sign may be located within 200 feet of any other freestanding sign in the Unified Development.

8. If provided, electrical service to a Business Directory Sign must be by underground wiring only.

9. Each owner of a lot or unit of occupancy which is identified or advertised on a Business Directory Sign shall be responsible for any violations of this Ordinance arising out of the erection or maintenance of the Business Directory Sign and shall be deemed an owner of the

sign under Section IV(C) of this Ordinance. The Town may enforce the provisions of this Ordinance against any or all such owners.

G. ELECTRONIC MESSAGE AND TIME/TEMPERATURE SIGNS

Electronic message and time and/or temperature signs are permitted only in the B1, B2, B3, BO-R, RH, RH2, I, I-O, L-I, CPD and TVC, TVC-2, TVC-3, TVC-4 Districts subject to the following standards:

1. Electronic Message Signs are required to comply with the following conditions:

- a. An electronic message sign may only be used as a readerboard on a free-standing sign. Electronic message signs may not be used as stand-alone signs.
- b. An electronic message sign must not give the appearance of motion, flashing, blinking, or shimmering. When the display changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.
- c. The message may be changed no more frequently than twice in each 60 minute period. [Amended 08/19/09]
- d. Electronic message sign lettering or numbering height shall be a minimum of 8” and a maximum of 12” and where any industry standard for colors does not exist, may consist only of white or gold lettering or numbering on a black background. [Adopted 08/19/09][09/21/2011]

2. Time and/or Temperature Signs are required to comply with the following conditions:

- a. Any sign otherwise permitted may include a time and/or temperature sign. (09/21/2011)
- b. A time and/or temperature sign, or the portion of a sign used to illustrate the time and/or temperature, shall be limited to 10 square feet in area. (09/21/2011)
- c. A time sign shall be permitted to change no more frequently than thirty-second intervals.
- d. A temperature sign shall not change except when the temperature changes one degree.

H. CAMPUS DIRECTIONAL SIGNS [07/21/04]

1. A primary goal of campus directional signs shall be to assist the public in finding specific business locations or destinations or directing the public within a Unified Development. The number and location of the signs shall be based upon the following criteria: [Amended 02/20/08]

- a. The number and visibility of major destinations within the Unified Development.
- b. The complexity of internal circulation patterns.
- c. The nature of the businesses/institutions as they relate to public accessibility.
- d. The characteristics of the clientele, such as but not limited to familiarity with the area, seasonally attracted, tourist oriented, or emergency users.

2. Campus directional signs shall be permitted only in the TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, BO-R, RH, RH2 HP and Industrial districts.

3. Dimensional Requirements

Type of Sign	Maximum Gross Display Area	Maximum Height
Primary Directional	45 SF	10 feet
Secondary Directional	32 SF	8 feet
Pedestrian Directional	8 SF	8 feet

4. The display area of campus directional signs shall be used to identify the names of destinations within the Unified Development and to provide directions to, from and within said development based on the criteria listed in Section K(1) (a) through (d). [Amended 02/20/08]

5. Depending upon the sign location, sign may be double-faced with information on the opposite side of the sign.

6. Text messages on the sign faces must be of a size and typeface that is readable from a moving vehicle at the posted speed limit. In no case shall the text be smaller than 3 inches in capital letter height. See Scarborough Design Standards for further description of signage requirements.

7. The recommended minimum distance between campus directional signs shall be one hundred (100) feet.

8. Campus directional signs shall be set back a minimum of fifteen (15) feet from the boundaries of the Unified Development.

9. The maximum number of signs for the Unified Development shall be shown on a Signage Master Plan submitted to the Planning Board as part of Site Plan Approval. The Master Plan shall indicate typical layout for signs, allowing flexibility to change the wording without having to return to the Planning Board. Variations in the number or locations of signs shown on the Signage Master Plan must be approved by the Planning Board prior to implementation. See Scarborough Design Standards for further description of Signage Master Plan.[09/06/17]

10. Off-site directional signs shall not be considered campus directional signs. However, for purposes of signage review, off campus directional signs that are part of a Unified Development shall be designed as part of the Signage Master Plan.

I. OFF-PREMISE OFFICIAL BUSINESS DIRECTIONAL SIGNS

Any business establishment located within the Town of Scarborough, which does not front or face upon U.S. Route One and which does not have a freestanding or wall sign fronting or facing upon U.S. Route One regulated by Section XII of this Ordinance and that is not on a residential property, may locate two signs off the business premises. Whenever any eligible business establishment as defined above applies for an Official Business Directional Sign the following conditions must be met: [09/06/17]

1. Comply with Maine Department of Transportation "Regulations for the Installation of Official Business Directional Signs" except as is otherwise specified above.

2. Maximum sign size shall not exceed 16" x 72"; (Note: sign size to be determined by Maine DOT but not to exceed 16" x 72").

3. Off-Premise Official Business Directional Signs shall not be located within the Haigis Parkway Right-of-Way between Payne Road and Route One.

4. The Code Enforcement Officer may permit two directional signs per this Ordinance. No more than two additional signs may be allowed if the Zoning Board rules favorably on an appeal heard pursuant to Section V of the Zoning Ordinance and based upon any of the following criteria:

- a. a demonstrated need for adequate visibility of the sign to two-directional traffic;
- b. the distance from the nearest State numbered route;
- c. the nature of the business as it relates to public accessibility;
- d. the characteristics of the clientele such as but not limited to familiarity with the area, seasonally attracted, or tourist oriented;
- e. excessive number of turns or confusing route on local roads;
- f. complicated intersections of State numbered routes or major arterials;
- g. a primary consideration shall be to assist customers seeking the specific business location;
- h. the Board shall deny the application for added signs if it finds that their function is one of advertising to attract customers rather than to direct individuals seeking the business;
- i. existing double-faced directional signs which must be replaced shall be considered as two single-faced signs, and the relocation of signs to other locations must be approved by the Zoning Board of Appeals subject to the criteria of this section;
- j. the Zoning Board must specify the approved number(s) and location(s) of additional signs based upon the provisions of this section.

J. TEMPORARY SIGNS

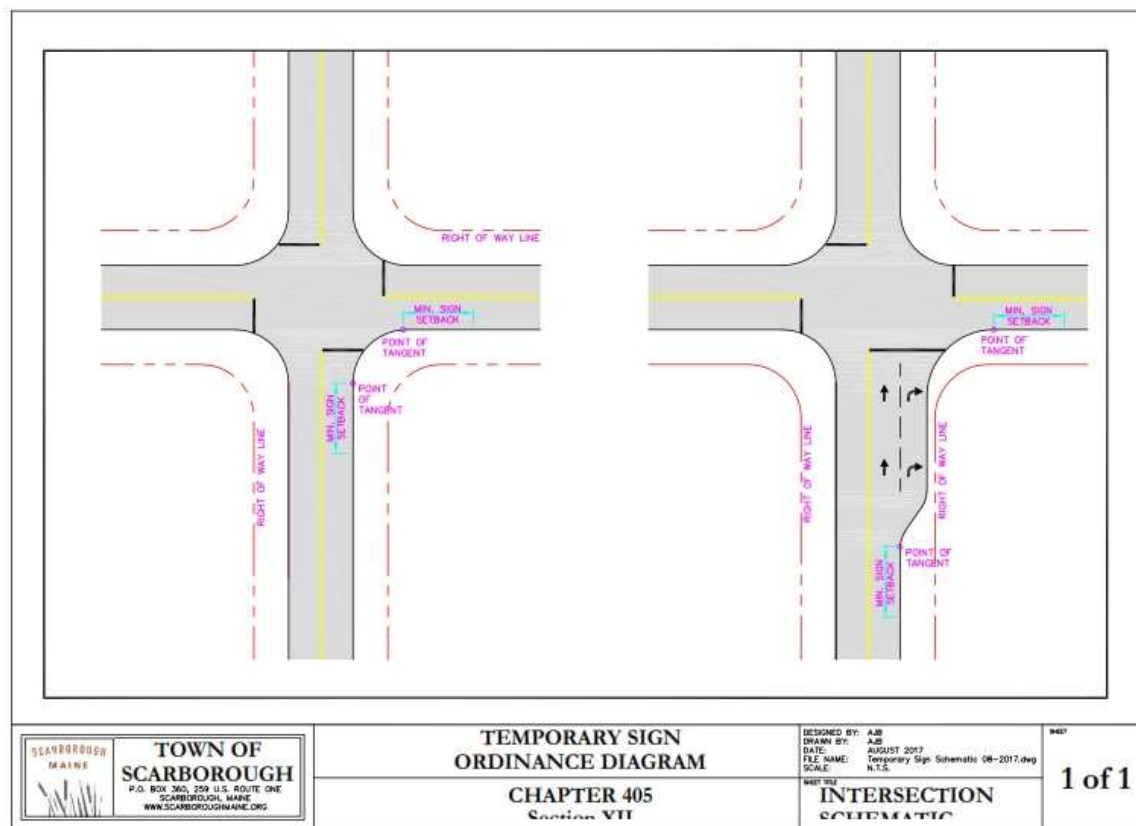
The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations.

Temporary signs specified in this section shall not be attached to fences, trees, utility poles, light poles, traffic control devices or the like. [09/06/17]

To protect ecologically sensitive areas and scenic views no temporary signs shall be placed in the right-of-way along:[09/06/17]

- Route One between Dolloff Way and Southgate Road
- Black Point Road between Old Colony Road and Tide Mill Lane
- Black Point Road between Beach Street and Sanctuary Lane
- Pine Point Road between 67 Pine Point Road and the Eastern Trail
- Pine Point Road between Holly Street and Snow Canning Road
- Pleasant Hill Road from Minuteman Drive to Hackmatack Drive (Pleasant Hill Preserve Area)
- Bayview Avenue between Houghton Street and Morning Street

To promote public safety in and around intersections with high traffic volumes no temporary signs shall be placed in the right-of-way within 30 feet of the following intersections, as measure linearly from the point of tangent to the intersection, or the point of tangent where a dedicated turn lane is provided, whichever is furthest from the intersection:



- The Route One – Broadturn Road/Pine Point Road intersection
- The Route One – Payne Road intersection
- The Route One – Haigis Parkway intersection
- The Route One Gorham Road/Black Point Road intersection
- The Route One – Pleasant Hill Road intersection
- The Payne Road – Haigis Parkway intersection
- The Payne Road – Gorham Road intersection
- The Payne Road – Gallery Boulevard intersection

The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way [Adopted 09/06/17]

Temporary signs in the right-of-way are permitted for a period not to exceed 6 weeks in a calendar year with no sign remaining for more than 6 consecutive weeks and with not less than 1 week between the end of one sign display time period and the beginning of another. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way

will include the name and phone number of the person placing the sign. To control the proliferation of signs repeating the same message, temporary signs in the right-of-way shall not be placed with 30 feet of another bearing the same message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

2. Temporary Signs on Private Property [Adopted 09/06/17]

Temporary signs on private property are permitted for no more than 6 consecutive months with not less than 30 days between displays of a sign bearing the same message. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

3. Temporary Sandwich Board Sign. [Adopted 08/19/09][09/06/17]

One (1) Sandwich Board Sign may be displayed on the premises of a commercial or similar public entity for general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board Sign shall require a sign permit, per subsection A.2., which will establish a business or uses ability to use such a sign and delineate the area in which it will be displayed. A Sandwich Board Sign shall be located on a sidewalk or walkway in a manner that it does not infringe on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

K. NON-CONFORMING SIGNS

The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

1. Any sign existing at the effective date of adoption of this Section XII which does not conform to the regulations and requirements of this Section XII and any sign existing on the effective date of any amendment to this Section XII which renders the sign nonconforming: may continue to be used and maintained in a condition of good repair until removed, pursuant to the conditions of this Ordinance.
2. No non-conforming sign shall:
 - a. Be enlarged if such enlargement would increase any nonconformity.
 - b. Be changed to another nonconforming sign.
 - c. Be changed in shape or size.

- d. Continue to be used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for ninety (90) days or longer, or, in the case of a seasonal business, for three hundred sixty-five (365) days or longer.
- e. Be repaired, or replaced after damage or destruction, if the expense of repair exceeds fifty percent (50%) of the current cost of replacing or duplicating the existing sign, as determined by a professional sign manufacturer.
- f. Continue to be used or allowed to remain in place following any activity that requires site plan approval by the Planning Board.

The addition of a readerboard to an existing nonconforming sign shall not be considered an enlargement under subparagraph (a) above or a change under subparagraphs (b) or (c) above, provided that the addition of the readerboard does not increase the gross display area of the sign beyond the maximum permitted in the zoning district or the gross square footage of the existing sign, whichever is greater. [Amended 08/17/05]

3. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a non-conforming sign has been taken down or moved, said sign may only be replaced with a sign that is in conformance with the requirements of this Ordinance, except that a seasonal business may take down nonconforming signs in the off season and replace them in the same locations when the business reopens the following season.

4. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

5. Notwithstanding the above, if there is a change of use on a single-use property, and there were one or more on-premise nonconforming signs which advertised the former business or use, any new signs used, and all new signs faces for the new use or business must meet all sign requirements for the underlying zoning district. This provision shall not apply in cases where the supply of parking would be reduced below that required by ordinance, or where the new sign location would create a public safety hazard or block sight distance. A change in use means a change in function as described in the Land-Based Classification Standards of the American Planning Association (APA).

6. Relief from the above restrictions on non-conforming signs may be reviewed and granted by the Board of Appeals in accordance with the Miscellaneous Appeal review process under Section V.B.4.g.

L. SUBSTITUTION CLAUSE [Adopted 09/06/17]

For every commercial sign that is allowed under this Ordinance, any non-commercial message may be legally substituted.

M. DEFINITIONS SPECIFIC TO SIGN REGULATIONS.

As used in this Section XII, the following terms have the following meanings: [Amended 4/6/94] [Amended 05/01/96][09/06/17]

a. Abandoned Sign:

A sign that was legally erected but whose use has ceased or the structure upon which the sign was displayed has been abandoned by its owner for a period of not less than 30 days.

b. Accessory Sign:

A secondary sign that provides on-site information concerning the business that is not indicated on the primary identification sign(s), such as store hours, accepted credit cards, quality ratings, affiliations, vacancies, parking and traffic direction.

c. Advertising Sign:

A sign whose primary purpose is to attract attention to goods offered for sale or lease or services rendered upon property whereupon the advertising is occurring.

d. Animated Sign:

A sign employing actual motion or the illusion of motion. This definition does not include time and temperature signs or electronic message signs. Animated signs, which are differentiated from readerboards or changeable signs, include the following types:

- 1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. These include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- 3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a) Flashing: An animated sign with an intermittent or flashing light source.
 - b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

e. Banner:

A sign of temporary construction made of vinyl, canvas, or similar flexible material.

f. Bulletin Board:

A sign associated with religious or educational institutions on which the copy can be changed.

g. Business Directory Sign:

A freestanding sign identifying names and/or uses, and/or locations, in a Unified Development or multi-tenant development.

h. Campus Directional Sign:

A freestanding sign located along a public right-of-way or within an area designated as a Unified Development that directs people to one or more named destinations reachable along that roadway.
[Amended 02/20/08]

i. Copy:

Any graphic, letter, number, symbol, insignia, text, sample, model, device, or combination thereof, which relates to advertising, identification, or notification.

j. Directional Sign:

A sign that indicates ingress or egress to a property and does not contain either identification or advertising copy.

k. Doorway Sign:

A sign indicating the location of, or direction to, a separate function performed within one portion of a building that may be erected over or by the doorway or entrance to such portion of the building.

l. Electronic Message Sign:

An electronically activated changeable sign whose variable message capability can be electronically programmed.

m. Exterior Illuminated Sign:

A sign with an exterior light source, either attached or detached from the sign, whose purpose is to illuminate the sign board.

n. Freestanding Sign:

A sign supported by one or more uprights or braces permanently affixed into the ground.

o. Changeable Message Sign:

The portion of a freestanding sign changes message by electronic, manual, or mechanical means.
[09/06/17]

p. Gross Display Area:

On signs which use a signboard or boards, the total area of the board or boards. On signs where the copy is attached directly to a wall, awning or other building surface, the area within a rectangle which completely contains all the sign's copy.

q. Historical Site Signs:

A wall sign erected or provided by local historical society or government agency that denotes a recognized historical site or structure.

r. Identification Sign:

A sign that includes, as copy, only the name of the business, place, organization, building, or person it identifies.

s. Internally Illuminated Sign:

A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

t. Main Thoroughfare:

Means any of the following streets:

U.S. Route 1
Payne Road
Haigis Parkway
Gorham Road
Pine Point Road
Pleasant Hill Road
Spring Street

u. Marquee:

A structure projecting over the entrance to a theater used to support a sign.

v. Drive-through Sign:

A permanently mounted sign displaying the bill of fare for a drive-through commercial establishment.[09/06/17]

w. Non-Conforming Sign:

An existing sign that was lawfully erected in compliance with applicable code requirements and maintained prior to the effective date of this Ordinance.

x. Off-Premise Official Business Directional Sign (OBDS):

An off-premise directional sign allowed under Maine DOT Chapter 200 (or current) Regulations.

y. Off-premise Sign:

A sign that identifies one or more businesses that is located off the premises of the said business(es) and that is located within the public right-of-way. [Amended 02/20/08]

z. Orientation Map:

A sign at the entrance to direct motorists to individual buildings or parking lots within a Unified Development.

aa. Pennant:

An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

bb. Portable Sign:

A sign not designed or intended to be permanently affixed into the ground or to a structure.

cc. Principle Sign:

The main sign on a property.

dd. Projecting Sign:

A sign that is suspended from or supported by any building or structure and projects outward from the supporting structure.

ee. Readerboard:

A free-standing sign or portion thereof on which the copy changes, or can be changed, by manual, electronic, or mechanical means. A readerboard may contain an electronic message sign, or a time and/or temperature sign. [Amended 08/17/2005]

ff. Roof Sign:

A sign located upon or over a roof of a building.

gg. Sandwich Board Signs:

A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

hh. Sign:

An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image. See Section XII.A.6 for exceptions.

ii. Temporary Sign:

A sign intended to be displayed for a short period of time. [096/06/17]

jj. Time and/or Temperature Sign:

A sign designed to show time and outdoor temperature.

kk. Under Common Control:

Subject to the provisions of a condominium declaration or subject to rules and regulations imposed by an incorporated unit owners' association or lot owners' association.

ll. Unified Development:

A group of contiguous lots in a common ownership or under common control, a group of lots in a subdivision approved by the Scarborough Planning Board, or a group of units of occupancy on a single lot, where access to the individual lots or units of occupancy is by a common driveway or by a street which serves principally that Unified Development and which is not a Main Thoroughfare. Examples of Unified Developments include, but are not limited to, office parks, healthcare/hospitals, professional parks, business parks, industrial parks, shopping centers and shopping malls.

mm. Vision Triangle:

The area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures, or other materials or items greater than thirty (30) inches in height.

nn. Wall Sign:

A sign painted on, attached to, or supported by a building wall or part thereof, provided that the sign does not project more than 12" from the wall.

oo. Window Sign:

A sign placed, painted, or affixed on the inside or within 12" of a window or door, and is visible from the exterior of the building.

Vote: 5 Yeas. 2 Nays [Councilors Foley and Hayes].

Order No. 17-067. Second reading on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions. [Ordinance Committee]
Councilor Donovan gave a brief overview.

Motion by Councilor Rowan, seconded by Donovan, to move approval of the second reading on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions, 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 deleting the text shown in strikeover type, as shown below:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

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]~~
 - a. On the Northerly side of East Grand Avenue in front of number 3 East Grand Avenue at CMP pole #116 back to Pine Point Road - No Parking.
- 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 c.. 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. d. From ~~the Westerly entrance to Conroy's Garage~~ CMP pole #116 at 3 East Grand Avenue 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]

Vote: 7 Yeas.

Order No. 17-068. Second reading on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach. [Ordinance Committee] Councilor Donovan overview on Order No. 17-068.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval of the second reading on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach, as follows:

**CHAPTER 604a
TOWN OF SCARBOROUGH
HORSE BEACH PERMIT ORDINANCE**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 604a, the Horse Beach Permit Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

604A-6 Regulation of Horses on the Beach

1. Horses are allowed on the beach only from October 1stth through March 31st.
2. Except for gaining access to and egress from the beach, horses are allowed only in the intertidal zone (between the mean high tide line and the mean low water line).
3. Parking of horse trailers is limited to Hurd Park in the Town of Scarborough and the Milliken Street Municipal Parking Lot in the Town of Old Orchard Beach.
4. Any rider or owner who allows a horse to be present on the beach must remove and dispose of animal waste as required by Section 604-9 of the Town of Scarborough Animal Control Ordinance. Violation of Section 604-9 constitutes a violation of this Ordinance. The owner, operator or driver of horses, or horse-drawn carriages operating on the beach shall be required to attach a containment device to the rear of each and every horse so operated, to be maintained and emptied so that manure is completely contained therein, cannot and does

not fall upon any surface while operating under the Permit provided for herein, and is carried away for proper disposal.

Vote: 7 Yeas.

Order No. 17-078. Act on the request to submit the referendum question to construct and equip a new Public Safety Building to the November 7, 2017, Election. Tabled from the August 16, 2017, Town Council meeting. [Town Manager] Thomas J. Hall, Town Manager overview

The following individuals spoke on this Order:

- Kevin Freeman of Sterling Wood Drive and the Chair of the Ad-Hoc Public Safety Building Committee asked for the Councilors support to put this item before the voters. He went on to mention that the Committee is hosting its first outreach at the Black Point Fire Station tomorrow night. There would be other meetings relating to this referendum prior to Election Day.
- Benjamin Howard of Windsor Pines asked if there is anything in the works for a new middle school. To which the Chair responded that he is not aware of any formal requests.
- Judy Roy of Second Avenue encouraged the public to support this referendum. She went on to comment about past issues that had happened. The condition in which the current building is in is not good.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval on the request to submit the referendum question to construct and equip a new Public Safety Building to the November 7, 2017, Election, as follows:

Referendum Question No. 1:

Shall the Order entitled “**ORDER AUTHORIZING ISSUANCE OF UP TO \$19,500,000 IN GENERAL OBLIGATION BONDS OF THE TOWN OF SCARBOROUGH TO FUND COSTS FOR A NEW PUBLIC SAFETY BUILDING**” be approved?

EXPLANATION AND RECOMMENDATION: Approval of this Order would authorize the issuance of up to \$19,500,000 in general obligation bonds of the Town to provide funds to construct and equip a New Public Safety Building.

Total estimated cost	\$21,548,095
Less reserve funds dedicated for this purpose	\$ (625,000)
Less anticipated revenue from sale of existing Public safety facility	<u>\$(1,423,095)</u>
Bond amount not to exceed	\$19,500,000

The Town Council recommends approval of this question.

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	\$84,460,000
B. Bonds authorized and unissued:	\$ 3,119,870
C. Bonds to be issued if this Article is approved:	\$19,500,000

2. Costs:

At an estimated maximum interest of 3.50% for a maximum thirty (30) year maturity, the estimated costs of this bond issue will be:

Principal:	\$19,500,000
Interest:	<u>\$ 9,934,750</u>
Total Debt Service	\$29,434,750

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Ruth D. Porter
Town Treasurer

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 17-085. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4). [General Assistance] Thomas J. Hall, Town Manager, gave a brief overview on this order

Motion by Councilor Donovan, seconded by Councilor Caiazzo, to move approval of the first reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4) and schedule the public hearing and seconding reading to Wednesday, September 20, 2017; as follows:

Appendix A
Effective: 07/01/17-09/30/18

2017-2018 GA Overall Maximums

Metropolitan Areas

Persons in Household					
COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	714	788	994	1,242	1,506
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman	605	682	847	1,095	1,269

UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville					
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	641	726	915	1,169	1,397
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,002	1,131	1,431	1,931	2,097
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	982	1,025	1,333	1,714	2,173
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	761	807	1,072	1,561	1,780

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	781	863	999	1,318	1,600
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	745	860	1,079	1,457	1,477

***Note: Add \$75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	618	642	760	965	1,049

Franklin County	646	671	793	985	1,400
Hancock County	693	787	992	1,249	1,367
Kennebec County	722	746	928	1,216	1,297
Knox County	754	755	928	1,186	1,315
Lincoln County	783	834	987	1,234	1,470
Oxford County	630	646	771	1,110	1,343
Piscataquis County	595	672	828	1,090	1,125
Somerset County	675	704	835	1,133	1,146
Waldo County	680	751	887	1,206	1,281
Washington County	630	645	753	985	1,173

* Please Note: Add \$75 for each additional person.

Appendix B

Effective: 10/01/17 to 09/30/18

2017-2018 FOOD MAXIMUMS

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	44.65	192.00
2	81.86	352.00
3	117.21	504.00
4	148.84	640.00
5	176.74	760.00
6	212.33	913.00
7	234.65	1,009.00
8	268.14	1,153.00

Note: For each additional person add \$144 per month.

Appendix C

Effective: 10/01/17 to 09/30/18

2017-2018 GA HOUSING MAXIMUMS

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

Aroostook County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	111	476	130	559
1	111	476	134	578
2	130	558	159	684
3	167	718	204	878
4	177	762	221	949
Franklin County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	117	503	137	587
1	117	503	141	607
2	137	591	167	717
3	173	743	209	898
4	258	1,108	302	1,300
Hancock County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	139	599	167	720
2	183	788	213	915
3	227	976	270	1,159
4	242	1,041	294	1,264
Kennebec County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	131	564	154	662
1	131	564	158	679
2	168	724	198	851
3	219	943	262	1,126
4	226	971	278	1,194

Non-Metropolitan FMR Areas

Knox County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	139	596	161	694
1	139	596	161	694

2	168	724	198	851
3	212	913	255	1,096
4	230	989	282	1,212
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	150	646	178	767
2	182	783	212	910
3	223	961	266	1,144
4	266	1,144	318	1,367
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	110	472	133	570
1	110	472	135	579
2	132	567	161	694
3	195	837	237	1,020
4	237	1,017	288	1,240
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	106	457	126	540
1	118	508	143	613
2	147	630	177	759
3	198	853	235	1,011
4	198	853	240	1,034
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	143	615
1	121	519	148	637
2	147	631	176	758
3	202	869	243	1,043
4	202	869	243	1,043

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	121	522	144	620
1	131	563	159	684

2	159	683	188	810
3	217	933	260	1,116
4	222	955	274	1,178
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	110	472	133	570
1	110	472	134	578
2	130	559	160	686
3	166	712	208	895
4	208	847	249	1,070

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	129	556	152	654
1	140	600	168	721
2	184	790	213	917
3	225	969	268	1,152
4	275	1,180	326	1,403
<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	447	127	545
1	115	494	143	615
2	149	643	179	770
3	191	822	234	1,005
4	219	943	271	1,166
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	112	483	135	581
1	125	538	153	659
2	165	711	195	838
3	208	896	251	1,079
4	249	1,071	301	1,294

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	196	844	219	942
1	219	943	247	1,064

2	285	1,227	315	1,354
3	386	1,658	428	1,841
4	412	1,771	464	1,994
<u>York/Kittery/ S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	192	824	214	922
1	195	837	223	958
2	263	1,129	292	1,256
3	335	1,441	378	1,624
4	430	1,847	481	2,070
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	140	603	163	701
1	144	619	172	740
2	202	868	231	995
3	299	1,288	342	1,471
4	338	1,454	390	1,677
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	623	168	721
1	157	675	185	796
2	185	795	214	922
3	243	1,045	286	1,228
4	296	1,274	348	1,497
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	587	159	685
1	159	684	187	805
2	203	875	233	1,002
3	275	1,184	318	1,367
4	269	1,156	320	1,374

Appendix D
Effective: 10/01/17 to 09/30/18

2017-2018 – ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is ***not automatically*** entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Appendix E
Effective: 10/01/17 to 09/30/18

2017-2018 HEATING FUEL MAXIMUMS

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

Appendix F
Effective: 10/01/17 to 09/30/18

2017-0218 PERSONAL CARE & HOUSEHOLD SUPPLIES MAXIMUMS

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

Appendix G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 44 cents (44¢) per mile.

Appendix H
Effective: 10/01/17 to 09/30/18

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,125.00**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and,
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$785.00**. Additional costs may be allowed by the GA administrator where there is an actual cost, for;

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$50
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

Appendix I

Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime. [1999, c. 464, §2 (NEW).]

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment. [1999, c. 464, §2 (NEW).]

Vote: 7 Yeas.

Order No. 17-086. First reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District. [SEDCO] Thomas J. Hall, Town Manager, gave a brief overview and then introduced the Town Planner, Jay Chace. Mr. Chace then went on to explain the changes that are being proposed. He also spoke on Order No. 17-087 as the two go together.

Motion by Councilor Donovan, seconded by Councilor Caiazzo, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District and schedule the public hearing upon receipt of the recommendations from the Planning Board; as follows:

AMENDMENTS TO CHAPTER 405 THE ZONING ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section VI. Definition, by adding the underlined text as shown below:

Section VI Definitions.

Climate Controlled/Internal Access Storage Facility

A storage facility built to a standard compatible with office and/or mixed use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management.

Amend Section IX.(H). PERFORMANCE STANDARDS, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

Section IX (H). PERFORMANCE STANDARDS – MINI-WAREHOUSE/STORAGE FACILITIES **AND CLIMATE CONTROLLED/INTERNAL ACCESS STORAGE FACILITIES** [12/03/97]

The following standards shall apply to all Mini-Warehouse/Storage Facilities:

1. Mini-Warehouse/Storage Facilities shall be located only in the Industrial District.
2. Climate Controlled/Internal Access Storage Facilities may be located in the Industrial District and/or the Haigis Parkway District.

- 3.2. ~~Mini-Warehouse/~~Storage Facilities shall be located on lots of no less than one acre and no greater than five acres total lot area.
- 4.3. Impervious surfaces (any material that prevents absorption of storm water into the ground) shall not cover more than fifty percent of the lot on which the Mini-Warehouse/Storage Facility is located.
5. Climate controlled/Internal Access Storage Facilities will follow the impervious surface requirements of the district where the facility is located.
- 6.4. Vehicle circulation within the facility shall allow for safe access to the individual storage units and shall include fire lanes acceptable to the Town of Scarborough Fire Chief.
- 7.5. Off-street parking shall be provided in accordance with Section XI of this Ordinance for any office space and for any dwelling unit located on the property pursuant to paragraph 6 below. Parking spaces shall not be provided for each unit, but the site shall be designed so that vehicles of customers picking up or depositing stored materials may stand temporarily in the aisles and adjacent to the storage units.
- 8.6. Notwithstanding anything to the contrary in this Ordinance, the lot on which ~~a Mini-Warehouse/~~ any Storage Facility is located may contain one dwelling unit as an accessory structure and accessory use to the ~~mini-warehouse/~~storage facility, provided the dwelling is occupied only by a resident facility manager or by on-duty employees of the facility.
- 9.7. Notwithstanding anything to the contrary in this Ordinance, a ~~Mini-Warehouse/~~Storage Facility may incorporate more than one storage building and may include an accessory dwelling unit without separately meeting the space and bulk requirements for each building.
- 10.8. No storage unit in a ~~Mini-Warehouse/~~Storage Facility may exceed five hundred square feet of floor area.
- 11.9. The owner of the ~~Mini-Warehouse/~~Storage Facility shall designate a facility manager who can be contacted at a specified address and telephone number, and shall at all times provide the Scarborough Code Enforcement Officer, the Scarborough Fire Department and the Scarborough Police Department with the current address and phone number of the facility manager. The function of the facility manager includes, but is not limited to: providing proper policing of the area for trash, debris and vandalism; reporting to the police department any evidence of storage of contraband property or materials unlawfully possessed by customers of the facility; reporting to the fire department and the code enforcement officer any evidence of storage of dangerous or hazardous materials.
- 12.10. The storage of hazardous, explosive or radioactive materials and of flammable liquid or gaseous materials is prohibited in a ~~Mini-Warehouse/~~Storage Facility. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit.
- 13.11. No activities other than rental of the storage units and pick up and deposit of the stored personal property shall be allowed on the ~~Mini-Warehouse/~~Storage Facilities property. Examples of prohibited activities include, but are not limited to: wholesale or retail sales, auctions, garage sales; the service, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other equipment; and the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment or other similar tools. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit.

~~14.12.~~ No outside storage of customers' goods or materials is allowed on the property of the ~~Mini-Warehouse~~/Storage Facility. This provision does not prevent storage of household articles customarily stored outdoors by the manager of the facility if the manager resides on the property.

~~15.13.~~ The use of a ~~Mini-Warehouse~~/Storage Facility or any portion thereof may not be changed to any other use, even though such use is otherwise permitted under this Ordinance, until the proposed new use is first reviewed and approved by the Planning Board under the provisions of the Site Plan Review Ordinance.

~~16.14.~~ Each customer, at the time of rental of a unit, shall be required to sign a lease or rental agreement which reserves to the owner and the owner's representatives, agents and employees the right to enter into and inspect the unit and its contents at any time without prior notice and which authorizes the owner and the owner's representatives, agents and employees to allow the Town of Scarborough Code Enforcement Officer, Fire Chief, Police Chief and their designated representatives to enter into and inspect the unit and its contents at any time without prior notice to the customer.

Notwithstanding anything to the contrary in this Ordinance or in 1 M.R.S.A. § 302, the standards of paragraph ~~1 2~~ through ~~16 44~~ above shall apply to any application for a ~~Mini-Warehouse~~/Storage Facility which has not received site plan approval from the Scarborough Planning Board prior to October 27, 1997 and to any application to expand, extend, enlarge, reconstruct, rebuild or replace a Mini-Warehouse/Storage Facility existing on October 27, 1997. (12/03/97)

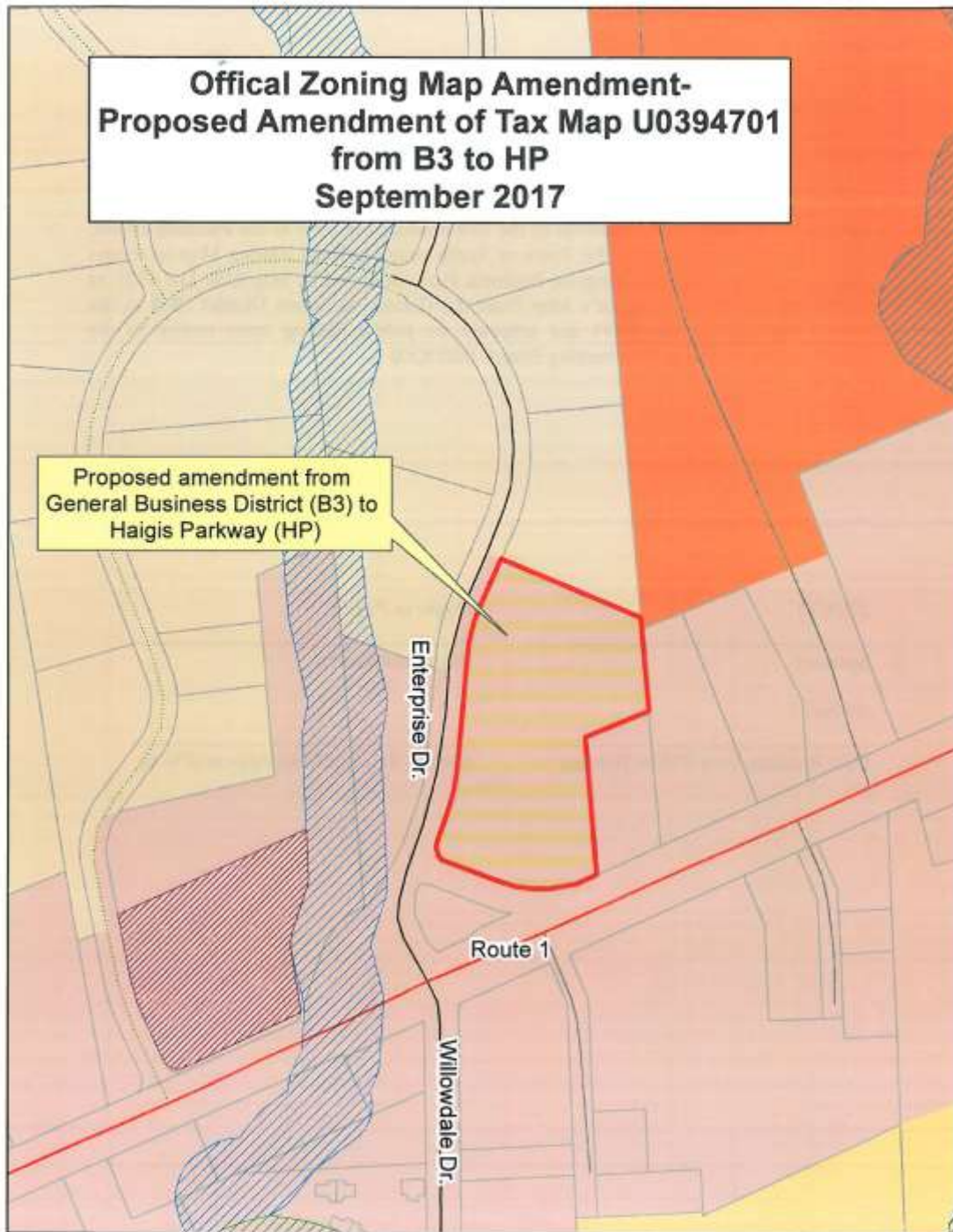
Amend Section XVII.B. HAIGIS PARKWAY DISTRICT, by adding the underlined text, as shown below:

B. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS NON-RESIDENTIAL USES

27. Climate Controlled/Internal Access Storage Facility, subject to Section IX (H) Performance Standards, and only within an approved subdivision.

Vote: 6 Yeas. 1 Nay [Councilor Rowan].

Order No. 17-087. First reading and refer to the Planning Board, the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP). [SEDCO] Motion by Councilor Caiazzo, seconded by Councilor St. Clair, to move approval of the first reading and refer to the Planning Board, the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP) and schedule the public hearing upon receipt of the recommendations from the Planning Board, as follows:



Vote: 7 Yeas.

Order No. 17-088. First reading and schedule a public hearing and schedule a second reading to repeal Chapter 308 – Town of Scarborough Ordinance Regulating Political Signs in the Public Right-of-Way. [Ordinance Committee] Councilor Donovan overview on this Order.

Motion by Councilor Donovan seconded by Councilor Rowan, to move approval of the first reading to repeal Chapter 308 – Town of Scarborough Ordinance Regulating Political Signs in the Public Right-of-Way and schedule a public hearing and second reading for Wednesday, September 20, 2016, as follows:

CHAPTER 308- TOWN OF SCARBOROUGH
POLITICAL SIGN ORDINANCE
Adopted October 5, 1004
Amended September 6, 1995

REPEAL ORDER

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

The Ordinance entitle “Political Sign Ordinance,” as the same, has been enacted by the Town Council of the Town of Scarborough, is hereby repealed.

Vote: 7 Yeas.

Order No. 17-089. Act on the request from the Police Department to receive an anonymous donation in the amount of \$3,600.00 for a new speed/radar sign for the Pine Point area. [Police Department] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

The following individual spoke on this Order:

- Paul Kirby of Pine Point representing resident in the area spoke on this order and why the request. He noted that residents in the area donated money toward this item. It is not just for the Pine Point area, but can be used in other locations as well.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval of the request from the Police Department to receive an anonymous donation in the amount of \$3,600.00 for a new speed/radar sign for the Pine Point area

Vote: 7 Yeas.

Order No. 17-092. Act on the request to appoint a Town Council Ad-Hoc Committee to review established local rules and procedures for the administration of municipal elections and referendum votes. Chairman Babine gave a brief overview on this Order.

Motion by Chairman Babine, seconded by Councilor Donovan, to move approval of Order No. 17-092.

Motion by Councilor Hayes, seconded by Councilor Rowan, to move approval to amend the main motion, to include 2 more citizens-at-large that are not elected or employees of the town and to be appointed by the Committee Chair and Kevin Freeman, Scarborough resident.

Vote on amendment: 7 Yeas.

Vote on main motion as amended:

**TOWN COUNCIL AD-HOC COMMITTEE TO REVIEW ESTABLISHED LOCAL
RULES & PROCEDURES FOR THE ADMINISTRATION OF MUNICIPAL
ELECTIONS AND REFERENDUM VOTES**

As authorized by the Town Charter, pursuant to Article VIII, Sec. 807 and Town Council Policies & Procedures, Chapter 302, Sec 204.2. The Committee shall be comprised of two town council members, three at-large citizens who are not elected or are not employees of the Town, the Town Manager or staff designee, and the Town Clerk. The Council names the Chairman of the Town Council and the Chairman of the Town Council’s Ordinance Committee as their appointees. The Chairman of the Town Council shall serve as Chairman of the

Committee. The Council also appoints Kevin Freeman, a respected Scarborough resident, as the first at-large appointee and further authorizes the Chairman of the Committee and Mr. Freeman to appoint the remaining two at-large appointees. The Committee shall meet as frequently as required; requesting the necessary reasonable resources to complete the review; including the ability to place any request with the Maine Secretary of State's Elections Office for any recommended audits. The Committee shall report to the Town Council no later than October 4th, 2017 its findings and provide any recommendations for the Council to consider.

Vote: 7 Yeas.

Order No. 17-090. Act on the request to re-certify the July 25, 2017, School Budget Validation Referendum Election. [*Town Clerk*] Thomas J. Hall, Town Manager, gave a brief statement on this Order and Chairman Babine read the votes into the record:

Motion by Councilor Donovan seconded by Councilor Foley, to move approval on the request to re-certify the July 25, 2017, School Budget Validation Referendum Election, as follows:

School Budget Validation Referendum

Yes: 1,947
No: 2,030*
Blanks: 3

Vote: 6 Yeas. 1 Nay [Councilor Hayes].

Order No. 17-091. Act on the request to certify the September 5, 2017, School Budget Validation Referendum Election. [*Town Clerk*] Thomas J. Hall, Town Manager, gave an overview on this Order and the Town Clerk made a statement relating to this Order.

Motion by Councilor Caiazzo, seconded by Councilor Rowan, to move approval on the request to certify the September 5, 2017, School Budget Validation Referendum Election, as follows:

Presented for certification by the Town Council, are the election results for the Special School Budget Referendum Election that was held on Tuesday, September 5, 2017:

School Budget Validation Referendum

Yes: 2,402*
No: 2,226
Blanks: 1

There are approximately 16,816 active voters on our voter registration list for this Election [does not include same day registration]. There were 4,629 voters who cast ballots in the September 5th Election. There were 1,984 absentee ballots issued, of which 1,870 were accepted and processed. The percentage for voter turnout for this Election was 27%.

Vote: 6 Yeas. 1 Nay [Councilor Hayes].

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

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

- Councilor Caiazzo noted that PLANAPALOOZA is coming! On Monday, September 25th at 6:30 p.m. the opening meeting would held at the Scarborough High School with the workshop would held on Tuesday, September 26th at 9:00 a.m. above the Scarborough Grounds Coffee shop on Route One with the closing meeting on Thursday, September 28th at 6:30 p.m. at the Scarborough High School. For more information visit the Town's Website.
- Councilor Hayes gave an update on the Shellfish Conservation Commission; the Coastal Waters & Harbor Committee and Finance Committee.
- Councilor Foley gave an update on the Rules and Policies Committee.
- Councilor Rowan gave an update on the Historical Preservation Implementation Committee.
- Councilor Donovan gave an update on the Ordinance Committee.
- Chairman Babine commented on the Ad-Hoc Budget Committee and then asked Councilors to return their GOALS Document. He went on to read the slate of candidates for the Town Council, School Board and Sanitary District.

Item 10. Town Manager Report.

- Attended a meeting relating to the updates of the Flood Maps and it does appear that the maps will be file in November. The town is ready to file against them as soon as we can.
- The Food Waste Pilot Program has come to an end and the participation was very good.

Item 11. Council Member Comments.

- Councilor Donovan spoke on the School Budget; he went on to thank Jay Chace, Town Planner and Brian Longstaff, Zoning Administrator for their work on the Higgins Beach Character Plan. Extended a thank you to Kevin Freeman, Chief Moulton, Chief Thurlow as well as the members of the Public Safety Building Committee for all their work.
- Councilor Rowan commented on the town's evaluation and the memo that had been received last week.
- Councilor Foley thanked all the voters for coming out and being involved in the process. She stated that she had been distracted by community tragedies and Texas and Florida – some times when you look at the big picture and you feel blessed with what you have.
- Councilor Hayes commented on the budget and the process and what could be done differently. He asked the public to share any recommendations that might have.
- Councilor Caiazzo also thanked the voters for coming out and hoped that there could be civil discussions as to how to run the town.
- Chairman Babine thanked the voters for coming out. He thanked the School Board and School Department. He hoped that the relationship continues to improve. He then commented on the social media and how he does not response to those who spout off and are hateful.

Item 12. Adjournment. Motion by Councilor Rowan, seconded by Councilor Foley, to move approval to adjourn the regular meeting..

Vote: 7 Yeas.

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk.