

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 5, 2019
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Vice Chair Foley called the regular meeting of the Scarborough Town Council to order at 7:00 p.m. She then noted that Chairman Hayes

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas Hall, Town Manager, was also present. The following Councilors were present:

Councilor Shawn A. Babine - Absent	Councilor Jean-Marie Caterina
Councilor Paul M. Johnson	Councilor William J. Donovan
Vice Chair Kathleen M. Foley	Councilor Donald R. Hamill
Chairman Peter F. Hayes - Absent	

Item 4. General Public Comments.

- Michael Doyle of Portsmouth, N.H. - owner of falmouthtoday.com, commented on the recent promotion of Sargent O'Malley to Assistant Police Chief and that he would be updating his news letter
- David Green of Beech Ridge Road commented on the actions of Councilors who chastised members of the public who wish to speak at meetings. He asked the Town Council to look into replacing the Town Manager.

Item 5. Minutes: May 15, 2019 - Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval of the minutes of the May 15, 2019, Town Council meeting as written.

Vote: 5 Yeas.

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

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

Order No. 18-045, 7:00 p.m. Public Hearing and schedule the second reading on the proposed second amendment to Contract Zone III - Maine Life Care Retirement Community, Inc., located at 5 Dorado Drive. [Planning Department] Vice Chair Foley opened the public hearing. The following spoke on the Order:

- Donald Cimno of Newcomb Ridge, commented on the proposed amendment to the Piper Shores and spoke against what was being proposed.
- Tim Youman of Newcomb Ridge spoke on behalf of his wife, Laurie Youman and Robert and Karen Yench of Stoneridge Drive. He spoke against the proposed amendment and referenced the four items that the Council would have to find in order to approve this Order and went on to further state why this project should not be approved and asked the Town Council to not approve it.
- Bob Dulac and Lucas Newcomb of Newcomb Ridge Road presented a slide show as to why this project should not be approved. Mr. Dulac spoke on why he chose to move here. He referenced the Comprehensive Plan and felt this amendment was not in compliance with the Comprehensive Plan. The abutters do not support this recommendation.

- Betty Perry of Drake Lane spoke on this Order and voiced why this project should be approved. She stated that there is no strain on public service. There are many residents who volunteer and have donated funds to a number of organizations. She urged the Council to support this project.
- Shelia Hillman of Wildwood Lane and an abutter of this project, she went to voice what her fears had been prior to hearing all the information and now, none of her fears had come true.
- Lucia DiMarco Jones of Acorn Lane and an abutter, stated that it has been very challenging in keeping up with what has been going on. She did not support this proposal. She would rather have single family homes then what is being proposed. The sticking point is the four story apartment that is being proposed. She then read the following letter into the record on behalf of her husband:

“As an abutter of this project we have two main objections to this project. First, the size and location of “The Commons” ; and second, the lack of safe pedestrian travel and the increase traffic that this project (and the current proposed amendment) have had on Spurwink Road and this fact being not addressed by the applicant..

Regarding the large, 94,000 sq foot building named the Commons, we believe it is too large and too tall of a structure. The height limit in Scarborough is 35 feet. The proposal calls for 40 feet in height. This allows for basically a four story building. In addition, the applicant has placed this building on the highest point of the land. This large building will shadow over the residents of Newcomb, and will be easily seen from the houses on Acorn Lane. As you know from the site walk, when we were standing in location of the proposed apartment building, I pointed out my yellow house that could be entirely seen from our vantage point. With a 40 height of the building, it may be years before there is enough growth of new trees to adequately buffer the Acorn Lane residents from the light, noise, and sight of this large building. This is especially true given that the construction of the “Estates” will require the removal of much of the existing tree coverage to construct these homes. If those trees are replaced with trees that are 12 feet high, then the entire apartment building will be visible to many of our street’s residences. We believe that the height should be reduced, perhaps with underground parking or placement of the building in front of the highest point of land so that the building fits into the topography better.

We have always believed that “Pocket Neighborhood” and the “Estates” are compatible with the RF zoning, and we have no objection whatsoever to those houses. In a RF zone, this is the type of development that we all expected. The Commons, on the other hand, is not compatible with existing and permitted uses within the RF zone. There is also serious question if the Commons is consistent with the Comprehensive Plan. I would not call a four story, 94,000 sq foot building consistent with any notion of Limited Growth Sector.

The last major issue we have is the lack of improvements to Spurwink Road (Route 77) in light of the Piper Shores Development. Since the Piper Shores contract zone of 1998, there has been no widening of the road, no sidewalks, and no bike lanes. This area is a high use recreation area in the town, with hundreds of bicyclists every day, and in the summer hundreds of pedestrians walking to and from Higgins Beach. In 1998, it was estimated that between 100 and 200 cars per hour during peak hours in morning and at night. There have been no studies done to see if those guesstimates are accurate. The memorandums and letters relied upon by the DEP and MDOT in 1998 are not in any file—not in the town’s file, nor the MDOT files, and not even the MDEP files. However, even if the best guess of 200 cars equivalents an hour in 1998 is in fact what the project has generated, this does not take into account the 10 amendments to the site plan and

subdivision plan that has taken place since 1998. The major changes are as follows: in 2002-- 45 additional parking spaces added, increase pavement of driveway. In 2010, increase parking again by an additional 34 spots, add a Health Care facility, pool, and fitness Center; and construct an auditorium. In 2013, again more parking was added (11 spots). In 2015, construction of a 3 story building, 22,300 sq foot building, adding an Arts building, and significant expansion of the parking lots.

As you can see from above summary of just a few of the amendments of this project since 1998, there has been a significant amount of additional buildings and parking added to this project. This means more cars and trips. No one at the town or the State has any idea of the impact of these amendments on traffic. No studies were done. No updated figures or data. Nothing. And now, the town is once again contemplating allowing this applicant to amend its 1998 contract with absolutely no traffic studies provided to outline the true impact of increase traffic by this project. For the proposed amendment before the Council now, the applicant indicates only a grand total of 130 trips per day. (65 entering and 65 leaving). Any common sense would tell a person that if there are 52 residences on a street, this number would be woefully low. Add to this number the daily shuttle between campuses, the maintenance crews going between the campuses, the 20 employees, the delivery trucks for the restaurant at the Commons, vendors,, etc... and it is evident that this estimate doesn't pass the straight- face test.

The comprehensive Plan calls for connectivity of neighborhoods in the villages. This proposal falls far short on this. The residents will be isolated from the surrounding neighborhoods and Higgins Beach. The MDOT will not allow a crosswalk from this project across Route 77. Even if it were allowed in the future, no one is going to use it, if he or she cares about their safety. The only safe travel is for sidewalks along Route 77 down to Ocean. This will connect this project to the Beach Community and allow safe travel for both the cars and the pedestrians. For a 45 million dollar project which is asking for a complete zone change from the town, I am not sure of the hesitation by the town in requiring the applicant to improve the safety of the roads that they are directly impacting.

Thank you. Jeff Jones”

- Art Dillon of Scarborough and President of the Scarborough Chamber of Commerce read the following letter:
“As a community of business owners/operators, the Scarborough Community Chamber of Commerce sees enormous financial and social value in Piper Shores’ proposed expansion at Dorado Drive.

Piper Shores has already demonstrated that it is not only a good neighbor, but also a generous, thoughtful, reliable, and responsible neighbor in its 18-year operating history.

While most nonprofit businesses are exempt from property taxes, Piper Shores agreed – on day one – to pay taxes for its independent living residences. As a result, they have become the single largest taxpayer in the town of Scarborough, contributing \$1.45 million annually to the town.

The enormous benefits of working and living in Scarborough have not been lost on the Piper Shores community. The nonprofit entity and its residents are well-known for their generosity of time, talent, and wealth toward many worthy causes across our town, including the

Scarborough Land Trust, public library, public safety and fire department, schools, Project G.R.A.C.E, Camp Ketcha, Operation HOPE, and many more.

With the new project, we can expect another 85 residents becoming active citizens of Scarborough – volunteering, donating, working and buying goods and services in our community. We also believe that these new residents will be thoughtful neighbors.

Piper Shores is a known entity with the highest of reputations (not just in Scarborough, but the state and region) in quantity, quality and being a great community member.

They have agreed to preserve land, provide public parking and access to trails, contribute to the town's affordable housing program, contribute funds for sidewalk installation and add additional buffers with berms and mature trees. Being the oldest state in the country, there is a huge need for senior life care communities in our state, and there is room for this addition, which also adds value our town.

As members of the business community, we do not, and must not, underestimate the value that their presence brings to our town. It is for the reasons stated above that we enthusiastically and strongly support Piper Shores' expansion at Dorado Drive."

He also referred to the letter the Portland Regional Chamber wrote in to the Town Council in support of this project.

- Barbara Emerson of Drake Lane spoke in support of this and felt that it would be very hard for a Town Council member to not approve this project.
- Ann Funderberg a resident of Piper Shores, voiced her concerns on comments relating to a lower group of employees being brought in to workers. People want to be in a warm and accepting in the last part of your life. She hoped that the Council would support this project.
- Joe Delafield of Drake Lane and a registered voter in Scarborough, spoke in support of the proposed amendments. He went on to comment on concerns relating to traffic and technical elements of this project; concerns about the resource protection and he commented on the many meetings that had been held with abutters.
- Bob Young of Newcomb Ridge spoke against the proposed amendment and asked that the Council give the abutters due process.

There being no further comments, the public hearing was closed at 7:48 p.m. The second reading on this Order will be on Wednesday, June 19, 2019.

Order No. 19-031, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section XII.H. Campus Directional Signs. [LRPC] Jay Chace, Town Planner, gave a brief overview on this Order. Vice Chair Foley opened the public hearing. As there were no comments, the hearing was closed at 7:52 p.m.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section XII.H. Campus Directional Signs, as follows:

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:

Proposed Amendments to Chapter 405, Town of Scarborough Zoning Ordinance, Section XII.H
(Additions shown as underlined, deletions shown as ~~strikethrough~~)

Zoning Ordinance, section XII.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 or Planned 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 or Planned 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, CPD 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 or Planned Development and to provide directions to, from and within said development based on the criteria listed in Section ~~KH~~(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 or Planned Development.

9. The maximum number of signs for the Unified Development or Planned 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 or Planned Development shall be designed as part of the Signage Master Plan.

Vote: 5 Yeas

Order No. 19-032, 7:00 p.m. Public Hearing and second reading on the proposed amendment to Chapter 405B – the Site Plan Review Ordinance, Section III.B. Site Plan Application Procedures & Action. [Ordinance Committee] Jay Chace, Town Planner, gave a brief overview on this Order. Vice Chair Foley opened the public hearing. As there were no comments, the hearing was closed at 7:54 p.m.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendment to Chapter 405B – the Site Plan Review Ordinance, Section III.B. Site Plan Application Procedures & Action, as follows:

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

Proposed Amendments to Chapter 405B, Site Plan Review Ordinance

(Additions shown as underline)

Section III. Administrative & Review Procedures

B. Site Plan Application Procedures & Action

1. An application for site plan review shall be submitted to the Planning Board with the requisite fees and submission requirements, as outlined in Section III(C) of this ordinance. Upon receipt of any application that meets the submission requirements the Town Planner shall schedule the site plan for review on the next available Planning Board meeting agenda. An initial determination as to the completeness of the application shall be made by the Town Planner and Town Engineer, subject to final determination by the Planning Board. The Planning Board reserves the right to request additional plans or information, as stated in Section III(C)(8), depending on the nature of the proposal and its anticipated impacts. The Planning Board may also engage the services of one or more professional consultants to review the materials submitted by the applicant, the cost of which shall be paid by the applicant as provided in Section VI(B) of this ordinance.
2. When an application for site plan review is determined to be complete, the Planning Department shall, at the applicant's expense, give written notification to all abutting property owners within five-hundred (500) feet of the parcel on which the proposed development is located of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least ten (10) days prior to the first meeting at which the complete application is to be reviewed. Failure of any property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For purposes of this section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough. The Planning Board shall provide an opportunity for public comment prior to taking action on any site plan application.
3. No application for site plan review shall be considered complete nor acted upon by the Planning Board until all special exceptions or variances which may be required for a

development have been approved. The Planning Board may conduct its shoreland zoning or subdivision review concurrently with a project's site plan review.

Vote: 5 Yeas.

Order No. 19-039, 7:00 p.m. Public Hearing and action on the new request for Massage License for Yaselis Toohey, d/b/a/ Yaselis Toohey Massage Therapy, located at 10 Plaza Drive, Suite 203. [Town Clerk] The Town Clerk gave a brief overview on this Order. Vice Chair Foley opened the public hearing. As there were no comments, the hearing was closed at 7:55 p.m.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval on the new request for Massage License for Yaselis Toohey, d/b/a/ Yaselis Toohey Massage Therapy, located at 10 Plaza Drive, Suite 203.

Vote: 5 Yeas.

OLD BUSINESS:

Order No. 19-033. Second reading on the proposed amendments to Chapter 601 – the Traffic Ordinance, Section II. Higgins Beach and Section IV-2 Pine Point Co-Op (Time Limit). [Ordinance Committee] Councilor Caterina gave a brief overview on this Order.

The following individual spoke on this:

- David Green of Beech Ridge Road, voiced his concerns on the four handicapped spots that he felt were taken from the commercial fisherman.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the second reading on the proposed amendments to Chapter 601 – the Traffic Ordinance, Section II. Higgins Beach and Section IV-2 Pine Point Co-Op (Time Limit), 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 Town of Scarborough Traffic Ordinance, is amended as follows, by adding the underlined text and deleting the text shown in strikeover type, as show below:

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

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

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

- b. Exempt from paragraph (a) of this subsection are the following:
 - (i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)

- (ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated metered parking spaces, on the ocean side only of Bayview Avenue. From the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1 hour parking shall not be in effect.
[amended November 4, 2015]
- (iii) On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street.
(amended 02/16/2011)
- (iiii) there shall be no parking on any of the other streets year round unless otherwise noted herein.
- c. Upon either side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Dorado Drive.
- d. A five-minute drop-off zone, year round, on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.
- e. Vehicles found in the Higgins Beach Parking lot outside of the posted operational hours will be subject to ticketing as established in Section 22 of this Ordinance.

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

- a. Upon any of the public streets or highways within the area known as Prouts Neck area. For the purpose of this Ordinance, the Prouts Neck area is defined as including the area generally South of the property at 364 Black Point Road, now or formerly owned by Eucharist Archambault on the Prouts Neck Road. (Black Point Road). [Amended 07/16/14]
- b. Black Point Road from Kirkwood Road to Ferry Road. [Amended 11/14/94]

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

- (1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.
- (2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]
- (3) Entire length of Riversands Drive - both sides.
- (4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.
- (5) On both sides of Avenue Five from King Street to the Ocean.
- (6) Driftwood Lane (the entire length - both sides).
- (7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]
 - a. On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]
 - b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]
 - c. From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]
 - d. On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.
 - e. From the Westerly entrance to Conroy's Garage to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".

- (8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.
- (9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]
- (10) On the East Side of Avenue Four from Jones Creek Drive to King Street.
- (11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]
- (12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

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

- (1) On Pine Point Road (formerly Depot Street) from East Grand Avenue to the Ocean.
- (2) On Pine Point Road, both sides, within twenty (20) feet of either side of the driveway opening of the Audubon Nature Center.
- (3) No parking shall be allowed on Pine Point Road from east Grand Avenue to Snow Canning Road, except for within the delineated on-street parking spaces on the southwesterly side of the road. [adopted 03-01-17]

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

- (1) ~~The thirteen (13) parking spaces, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.~~ Pine Point Co-Op (Time Limit - Adopted 11/06/99): The thirteen (13) parking spaced, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.
- (2) Authorized trailer parking slot(s):
 - a) Commercial boat trailer parking (RED)
 - b) Commercial and Recreational boat trailer parking (YELLOW)
- (3) Non-Authorized commercial vehicle(s) and trailer(s) parking within the restricted commercial dirt lot. (Exception recreational drop-off and commercial wholesale buyers.)

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

Order No. 19-040. Act on the request to approve the names to the various committees/boards that were posted at the May 15th Town Council meeting. [Appointments/Negotiations Committee]
Councilor Hamill read the recommendations being presented.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval on the request to approve the names to the various committees/boards that were posted at the May 15th Town Council meeting, as follows:

Coastal Waters and Harbor Committee:

Move Mr. Michael Slavin from 1st Alternate to the full voting position, with at term to expire in 2021 and appoint Mr. Vincent Clough as 1st Alternate, with a term to expire in 2021.

Shellfish Conservation Commission:

Appoint Barney Martin as the 1st Alternate, with a term to expire in 2019.

Transportation Committee:

Appoint Katie Fellowes as the 1st Alternate with a term to expire in 2020.

Zoning Board of Appeals:

Appoint Alton Howe as 1st Alternate with a term to expire in 2019.

Vote: 5 Yeas.

NEW BUSINESS:

Order No. 19-041. First reading and refer to the Planning Board the proposed changes to Chapter 405 – Town of Scarborough Zoning Ordinance, Section VI – Definitions. [Housing Alliance] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the first reading and refer to the Planning Board the proposed changes to Chapter 405 – Town of Scarborough Zoning Ordinance, Section VI – Definitions, to come back to the Town Council upon receipt of the Planning Board's recommendations, for a public hearing, as follows:

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, Section VI. Definitions. is amended as follows:

Affordable Housing:

[Adopted 11/03/2004] [Amended 05/03/2006][Amended 12/03/2014][Amended 12-19-18]

Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

- A. An Owner-Occupied Affordable Housing Unit is a unit which (i) is occupied by its owner; (ii) is owned by Qualifying Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed Income Limitation applicable to the unit.
 - (I) A Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard").
 - (II) Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.
 - (III) The total annual payments of principal and mortgage interest referred to in A(I)(i) may, in the absence of other reasonable estimates, be estimated based on the assumed interest rate and loan term established by the U.S. Department of Housing and Urban Development for housing affordability

limits. In the case of a unit which has ~~two~~ one or fewer bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than ~~two~~ one bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI standard for a household of four (4) people.

B. A Renter-Occupied Affordable Housing Unit is a unit which is leased A Renter-Occupied Affordable Housing Unit is a unit which is leased by a Qualifying Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

(I) A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the “MFI Standard”). To remain a Qualifying Household, the household’s income must remain at or below 140% of the income limitation described in the preceding sentence.

Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Vote: 5 Yeas.

Order No. 19-042. First reading and schedule a public hearing on the request to amend Chapter 1016 – the Garage/Yard Sale Ordinance. [Ordinance Committee] Councilor Caterina gave a brief overview on this Order.

The following individual spoke on this Order:

- Michael Sawyer of Track View Terrace voiced his concerned on the number of yard sales on Pine Point and stated that this should stop. He voice his concerns relating to the traffic in the area as well.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the first reading on the request to amend Chapter 1016 – the Garage/Yard Sale Ordinance, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1016 - the Garage/Yard Sale Ordinance of the Town of Scarborough, Maine, is amended as follows:

**CHAPTER 1016
TOWN OF SCARBOROUGH
GARAGE/YARD SALE ORDINANCE**

PERMIT REQUIRED FOR GARAGE/YARD SALES.

No person shall conduct a garage/yard sale or similar sale of in excess of three (3) items of personal property without first having obtained from the Town Clerk a permit to conduct such sale. The Town Clerk may issue such permit, at a cost of five dollars (\$5.00), to any person proposing to conduct such sale provided that such permit and any sale conducted thereunder shall not be lawful and valid for more than three (3) consecutive days. Signs may be utilized to advertise such sale; provided, however, no such signs shall obstruct or intrude onto any public right-of-way, block the sight vision of any public right-of-way for vehicular or pedestrian traffic, be placed upon any public utility pole, or be placed upon the property of others without their prior consent. Such signs may not be erected or allowed to remain either more than twenty-four (24) hours prior to or more than twenty-four (24) hours after such sale.

The Town Clerk may issue only ~~two (2)~~ six (6) garage/yard sale permits for such sale, whether conducted indoors or out-of-doors, to any person or for a sale on any given residence within a consecutive ~~six-twelve~~-month period. Any sale of this type conducted more frequently than three (3) consecutive days for each ~~six (6)~~ twelve (12) consecutive month period, or any sale conducted without permit, shall be considered a use of land, which must comply with the Scarborough Zoning Ordinance and all licensing ordinances of the Town of Scarborough.

ATTACHING ADVERTISING MATERIAL TO VEHICLES; PLACING MATERIALS IN VEHICLES.

No person shall attach any advertising material of any kind, such as handbills, cards or papers, to the door handle, windshield wiper or any portion of any motor vehicle parked or standing in any street or public place, nor shall any person deposit any such material or samples of any kind within or upon any such vehicle so parked or standing.

PENALTY

The first offense would be a warning; thereafter, any person who shall violate any provision of this ordinance shall be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) may be imposed. Each day that such violation continues to exist shall constitute a separate offense.

Vote: 5 Yeas.

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

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

- Councilor Hamill commented on the Finance Committee and working with Councilor Babine and Councilor Hayes and urged the public to vote. He noted that he would be joining Mike Shaw as a voting member of ecomaine.
- Councilor Donovan gave updates on the Rule and Policies Committee and the Sustainability Committee.
- Councilor Caterina noted that the Ordinance Committee would be meeting on June 20th and asked the public to please attend and voice their opinions on the marijuana topic; she also commented on the Historic Preservation Committee, the Long Range Planning Committee and the MMA Policy Committee
- Councilor Johnson gave an update on the Communications Committee and the joint Communications Committee meeting scheduled for June 25th The next Round Table would be at Blue Point School 6:30 to 8:00 p.m. Thanks to the Chamber for Hosting the Annual meeting.

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

- Bond sales were held today and the rate was 2.48%. There were five bidders and the premium will be used to buy down the interest.
- As a reminder, there will be a workshop on Monday, June 10th relating to the Stormwater MSN Education given by the Planning Department, this is a requirement of the program and he asked that Councilors please attend.
- Torn of the Edge Sports Center in Wesley, MA – this type of facility is could be located on the Downs property
- Looking at Growth in Scarborough
- There would be some Hardship Abatements coming forward to the Town Council at the next meeting.
- He thanked Councilor Babine for his service to the community.

Item 11. Council Member Comments.

- Councilor Johnson spoke on a trip to Wesley, MA to view a sports complex that might come to town – it was great to see the facility – very educational.
- Councilor Caterina spoke on the June 11, 2019, Elections noting that tomorrow would be the last date to vote without a reason.
- Councilor Donovan also spoke on the Edge Sports proposal and the field trip that had been taken.
- Councilor Hamill thanked the Town Manager and town staff for their work on the budget and encouraged voters to go vote on Tuesday.
- Vice Chair Foley congratulated the graduating class; this is a very exciting time and the world is really there for your taking. Stay safe. She reminded residents to get out and vote; let your voice be heard. We need high numbers. She thanked Councilor Babine for his service

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

Vote: 5 Yeas.

Meeting adjourned at 8:31 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk