

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
APPOINTMENTS COMMITTEE MEETING – 6:15 P.M.
REGULAR MEETING – 6:30 P.M.**

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

Item 1. Call to Order.

Item 2. Pledge of Allegiance.

Item 3. Roll Call.

Order No. 14-08. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's Evaluation.

Item 4. General Public Comments.*

Item 5. Minutes: January 18, 2014 – Regular Meeting.

Item 6. Adjustment to the Agenda.

Item 7. Items to be signed: a. Treasurer's Warrants.

Item 8. Non Action Items.

a. Update from Project GRACE regarding the Fuel Assistance Program.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 14-09, 7:00 p.m. Public Hearing and action on the request from Ballantyne Development Inc., to extend the TND Overlay District to include property located at 38 Westwood Avenue – Map U43/Lot 24 [currently zoned R4].

Order No. 14-10, 7:00 p.m. Public Hearing and action on the new request for a liquor license from Arthur P. Gikas d/b/a Pizza Plus, Inc., located at 491 Payne Road.

Order No. 14-11, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Douglas & Linda DuVall, d/b/a Mamie's Farmhouse, located at 97 County Road.

OLD BUSINESS:

Order No. 14-12. Act on the names posted to the various committees/board as recommended by the Appointments Committee on January 15, 2014.

NEW BUSINESS:

Order No. 14-13. First reading and refer to the Planning Board on the proposed amendment to Chapter 405 – the Zoning Ordinance to repeal Contract Zone District 4 - between the Town of Scarborough and Harold P. Burnham II.

Order No. 14-14. Act on the request to accept the \$5,000 donation from the estate of Louis and Tina Fineberg to the Scarborough Fire Department.

Order No. 14-15. Act on the request to accept the following street, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Homer Sands Drive, located in the Cascade Falls Subdivision.

Order No. 13-16. Act on the request to accept the following Easement Deed, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Drainage Easement Deed on property located along Elmwood Avenue at the intersection with Greenacre Lane in the Greenacres Subdivision.

Order No. 13-17. Act on the request from the Deputy Tax Collector to authorize the Town Manager to size a release deed on property located at 91 Ash Swamp Road – Map U3/Lot 31.

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

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Order No. 14-08. Move approval on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's Evaluation.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
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Order No. 14-09. Move approval on the request from Ballantyne Development Inc., to extend the TND Overlay District to include property located at 38 Westwood Avenue – Map U43/Lot 24 [currently zoned R4].

Kerry D. Anderson
P.O. Box 6799
Scarborough, Maine 04070

January 4, 2014

Town Council
Town of Scarborough

Re: Extending TND Overlay district to include U43 Lot 24

Dear Members of the Council,

I am the developer of Eastern Village located in the town center and bounded by Eastern Road, Commerce Drive and Ward Street.

Currently, I am building homes in the phase 2 portion of the development, known as Inspiration Drive and Traditional Street.

I recently purchased a 2 acre parcel that abuts Eastern Village in the northeast portion of the neighborhood. After purchasing this parcel I met with the town planner to explore the possibilities of developing this parcel. Given its location in the heart of Oak Hill and abutting Eastern Village; Dan Bacon identified the TND as a zoning option for the property that enables creativity and flexibility.

The process for electing TND overlay is pretty straightforward and there is a procedure in the Zoning Ordinance Section XVI.A. TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION OVERLAY DISTRICT, TND [adopted 11/03/2004]

H. PROCEDURE FOR ELECTING TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION – An applicant proposing to develop a subdivision pursuant to this section XVI.A shall, prior to applying for subdivision approval, request that the town council designate the applicant's property as eligible to be developed pursuant to the Traditional Neighborhood Development Option Overlay District. Such designation by the Town Council shall not constitute or require an amendment to the Zoning Map or

to this ordinance. The Council shall not act on such request by order; however, prior to acting on the request, the Council shall hold a public hearing, posting and publishing notice of the hearing at least 7 days in advance and mailing notice of the hearing at least 10 days in advance to owners of property abutting or located across a street or way from the subject property. If the Town Council designates the property as eligible for development pursuant to this Section XVI.A, the property shall continue to be within the R-4 Residential District, but shall be subject to the standards of this Section XVI.A where these standards modify the requirements otherwise applicable in the R-4 District.

The procedure above is straight forward, does not require planning board input. Requires no zone map change, and is less time consuming.

The TND Zone is perfectly suited to in-town design standards and bulk and space. The TND Zone complies with the Comprehensive Plan for this area of town that is mostly built out. The TND Zone has density of 4 dwelling units to the acre; but allows for an increase to 5 dwelling units per acre so long as 33% of the additional units are *affordable* as deemed by the Scarborough Affordable Housing Program.

The parcel is rectangular in shape and a beautiful piece of property. The topography rolls gently towards the West. The parcel is currently zoned R-4. The R-4 Zone allows for 4 dwelling units per acre. The R-4 zone does not require sidewalks or street trees. Open space in the form of parks or other usable types. No requirement for thoughtful design or connectivity to road networks; has large front, side and rear setbacks; etc. Not even a requirement for Sewer; but only an option.

The TND Overlay District is more conducive to town center development, and requires a developer to plan the design accordingly.

The parcel abuts what will eventually be a Ward Street connection for Eastern Village to the signalized intersection at the top of the street on Route One. It also has access to Westwood Avenue as another means of connecting to Route One and Black Point Road. Given its location to the town center, road networks, existing R-4 zoning, and Eastern Village; it seems only natural for the TND Overlay to extend over and to include this parcel. *For purposes of history, in 2005 I came before the planning board to request*

direction on all the access points that the town wished for us to use as egress for Eastern Village. Eastern Village currently has frontage and access to Westwood Avenue. At that time, they did not want us to use Westwood Avenue.

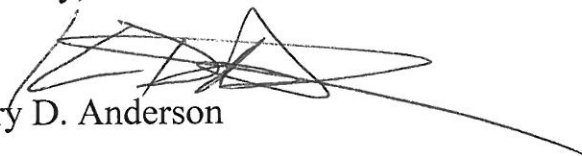
I have not engaged any design work for the parcel. However, given its shape, and current zoning of R-4; it would be a very simple design with house lots to the right and left of a street running right thru the middle of it in an Easterly direction from where it abuts Eastern Village. No need in spending any time on design work, or putting much thought into it, as it will be just like every other subdivision built in every other town in every other state in this country.

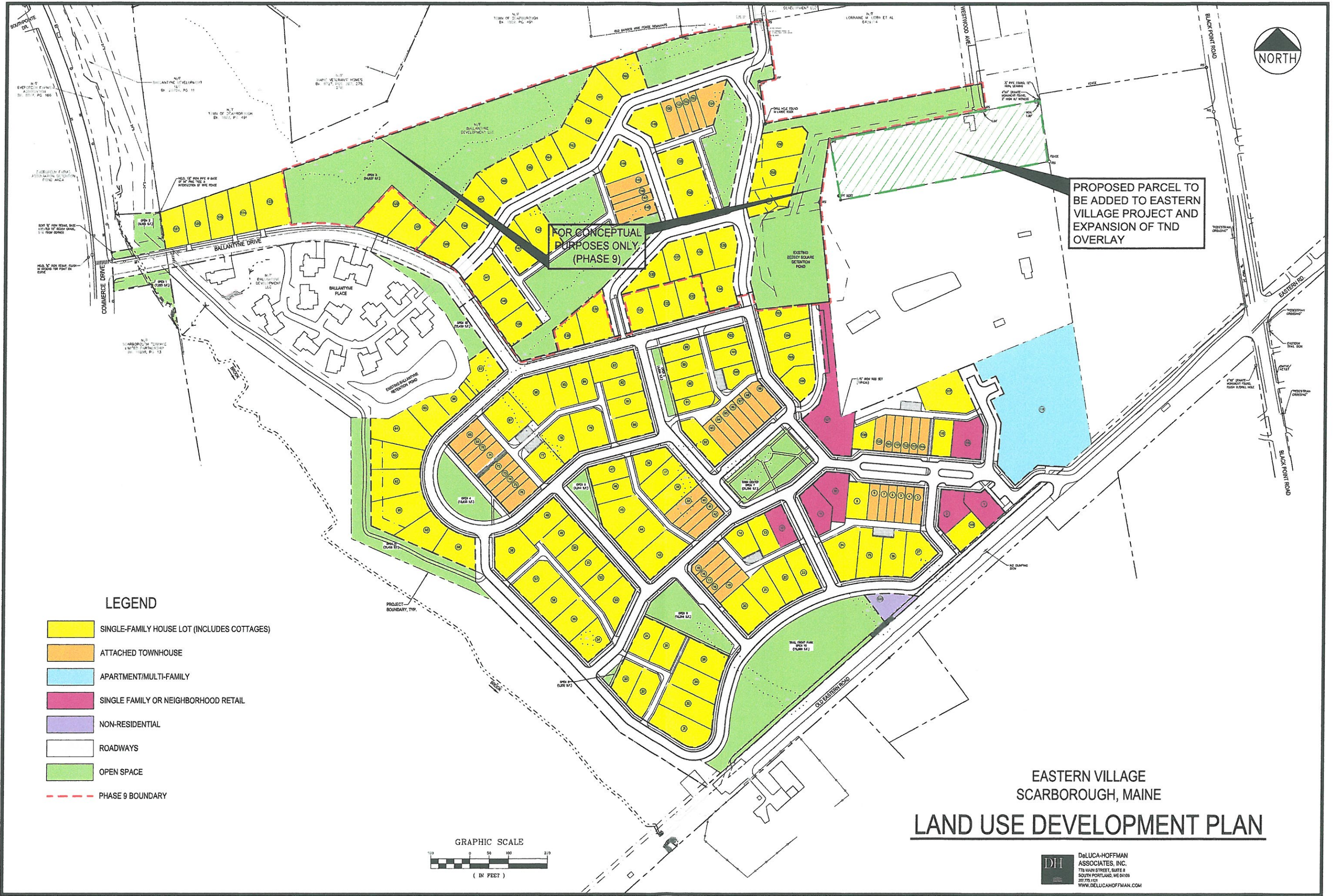
That is why the TND Zone is so special and different. It looks like a neighborhood, it feels like a neighborhood and it works like a neighborhood.

The attached plan shows the parcel and its connection to Eastern Village.

I hope you folks are as proud of what we are building at Eastern Village as we are, and I look forward to discussing this with you.

Sincerely,


Kerry D. Anderson



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 14-10. Move approval on the new request for a7liquor license from Arthur P. Gikas d/b/a Pizza Plus, Inc., located at 491 Payne Road.

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: January 30, 2014

RE: Request for Liquor License

The following applicant is requesting approval of a new Liquor License:

Arthur P. Gikas, d/b/a Pizza Plus, Inc., located at 491 Payne Road

The applicant is in compliance with all Town Departments and is on file with Clerk's Office and it is recommended that this License be approved.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 14-11. Move approval on the new request for a Food Handlers License from Douglas & Linda DuVall, d/b/a Mamie's Farmhouse, located at 97 County Road.

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: January 30, 2014

RE: **Requests for a Food Handlers License**

The following applicants are seeking approval on their new request for a Food Handlers License:

- Douglas & Linda DuVall, d/b/a Mamie's Farmhouse, located at 97 County Road

The completed applications are on file with Clerk's Office and there are no outstanding issues and it is recommended that this license be approved.

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.**

Order No. 14-12. Move approval on the names posted to the various committees/board as recommended by the Appointments Committee on January 15, 2014, as follows:

Shellfish Conservation Commission:

Re-appoint Terry Twomey and Robert Willette, as full voting members with terms to expire in 2016 and move David Green from 1st Alternate to a full voting member with a term to expire in 2014.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 14-13. Move approval of the first reading and refer to the Planning Board the proposed amendment to Chapter 405 – the Zoning Ordinance to repeal Contract Zone District 4 - between the Town of Scarborough and Harold P. Burnham II and schedule the public hearing and second reading upon receipt of the recommendation[s] of the Planning Board.



Town of Scarborough, Maine

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

To: Town Council Members
CC: Thomas Hall, Town Manager
From: Dan Bacon, Planning Director
Subject: Eliminate/Repeal Contract Zone 4
Date: January 24, 2014

As the Town Council likely remembers in 2012, the Town Council, Long Range Planning Committee and area property owners worked on amendments to the zoning in and around Pine Point, including creating a new mixed use zone (the TVC4) that allows for residential, commercial and marine-related activities. This was done in conformance with the Comprehensive Plan and to be more in line with Pine Point's character as both a beach community, but also a mixed use area with marine-based economy.

In the case of the properties at the end of Holly and Bickford Streets, this initiative rezoned these properties from Industrial to TVC4 to enable the future conversion of the Holly Street Industrial Park to either residential or commercial uses more tailored for the Pine Point area.

Since the old industrial zoning didn't allow for residential uses, in 1997 the Town Council at the time worked with the property owner of 24 Bickford Street to establish a contract zone to allow for a single-family residence on that property, which otherwise wouldn't have been permitted.

Now that the underlying zone has been changed to the TVC4, which allows single-family dwellings, this contract zone is no longer necessary. In fact, the contract zone is now more restrictive than the new zone, because it limits the property to one (1) single-family dwelling when the parcel could accommodate more residential development than that under the TVC4's density allowance.

The elimination of this contract zone (CZ4) has been reviewed and is supported by both the property owner and the Town's Long Range Planning Committee (see attached correspondence) and is being forwarded to the Council for consideration. Thank you.

Proposed Amendments to the Zoning Ordinance to Repeal Contract Zone 4:

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

Amend SECTION XXIII. CONTRACT ZONING DISTRICTS by repealing subsection 4 in its entirety as follows (additions are underlined; deletions are struck through):

4. CONTRACT ZONING DISTRICT NUMBER 4

~~Contract Zoning District Number 4 is created and shown on the Official Zoning Map of the Town of Scarborough, Maine. Contract Zoning District 4 is subject to the regulations applicable in the Industrial Zone, I, as modified by the Contract Zoning Agreement between the Town of Scarborough and Harold P. Burnham II, dated November 5, 1997 and attached to this ordinance as Exhibit 4. (November 5, 1997)~~

1. EXHIBIT 4

CONTRACT ZONING AGREEMENT BETWEEN THE TOWN OF SCARBOROUGH AND HAROLD P. BURNHAM, II

~~This Contract Zoning Agreement made the 5th day of November, 1997, by and between the Town of Scarborough, a body corporate and politic located in the County of Cumberland and State of Maine (hereinafter "the Town"), and Harold P. Burnham II, of said Scarborough in the County of Cumberland and State of Maine.~~

~~— Pursuant to the contract zoning provisions of Section II, subsection I of the Scarborough Zoning Ordinance, whereas Burnham intends to purchase a parcel of six (6) acres, more or less at the end of Bickford Street in said Scarborough, and~~

~~— WHEREAS, the property is currently zoned Industrial (I) under the Scarborough Zoning Ordinance, and~~

~~— WHEREAS, the Industrial zone does not allow for residential uses, and~~

~~— WHEREAS, the property is not readily developable for an industrial purpose due to wetland and other issues, and~~

~~— WHEREAS, Burnham wishes to develop said property for one (1) single family residential house lot; and~~

Dated 1-28-14

~~WHEREAS, Burnham has requested a rezoning of the property to permit said single family house lots, and~~

~~WHEREAS, the size, location and configuration of topography of said site would permit such residence to be constructed thereon, and~~

~~WHEREAS, the Scarborough Town Planning Board, pursuant to Section II, paragraph G, subsection III of Zoning Ordinance and 30-A M.R.S.A. §4352(8) after notice of hearing and due deliberation thereon, recommended the rezoning of said property as aforesaid on September 22, 1997, and~~

~~WHEREAS, said rezoning would be consistent with the policies and future land use plan of Part III of the Scarborough Comprehensive Plan, and~~

~~WHEREAS, the Town of Scarborough, by and through its Town Council, has determined that said rezoning would be pursuant to and consistent with the Town's Comprehensive Plan and consistent with existing permitted uses within the original zoning district classification and has authorized the execution of this Contract Zoning Agreement,~~

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

~~1. The Town will amend the zoning map of the Town of Scarborough by adopting the map change amendment shown on attachment 1.~~

~~2. Burnham is authorized to construct one (1) single family residence on the property, said structure to be constructed within one (1) year after execution of this agreement. No further subdivision by lot or building shall be allowed on the property and no other uses shall be allowed on the property, except for structures and uses accessory to the one single family residence.~~

~~3. Burnham shall record this Contract Zoning Agreement in Cumberland County Registry of Deeds within thirty (30) days after approval by the Scarborough Town Council.~~

~~4. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the property except as this Contract Zoning Agreement may be amended by future written agreement of the Town of Scarborough and said Burnham.~~

~~5. This is the sole zoning for the property and except as otherwise set forth in this contract all other requirements of the underlying zoning district shall apply. These restrictions, provisions and conditions are an essential part of the rezoning and shall run with the property and bind Burnham and his heirs and assigns of said property and shall inure to the benefit of and be enforceable by the Town of Scarborough. Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the zoning ordinance of the Town of Scarborough and any applicable amendments thereto or replacement thereof.~~

~~6. In the event that said Burnham or his heirs and assigns shall fail to develop said residence in accordance with this contract or in the event of any other breach hereof, this contract may be~~

Dated 1-28-14

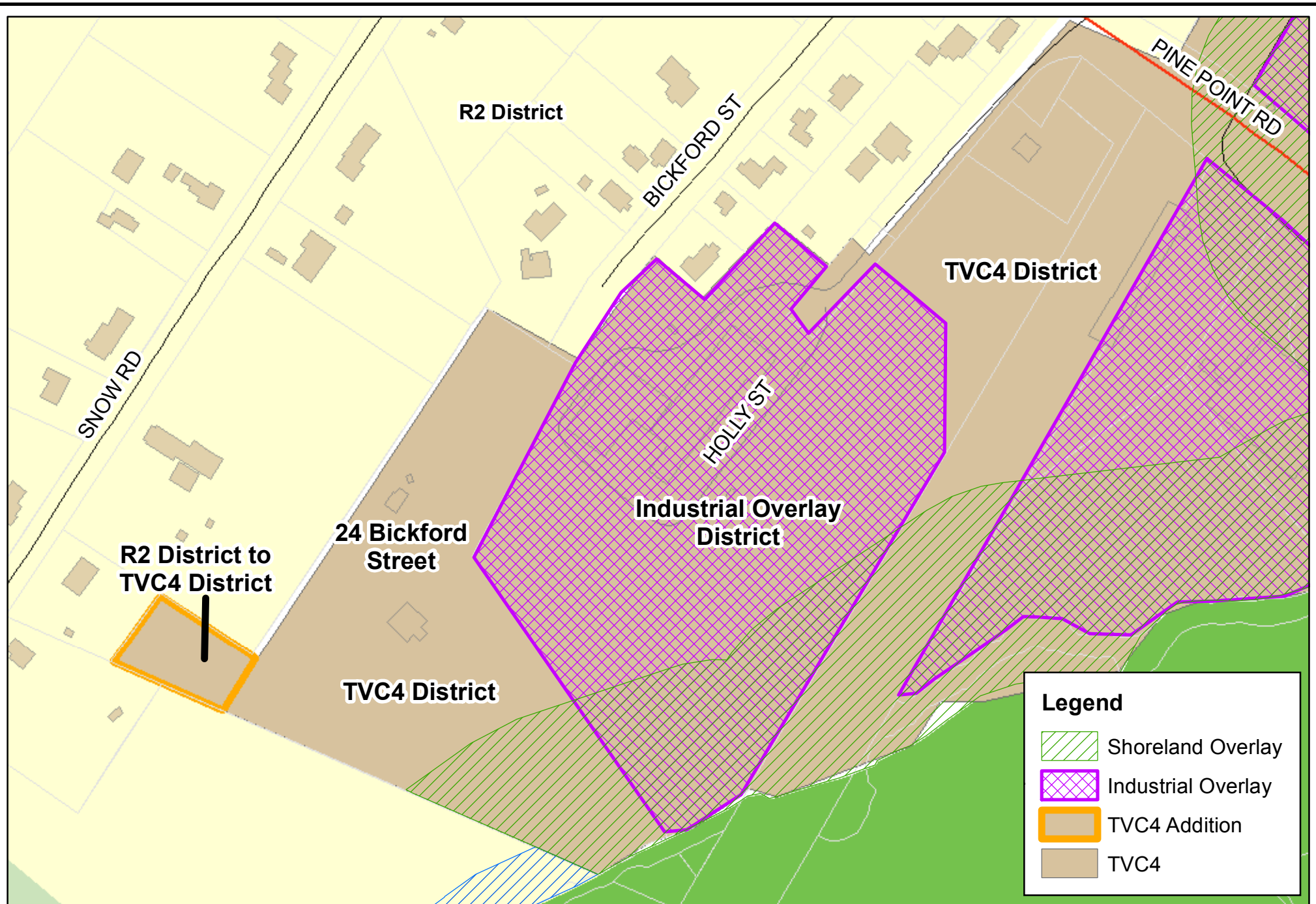
~~terminated by the Scarborough Town Council. In that event, the property may then be used for only such uses as are otherwise allowed by law.~~

~~WITNESS: _____ TOWN OF SCARBOROUGH~~

~~/s/ Laurel R. Nadeau _____ /s/ Carl L. Betterley, Its Town Manager~~

~~_____ duly authorized by vote of the Scarborough Town~~

~~_____ Council on November 5, 1997~~

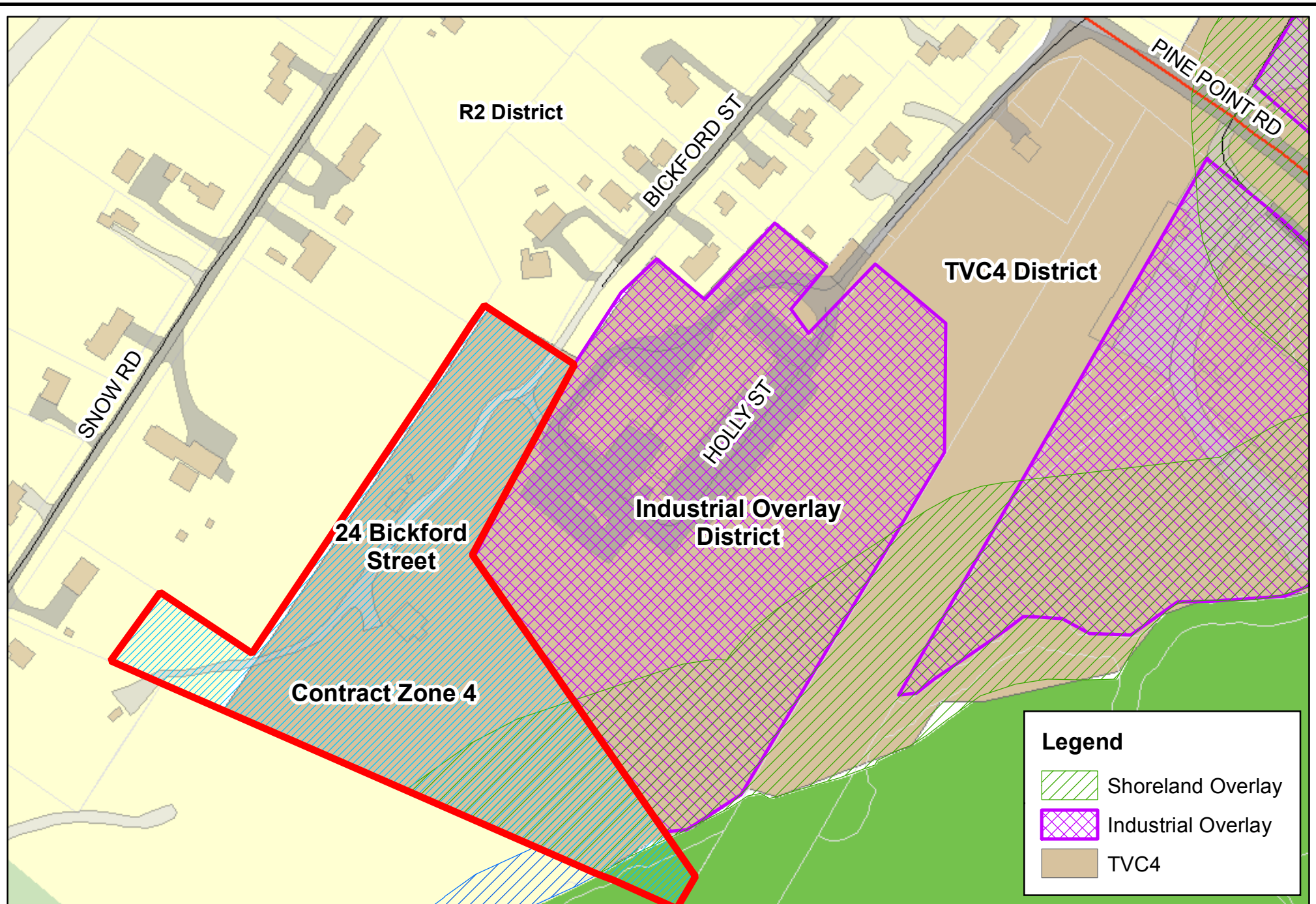


Scarborough Public Works
20 Washinton Ave
Scarborough, ME 04074

Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.



**Proposed Elimination of Contract Zone 4 -
24 Bickford & Surrounding Area**



Scarborough Public Works
20 Washinton Ave
Scarborough, ME 04074

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**Current Zoning - 24 Bickford
& Surrounding Area**

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 14-14. Move approval on the request to accept the \$5,000 donation from the estate of Louis and Tina Fineberg to the Scarborough Fire Department.

JONES & WARREN, P.A.
ATTORNEYS AT LAW
A Professional Association

JEFFREY W. JONES

Oak Hill Professional Building
243 U.S. Route One
Scarborough, ME 04074
(207) 883-4167

E-mail: jjones@jwlawfirm.com
FAX (207) 883-3866

January 13, 2014

Thomas Hall, Town Manager
Scarborough Fire Department
c/o Town of Scarborough
P.O. Box 360
Scarborough, ME 04070

RE: Estate of Louis Fineberg

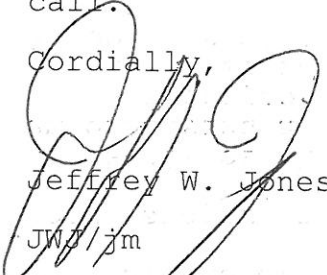
Dear Manager Hall:

On behalf of the estate of Louis Fineberg, and his wife Tina, I am enclosing a check in the amount of \$5,000.00, payable to the Town of Scarborough, for use in the Scarborough Fire Department as an unrestricted donation, pursuant to the terms of Mr. Fineberg's will.

As you know, Mr. Fineberg lived at Pine Point the last 50 years of his life and was a musician by trade. In the early days, Mr. and Mrs. Fineberg owned the Music Mart in Portland. During the last 2 years of his life, Mr. Fineberg donated over \$100,000.00 to the Scarborough School Department which has been used to help fund the Backpack for Children program through the School Nutrition Department and has created seed money for the Scarborough Education Foundation. Another significant donation will be made in 2014 to the Scarborough School System on behalf of the Finebergs in the final settlement of the estate. I am enclosing a copy of Mr. Fineberg's obituary to provide you with more background on his life and family.

Should you have any questions, please feel free to give me a call.

Cordially,



Jeffrey W. Jones

JWJ/jm

Enclosures

Louis Fineberg, 101

SCARBOROUGH — Louis Fineberg, at 101 years, passed away at his residence, Scarborough Terrace, on April 30, 2013. He was born in Lily, Nova Scotia to Morris Jacob and Freda Udovin Fineberg on April 14, 1912.



Louis Fineberg

The Fineberg family moved into Maine and settled in Portland, where the children were raised. Louis was born into a musical family where everyone played musical instruments. In fact the Fineberg family was often asked to provide music for area functions. Thus it was natural for Louis to continue his musical training in college.

He met and married Tina Horwich, who shared his passion for music, and settled in Portland, where they raised their two daughters, Fraya and Lois. They were happily married for over 70 years.

Louie, as he was fondly called, played on the vaudeville circuit, the Ice Capades, and had his own radio show on WCSH. He was invited to join the Navy and became a member of the Admiral's Band. After his years with the Navy, he with his beloved wife, Tina, owned and operated the Music Mart on Congress for 28 years, and assisted many, especially young people, with their musical careers.

He was predeceased by his father, mother, sister, Ida Score, and brothers, Hyman, Benjamin, Al, and Sam, and beloved wife, Tina. He is survived by his sisters, Alice Winer of Ft. Lauderdale, Fla. and Rose Berlowitz of Orlando, Fla.; two daughters, Fraya of Houston, Texas, and Lois and family of Standish, nieces and nephews.

Special thanks is given to the staff at Scarborough Terrace for their loving care over the past four years.

A graveside service will be held at the Temple Beth El Memorial Park, at 1:00 p.m. on Sunday, May 5, 2013.

In lieu of flowers, donations may be given to a charity of one's choice

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 14-15. Move approval on the request to accept the following street, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Homer Sands Drive, located in the Cascade Falls Subdivision.



Town of Scarborough, Maine

P.O. BOX 360 • SCARBOROUGH, MAINE 04070-0360

MEMORANDUM

TO: Thomas Hall, Town Manager
Town Council

FROM: Jim Wendel, PE, Town Engineer *JW*

DATE: January 23, 2014

RE: Street Acceptance-Cascade Falls Subdivision
Homer Sands Drive

Pursuant to 23 MRSA 3025 and to the requirements of Section 4 of the Scarborough Street Acceptance Ordinance KAAB, LLC hereby petitions the Town Council to accept the public infrastructure of Homer Sands Drive subdivision as shown on the amended plans approved by the Planning Board on June 24, 2013.

Staff has concluded that KAAB, LLC has met their obligation to the Town of Scarborough. The public infrastructure has been inspected by this office during construction and found the work to be in compliance with the subdivision approval and the street acceptance specifications. Further, all required documentation has been submitted, reviewed by Staff and found to be satisfactory and in compliance with the Street Acceptance Ordinance.

Attached for your review is a GIS aerial locus map showing the location of the development.

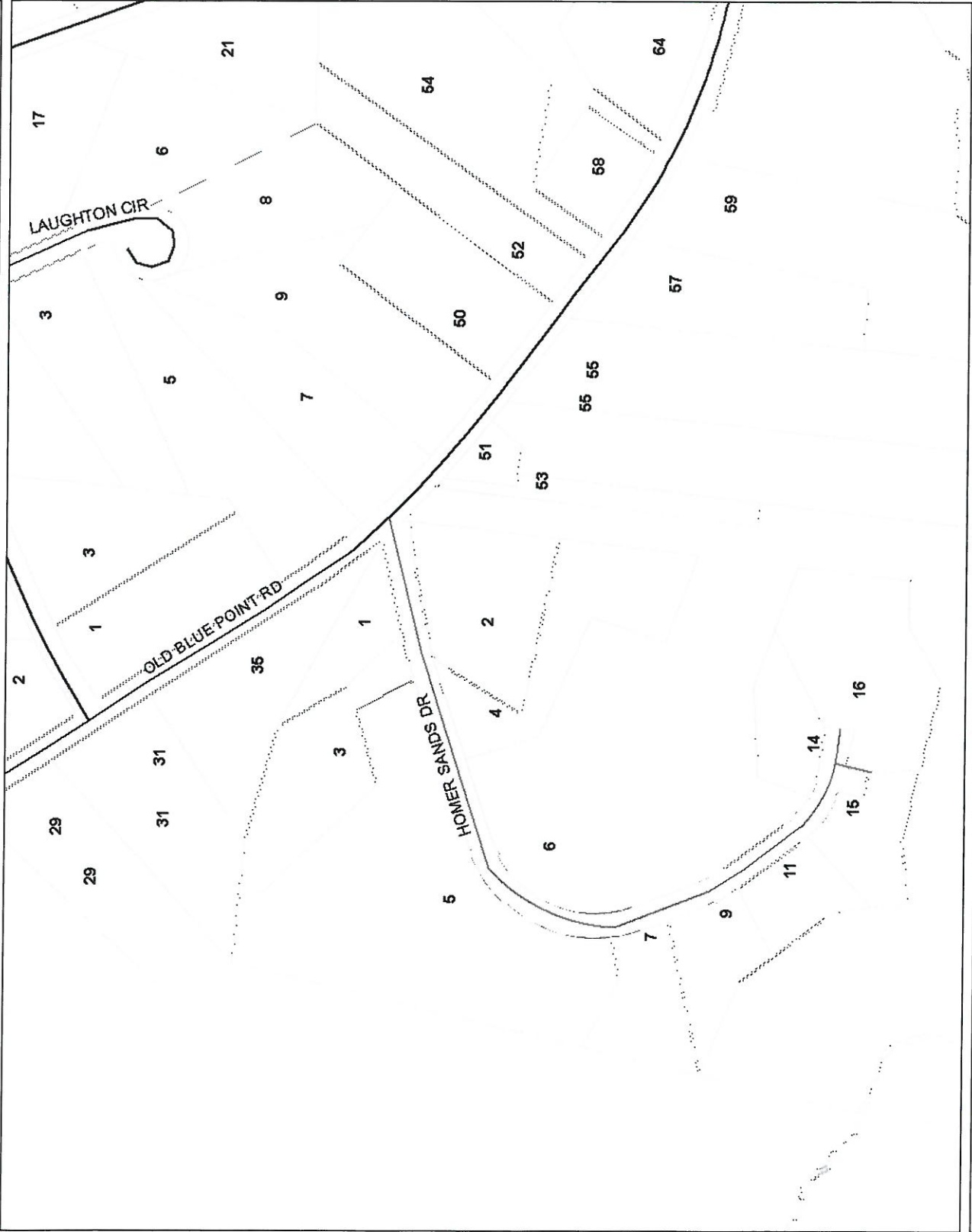
Staff recommends the Council accept the right of way parcel, easements and the infrastructure as detailed in the warranty and easement deeds for the development.

Thank you,

C: Mike Shaw, Director of Public Works
Aaron D. Bateman, KAAB, LLC
Phil Saucier, BSSN, w/original executed deeds and MRETT Form



Cascade Falls Subdivision-Homer Sands Drive



Legend

- Address Points
- Road Centerlines
- Highway
 - State Road
 - Town Road
 - Private Road
 - Private Driveway
 - Trail
 - Not Yet Built
- Light Parcel Lines
- Dark Parcel Lines
- *Parcels with Owner Info
- Townlines
- Coastline & Major Rivers
- Surrounding Towns

1:3,600



Notes

This map was automatically generated using the Town of Scarborough WebGIS.

Disclaimer

This map is a user generated static output from the Town of Scarborough internet mapping site (WebGIS) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Town of Scarborough, Maine

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 13-16. Move approval on the request to accept the following Easement Deed, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Drainage Easement Deed on property located along Elmwood Avenue at the intersection with Greenacre Lane in the Greenacres Subdivision.



Town of Scarborough, Maine

P.O. BOX 360 • SCARBOROUGH, MAINE 04070-0360

MEMORANDUM

TO: Thomas Hall, Town Manager
Council

FROM: Jim Wendel, PE, Town Engineer 

DATE: January 22, 2014

RE: Greenacres Subdivision-7 Lots, Frustaci, Drainage Easement

Joe Frustaci, development owner, pursuant to the conditions of subdivision approval, requests that the Council accept a drainage easement.

The easement is located in the frontage of the two lots along Elmwood Avenue at the intersection with Greenacre Lane. A GIS aerial map is attached for orientation.

The submission of the easement deed to the town is the final condition of subdivision approval to be met by Mr. Frustaci. In December of 2012 the Council accepted an open space parcel and additional right of way for Greenacre Lane.

Staff recommends the Council accept the drainage easement deed as executed and submitted.

Thank you,

C: Joe Frustaci, Star Homes, Inc.



Greenacre Lane



Legend

- Railroad
- Road Centerlines
 - Highway
 - State Road
 - Town Road
 - Private Road
 - Private Driveway
 - Trail
 - Not Yet Built
- Light Parcel Lines
- Dark Parcel Lines
- *Parcels with Owner Info
- Townlines
- Coastline & Major Rivers
- Central_Coastal_2006_25m
- Central_Coastal_2006
- Surrounding Towns

1:2,400

Notes

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AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 12, 2014
REGULAR MEETING – 6:30 P.M.

Order No. 13-17. Act on the request from the Deputy Tax Collector to authorize the Town Manager to size a release deed on property located at 91 Ash Swamp Road – Map U3/Lot 31.



Town of Scarborough, Maine

P.O. BOX 360 • SCARBOROUGH, MAINE 04070-0360

Memo To: Thomas J. Hall
Town Manager

From: Lisa M. Saulle
Deputy Tax Collector

Date: February 5, 2014

Re: Release Deed for Map U 3 Lot 31 (Now map R026 Lot 018)

Please request permission from the Town Council to sign the attached release deed for property located at 91 Ash Swamp Road. The purpose of this deed is to release any interest the Town may have in this property from tax liens filed from July 5, 1972.

Real estate taxes are currently paid through December 31, 2013

RELEASE DEED

The **TOWN OF SCARBOROUGH**, a body politic located in Scarborough, Cumberland County, State of Maine releases to James A & Nancy R. Capelle, their heirs, successors and assigns, the real property in the town of Scarborough, Cumberland County, State of Maine, described as follows:

A certain lot or parcel of land, with the buildings thereon, situated in said Scarborough, bounded and described as follows: Beginning at the west corner of the land now or formerly of Enos Dolly on the so-called Black Ash Road, and running northeasterly by Dolly's land sixty-six (66) rods to the land now or formerly of James H. Thurston; hence northwesterly by said Thurston's land thirty and one-half ($30\frac{1}{2}$) rods; thence southwesterly by the land now or formerly of John R Merrill sixty-four (64) rods, to said road; thence by said road southeasterly twenty-eight (28) rods and six (6) links to the first mentioned bounds; containing eleven (11) acres and one hundred fifty (150) square rods of land.

Also another certain lot or parcel of land with the buildings thereon, situated in said Scarborough bounded and described as follows: On the northerly side of Ash Swamp Road, bounded on the south by said Ash Swamp Road; on the west by the land now or formerly of James Thurston; on the north by the land of said Thurston; on the east by the land now or formerly of one Dow; said line running to said Ash Swamp Road to a hub; said lot containing about sixteen (16) acres, more or less, and known as the Rackleff lot.

Being the same premises conveyed to these grantors by John B. Boivin et al by deed dated April 30, 1959, recorded in Cumberland County Registry of Deeds in Book 2468, Page 207.

The purpose of this deed is to release any interest the Town of Scarborough may have in the above described property by virtue of tax liens filed as follows:

Town of Scarborough tax lien dated July 5, 1972 and recorded in the Cumberland County Registry of Deeds in Book 3262 Page 245; and

In witness whereof, the said Town of Scarborough has caused this instrument to be signed in its corporate name by Thomas J. Hall, its Town Manager, duly authorized, this 6th day of November, 2013

WITNESS:

TOWN OF SCARBOROUGH

Printed Name

By: _____
Thomas J. Hall
Its Town Manager

State of Maine
County of Cumberland, ss

November 6, 2013

PERSONALLY APPEARED the above-named Thomas J Hall, duly authorized Town Manager of the Town of Scarborough, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of the Town of Scarborough.

Before me,

Notary Public/Attorney at Law
Print Name: Yolande P Justice
Notary Commission Expires: 10-31-2015

3324
Know all Men by These Presents, That

We, Floyd Preston and Philena Preston, both of Scarborough, County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations

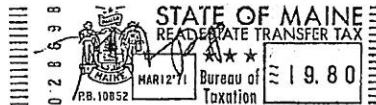
paid by James A. Capelle and Nancy R. Capelle, both of said Scarborough,

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said James A. Capelle and Nancy R. Capelle, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them forever,

A certain lot or parcel of land with the buildings thereon, situated in said Scarborough, bounded and described as follows: Beginning at the west corner of the land now or formerly of Enos Dolly on the so-called Black Ash Road, and running northeasterly by Dolly's land sixty-six (66) rods to the land now or formerly of James H. Thurston; thence northwesterly by said Thurston's land thirty and one-half (30½) rods; thence southwesterly by the land now or formerly of John R. Merrill sixty-four (64) rods, to said road; thence by said road southeasterly twenty-eight (28) rods and six (6) links to the first mentioned bounds; containing eleven (11) acres and one hundred fifty (150) square rods of land.

Also another certain lot or parcel of land with the buildings thereon, situated in said Scarborough, bounded and described as follows: On the northerly side of the Ash Swamp Road, bounded on the south by said Ash Swamp Road; on the west by the land now or formerly of James Thurston; on the north by the land of said Thurston; on the east by the land now or formerly of one Dow; said line running to said Ash Swamp Road to a hub; said lot containing about sixteen (16) acres, more or less, and known as the Rackleff lot.

Being the same premises conveyed to these grantors by John B. Boivin et al by deed dated April 30, 1959, recorded in Cumberland County Registry of Deeds in Book 2468, Page 207;



To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said James A. Capelle and Nancy R. Capelle, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, to

their use and behoof forever. And we do covenant with the said Grantees, as aforesaid, their heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances, that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our heirs and assigns shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, we, the said Floyd Preston and Philena Preston, husband and wife,

joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this twelfth day of March in the year of our Lord one thousand nine hundred and seventy-one.

Signed, Sealed and Delivered in presence of

Edward R. Perry
Philip G. Frederick

Floyd Preston
Philena Preston

State of Maine, Cumberland ss.
Personally appeared the above named Floyd Preston

March 12, 1971.

and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Edward R. Perry

Notary Public.
Justice of the Peace

STATE OF MAINE, CUMBERLAND COUNTY, SS.

REGISTRY OF DEEDS

Received MAR 12 1971
in BOOK 3162 PAGE 402

Attest:

at 4 o'clock 35 m. P. M., and recorded

W. Lester King

Register.



(To be recorded in Registry of Deeds)

TAX COLLECTOR'S LIEN CERTIFICATE (TITLE 36, M. R. S. A., Sections 942 and 943, as amended)

NOTE: This certificate must be recorded in the Registry of Deeds of the county or registry district where said real estate is situated. After the expiration of eight months and within one year after the date of commitment of the tax, the collecting officer serves or mails a ten day written notice (Form No. T332) and after the expiration of that ten day notice and within ten days after said expiration, Collector records this certificate in said registry.

State of Maine

I, Robert D. Steele, Tax Collector of the Municipality of Scarborough, in the County of Cumberland, said taxes having been duly and legally committed to me for collection on the 22nd day of September, 1971, hereby certify that a tax of Five hundred thirty-seven dollars and sixty-one cents, duly and legally assessed to real estate in said Municipality, and assessed against James A. & Nancy R. Capelle, of Scarborough, as owner ~~xxxxxx~~ thereof, said real estate being bounded and described as follows:

MAP B3 LOT 31 OF THE 1971 ASSESSMENT

PLAT OF THE MAP DATED APRIL 1, 1958

RECEIVED 1971 FILE AT THE

TOWN CLERK

DEED RECORDED IN THE COUNTY REGISTRY OF

DEEDS, BOOK PAGE

together with interest of Twenty-eight dollars and sixty cents, which has been added to and become a part of said tax, and also one dollar to this officer for making the demand, a total of Five hundred sixty-seven dollars and twenty-one cents, remains unpaid; that a lien is claimed on said real estate, above described, to secure the payment of the said tax; that a demand for payment of said tax has been made of the said James A. & Nancy R. Capelle,

~~xxxxxx~~ by my sending by registered mail to his last known place of abode at 91 Ash Swamp Road, Scarborough, Maine, on the 16th day of June, 1972, a notice in writing signed by me stating the amount of said tax, describing the real estate on which said tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of said tax, and demanding payment of said tax and costs within 10 days after ~~xxxxxx~~ mailing of said notice, in accordance with the provisions of Title 36, M. R. S. A., Sections 942 and 943, as amended.

Additional Costs:
Filing, Recording and
Discharging Lien 4.00
Registered Mail, true
copies, \$...53

Total: \$4.53

Municipality of Scarborough

STATE OF MAINE

Cumberland, ss.

JUL 5 1972, 19.

Then personally appeared the above subscribed Robert D. Steele, Tax Collector, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary Public.

JUL 5 1972

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 2 H. 25 R.N. and recorded inBOOK 3262 PAGE 245 Register

* Strike out "tenant in possession" where assessed to "owner" and vice versa.

* If an owner or tenant in possession of real estate to whom said real estate is taxed shall die before such demand is made on him, such demand may be made upon the executor or administrator of his estate or upon any of his heirs or devisees. Title 36, M. R. S. A., Section 942 as amended.

* If Municipality did not vote interest, strike out text between dashes. Title 36, M. R. S. A., Section 943, as amended.

* Where served strike out "mailing" and vice versa.

NOTE: When the undivided real estate of a deceased person has been assessed to his heirs or devisees without designating any of them by name, it will be sufficient to record in said registry this certificate in the name of the heirs or the devisees of said decedent without designating them by name, BUT THE HEIRS OR DEVISEES MUST FIRST HAVE NOTICE IN HAND, AT ADOPT OR BY MAIL.

RE: INSTRUCTION TO COLLECTOR: Make written record of time of service of Tax Collector's Notice No. T332, and of recording No. T332 in Registry of Deeds, and of filing No. T331 with Municipality Treasurer, and of mailing No. T333 by registered mail to Mortgage Holders and of mailing No. T335B by registered mail to each unassessed Record Owner. If copies are made and kept not less than 100, you will have useful record of compliance with the Statutes.