

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
TOWN COUNCIL WORKSHOP ON REPORT
FROM AD-HOC ANIMAL CONTROL COMMITTEE – 6:00 P.M.
REGULAR MEETING – 7:00 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.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: February 19, 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 the Ad-Hoc Transportation Advisory Committee.

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

Order No. 14-13, 7:30 p.m. Public hearing and second reading 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.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 14-24. First reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Zoning Ordinance, to add historic preservation and wildlife review standards to enable Municipal Capacity of DEP Site Law Review.

Order No. 14-25. First reading and schedule a public hearing on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, to add historic preservation and wildlife review standards to enable Municipal Capacity of DEP Site Law Review.

Order No. 14-26. First reading and schedule a public hearing on the proposed amendments to Chapter 406 – the Subdivision Ordinance, to add historic preservation and wildlife review standards to enable Municipal Capacity of DEP Site Law Review.

Order No. 14-27. Act on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 25th to May 15th.

Order No. 14-28. Act on the request to authorize the Town Manager to sign and accept the sewer easement with the Sea Ridge Sub-division Homeowners Association.

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-13. Move approval of the second reading 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.



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~~

~~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

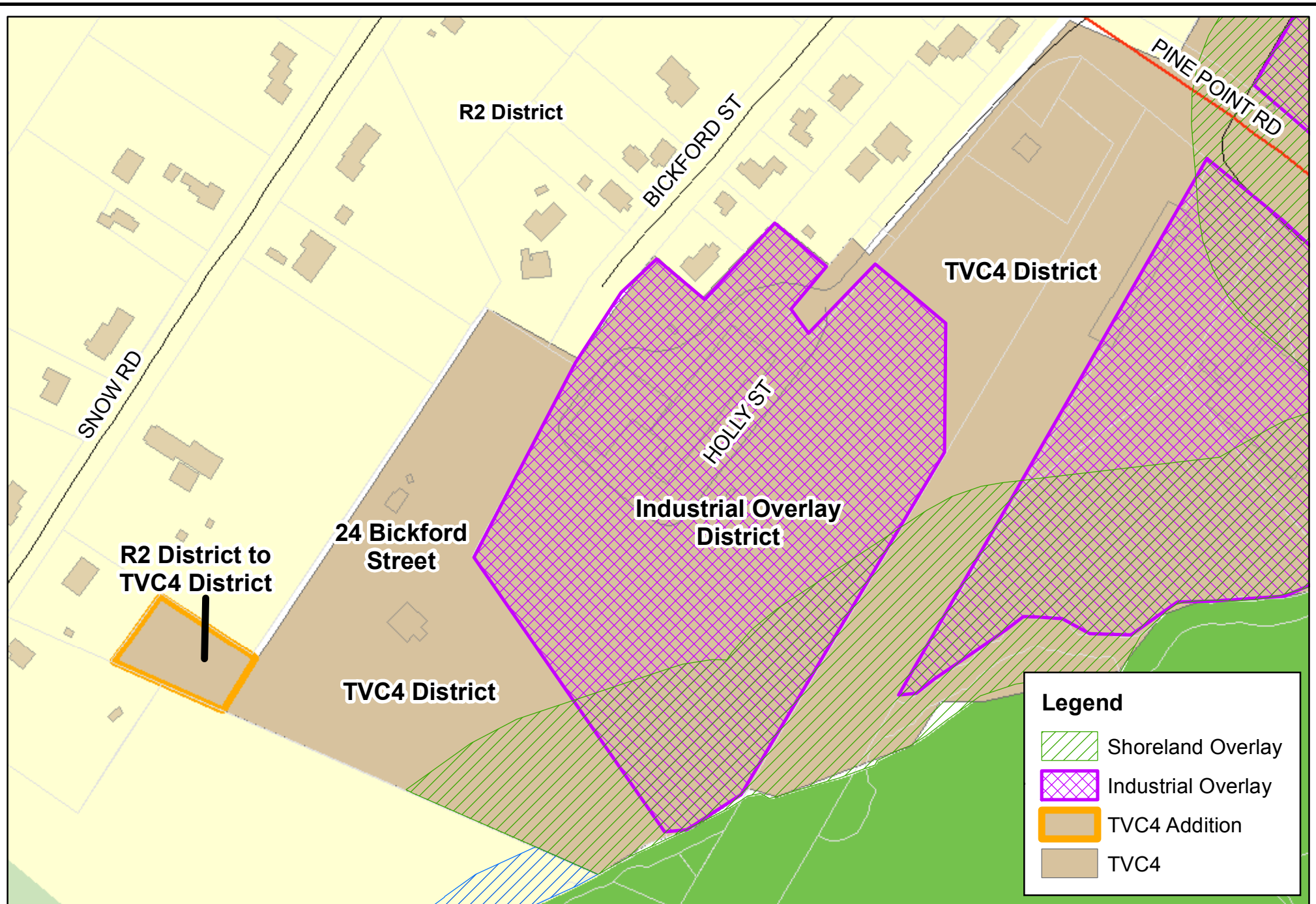
~~terminated by the Scarborough Town Council. In that event, the property may then be used for only such uses as are otherwise allowed by law.~~

~~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~~

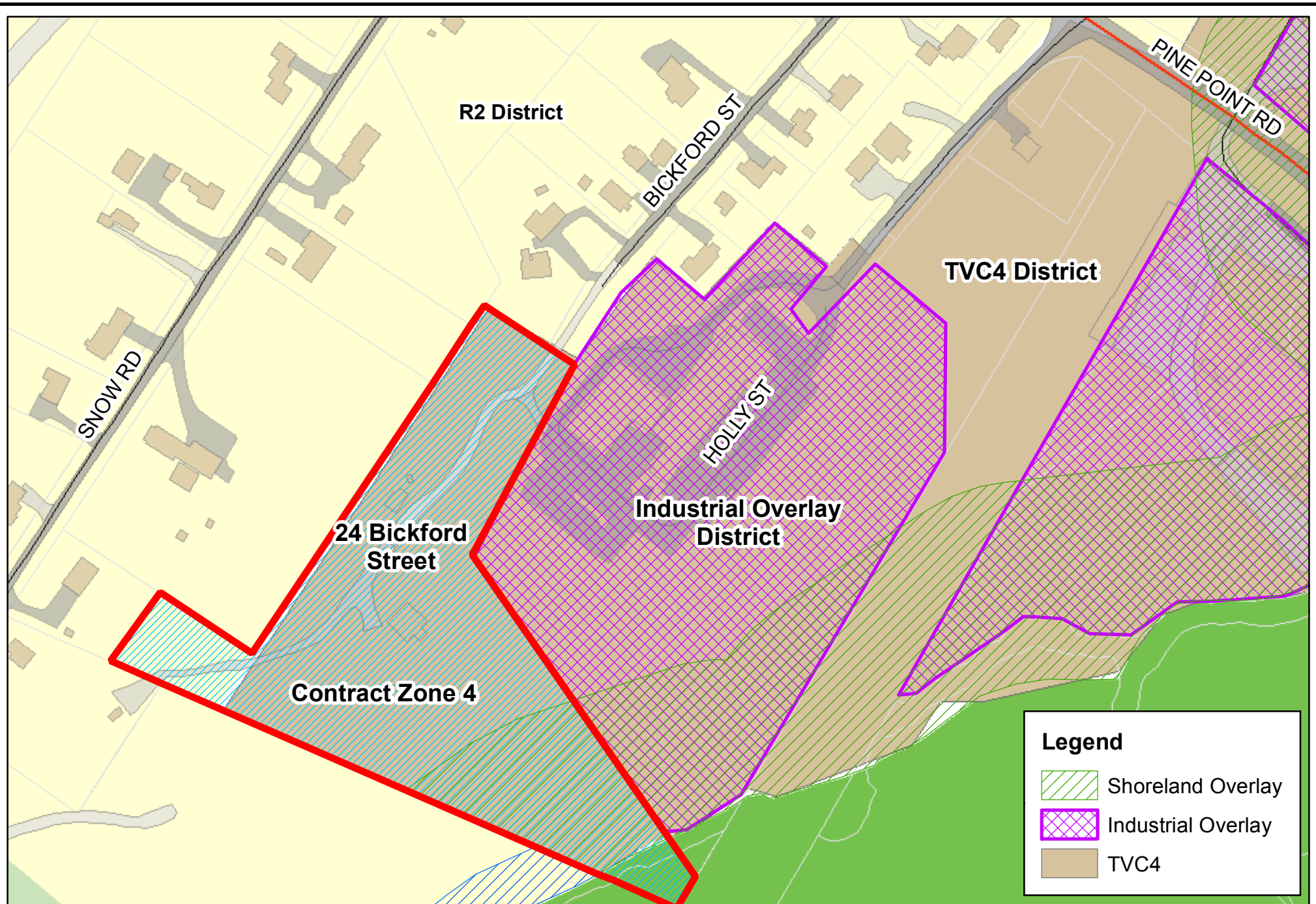


Scarborough Public Works
20 Washinton Ave
Scarborough, ME 04074

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**

Town of Scarborough

Planning Board February 24, 2014
Postponed from February 17, 2014

MINUTES

Members Present Staff

Ms. Auglis Mr. Bacon, Town Planner
Mr. Bouffard Ms. Logan, Recording Secretary
Mr. Dupont
Mr. Fellows
Mr. McGee
Mr. Paul

1. Call to Order

Mr. Paul called that meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; Mr. Mazer was present. Mr. Paul authorized Mr. Dupont to vote.

3. Approval of Minutes (January 27, 2014)

Mr. Paul moved to approve the minutes of January 27, 2014; Mr. Bouffard seconded.

Voted 4-0-1 – Mr. Fellows abstained.

4. The Planning Board will conduct a public hearing to receive input regarding a proposed amendment to the Zoning Ordinance to repeal Contract Zone 4 between the Town of Scarborough and Harold Burnham for property off Bickford Street*

Mr. Bacon explained that the Pine Point area had been rezoned including the properties at the end of Bickford and Holly Streets which were rezoned from the Industrial Zone to the TVC-4 Zone. He stated that this modernized the development in the area for a mixed use zone allowing residential and light commercial uses. Mr. Bacon stated that 24 Bickford Street was under a Contract Zone for a single family dwelling in the Industrial Zone; he stated that now that the TVC-4 Zone allowed residential use the Contract Zone was obsolete and unnecessary and this amendment would remove the Contract Zone and put this property in the TVC-4 Zone. He stated that the small portion of the lot remaining in the R-2 Zone would be changed to the TVC-4 Zone to follow the property line and this lot would not be split by a zone line. He stated that the Town Council had approved the first reading and this would now go back to them.

Mr. Paul opened the public hearing; no one spoke for or against the amendment; Mr. Paul closed the public hearing.

Mr. Fellows stated that he supported this amendment. To a question from Mr. McGee, Mr. Bacon replied that this would be a TVC-4 Zone rather than the nearby R-2 Zone because the Contract Zone was an over-lay of the TVC-4 Zone which had been changed from the Industrial Zone. Mr. Paul stated that he liked to see Contract Zones eliminated because they took away any control from the Planning Board and it was good to have an entire lot in one zone. He stated that, based on the comments from the Board, a positive recommendation was sent to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-24. Move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Zoning Ordinance, to add historic preservation and wildlife review standards to enable Municipal Capacity of DEP Site Law Review and schedule the public hearing following the filing of the Planning Board's recommendation.



Town of Scarborough, Maine

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

To: Town Councilors and Tom Hall, Town Manager

From: Dan Bacon, Planning Director

Subject: Proposed Ordinance Amendments to enable Municipal Capacity of DEP's Site Law Review

Date: February 28, 2014

In an effort to streamline the development review and permitting process for larger development projects; to eliminate some of the duplicative review that currently occurs between the Planning Board and the Maine Department of Environmental Protection (DEP) permitting; and as an incentive to encourage and direct new development to our growth areas in Town, the Planning Department has applied to DEP for "municipal capacity" of the DEP Site Location of Development Review (also known as Site Law).

DEP's Site Law is the State level permitting that is required with larger development projects of 3 acres or greater of new development or larger subdivisions of 15 lots and 30 acres and greater or amendments to such projects. This DEP review covers much of the same review criteria as our local zoning, site plan review and subdivision review standards and can be an expensive and time consuming process for applicants (Site Law can take up to 6 months and cost \$20,000 to \$50,000 in fees and soft costs). Given the comprehensive nature of our local land use standards, we felt we were in a good position to apply for and receive "municipal capacity" of this State level review, which essentially means that Town and its local ordinances, Planning Board and staff have the "capacity" to review these larger projects and that DEP Site Law review would no longer be required in the Town's growth areas.

Since we applied to DEP for this capacity back in September of 2013 we've been working with the State and outlining our ordinances, standards and review processes to them. After their thorough review, they've determined that we will be entitled to municipal capacity if we make a few addition ordinance amendments that add more scrutiny of historic and archeological resources and give the Maine Historic Preservation Commission and the Maine Inland Fisheries and Wildlife Departments opportunities to review and comment on the larger projects that would have been

under their jurisdiction through Site Law. The need for additional review and emphasis on historic preservation also dovetails nicely with the current efforts by the Town's Historic Preservation Committee.

To this end, we're proposing amendments to the Zoning Ordinance, Site Plan Review Ordinance and Subdivision Ordinance that add a clear step in the development review process to identify whether there is a historic structure or landmark present and explore ways for preservation, but not make it a requirement. Further, these amendments add the step for larger development projects to send an application to the Maine Historic Preservation Commission and the Maine Inland Fisheries and Wildlife Departments for review and comment before any local approvals are issued. We these changes, we've been assured approve for municipal capacity.

This initiative has also been reviewed by the Long Range Planning Committee and has received their endorsement. Given that municipal capacity has only been granted to a few other communities in our region, this streamlining can be a further incentive in attracting new commercial development and continuing our efforts to be comprehensive, fair and efficient in our development review process.

As a final note, it should also be made clear that this municipal capacity does not substitute for any State-level Natural Resource Protection Act reviews, which is required when wetlands are proposed to be filled or habitat of endangered species infringed on. So this capacity will not bypass critical State level environmental reviews that are important to the protecting the Marsh, our rivers and streams, critical wildlife areas, etc.

Thank you.

February 27, 2014

Proposed Amendments to Chapter 405 the Zoning Ordinance Relative to Historic and Archeological Resources and Municipal Capacity

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:

Proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through.

1. Amend Section VIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection D. SITE INVENTORY AND ANALYSIS PHASE 1.b.) by adding the following:

- b) Upon receipt of a Site Inventory and Analysis submission, the Planning Department shall review the submitted material and determine whether the submission is complete considering any requests for waivers of the submission requirements within five (5) working days of its receipt. If the staff determines that the submission is incomplete, he/she shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, and shall advise the applicant that the item will not be scheduled for discussion by the Planning Board until the additional information is submitted. A determination of incompleteness by the Planning Department may be appealed, in writing, to the Planning Board. These steps shall be repeated until the submission is determined to be complete.

When the submission is determined to be complete, the staff shall place the item on the agenda for discussion by the Planning Board at a workshop, and distribute copies of the submission to the Town Manager, Town Engineer, Public Works Director, Police Chief, Fire Chief, and utility districts, ~~and Conservation Commission~~ for their review and comment. In addition, the staff shall notify all abutters and other property owners within five hundred (500) feet of the pending request and the date, time, and place of the workshop meeting at which the Planning Board will initiate review of the Site Inventory and Analysis.

As per the Planning Board's municipal capacity to review development projects that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law, planned developments that include a minimum of three (3) acres or more of building and impervious coverage or fifteen (15) or more lots on thirty (30) or more acres shall also be submitted and reviewed by the State of Maine regarding significant wildlife and fisheries habitat and natural resources and significant historic and archeological resources as follows:

The Maine Department of Inland Fisheries and Wildlife shall be provided with a complete Site Inventory and Analysis submission and shall have the ability to review

February 27, 2014

and provide advisory comments on any significant wildlife habitat, aquatic habitat, fisheries habitat, or wildlife travel corridor on and within five hundred (500) feet of the site.

The Maine Historic Preservation Commission shall be provided with a complete Site Inventory and Analysis submission and shall have the ability to review and provide advisory comments on the presence of any significant historic or archeological resources that may exist on the site.

2. Amend Section VIIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection D. SITE INVENTORY AND ANALYSIS PHASE, b. 11.) by adding the following:

11. The approximate locations of all culturally, historically or archaeologically significant buildings, features, or sites. In particular, buildings, features or sites listed by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or other list of local historic and/or archeological resources adopted by the Town Council shall be identified.

3. Amend Section VIIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection D. SITE INVENTORY AND ANALYSIS PHASE, 3. by adding the following:

(3) Planning Board Action

The Site Inventory and Analysis phase is informational and does not result in any formal approval or disapproval of the project. The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. The Planning Board shall also consider any input received from members of the Staff, other boards and commissions, utility districts, ~~Conservation Commission,~~ the Maine Historic Preservation Commission, the Maine Department of Inland Fisheries and Wildlife or members of the public. The Site Inventory and Analysis does not bind either the applicant or the board. The outcome of this phase of the review process shall be the identification by the Planning Board of the issues and constraints that must be addressed in the Master Plan and related submissions including proposed development standards.

4. Amend Section VIIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection E. MASTER PLAN PHASE, 2. by adding the following:

(2) Submission Requirements. The Master Plan submission shall include the appropriate application fee, and fourteen (14) copies of the following six items plus any additional

February 27, 2014

information the applicant wishes to submit to enable the Planning Board to evaluate the proposed development and the treatment of the site vis-à-vis the Site Inventory and Analysis:

- A Development Narrative
- A Conceptual Site Plan
- A Preliminary Infrastructure Plan
- A Neighborhood Impact Mitigation Plan
- An Environmental Assessment
- Development and Design Standards
- [-Historic Preservation Plan](#)

5. Amend Section VIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection E. MASTER PLAN PHASE, 2. by adding the following:

[g\) Any historic or archeological resource that has been identified by the Maine Historic Preservation Commission, the Town's adopted Comprehensive Plan, or other list of local historic and/or archeological resources adopted by the Town Council should be preserved and incorporated into the development plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored including consultation with the Maine Historic Preservation Commission and the Scarborough Historical Society and that such options are not feasible. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.](#)

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-25. Move approval of the first reading and schedule a public hearing on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, to add historic preservation and wildlife review standards to enable Municipal Capacity of DEP Site Law Review, for the regular Town Council meeting scheduled for Wednesday, March 19, 2014.

February 19, 2014

Proposed Amendments to Chapter 405B Site Plan Review Ordinance Relative to Historic and Archeological Resources and Municipal Capacity

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

Proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through.

1. Amend subsection C. Submission Requirements in section III. Administrative & Review Procedures by adding a new item 12 to read:

12. The location and description of all historic and archeological resources on the parcel as identified by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or other list of local historic and/or archeological resources adopted by the Town Council together with a narrative describing how these resources can be preserved and incorporated into the development plan. If an identified resource will be removed, altered, or not included as part of the development plan, a statement shall be provided as to why the resource cannot be preserved and the options considered but rejected for including it as part of the development plan.

2. Amend section IV. Performance & Design Standards by adding a new subsection M. Historic and Archeological Resources to read:

M. Preservation of Historic and Archeological Resources

Any historic or archeological resource that has been identified by the Maine Historic Preservation Commission, the Town's adopted Comprehensive Plan, or other list of local historic and/or archeological resources adopted by the Town Council should be preserved and incorporated into the development plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored including consultation with the Maine Historic Preservation Commission and the Scarborough Historical Society and that such options are not feasible. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.

3. Amend section IV. Performance & Design Standards by adding a new subsection N. Municipal Capacity and State Agency Review to read:

N. Municipal Capacity and State Agency Review

Within the Town's designated growth areas as depicted in the current version of the Comprehensive Plan, the Town of Scarborough's Planning Board has municipal capacity to review development activities that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law. This authority has been provided for under 38 M.R.S.A. Section 488(19). Municipal capacity shall only apply to development projects that are located wholly within the Town of Scarborough and wholly within a designated growth area. All other development projects that meet or exceed the thresholds for Site Location of Development Law shall be reviewed by the Maine Department of Environmental Protection accordingly. Municipal capacity within the Town's growth areas shall apply to both new development projects and modifications to past development projects that may have existing Site Location of Development approvals.

In addition to meeting the standards and requirements of this Ordinance, the Scarborough Zoning Ordinance, and any other applicable local ordinances, site plans that include a minimum of three (3) acres or more of building and impervious coverage shall also be submitted and reviewed by the State of Maine regarding significant wildlife and fisheries habitat and natural resources and significant historic and archeological resources as follows:

1. The Maine Department of Inland Fisheries and Wildlife shall be provided with a complete site plan application and shall have the ability to review and provide advisory comments on the site plan's impact on any significant wildlife habitat, aquatic habitat, fisheries habitat, or wildlife travel corridor. The Planning Board shall not issue a final decision on a site plan application until it receives comments from the Maine Department of Inland Fisheries and Wildlife or thirty (30) days from the submission of the application to the department, whichever comes first.
2. The Maine Historic Preservation Commission shall be provided with a complete site plan application and shall have the ability to review and provide advisory comments on the presence of any significant historic or archeological resources that may exist on the site. The Planning Board shall not issue a final decision on a site plan application until it receives comments from the Maine Historic Preservation Commission or thirty (30) days from the submission of the application to the department, whichever comes first.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-26. Move approval of the reading and schedule a public hearing on the proposed amendments to Chapter 406 – the Subdivision Ordinance, to add historic preservation and wildlife review standards to enable Municipal Capacity of DEP Site Law Review, for the regular Town Council meeting scheduled for Wednesday, March 19, 2014.

February 19, 2014

Proposed Amendments to Chapter 406 Subdivision Ordinance Relative to Historic and Archeological Resources and Municipal Capacity

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

Proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through.

1. Amend subsection 7.2. in Section 7. Preliminary Plan Requirements and Procedures by adding a new item p to read:

(p) The location and description of all historic and archeological resources on the parcel as identified by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or other list of local historic and/or archeological resources adopted by the Town Council together with a narrative describing how these resources can be preserved and incorporated into the subdivision plan. If an identified resource will be removed, altered, or not included as part of the subdivision plan, a statement shall be provided as to why the resource cannot be preserved and the options considered but rejected for including it as part of the plan.

2. Amend Section 6. General Requirements by adding a new subsection 6.8 to read:

6.8 Any historic or archeological resource that has been identified by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or other list of local historic and/or archeological resources adopted by the Town Council should be preserved and incorporated into the subdivision plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored including consultation with the State Historic Preservation Office and the Scarborough Historical Society and that such options are not feasible. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.

3. Amend Section 6. General Requirements by adding a new subsection 6.9 to read:

6.9. Within the Town's designated growth areas as depicted in the current version of the Comprehensive Plan, the Town of Scarborough's Planning Board has municipal capacity to review subdivisions that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law. This authority has been provided for under 38 M.R.S.A. Section 488(19). Municipal capacity shall only apply

to subdivisions that are located wholly within the Town of Scarborough and wholly within a designated growth area. All other subdivisions that meet or exceed the thresholds for Site Location of Development Law shall be reviewed by the Maine Department of Environmental Protection accordingly. Municipal capacity within the Town's growth areas shall apply to both new subdivisions and modifications to past subdivisions that may have existing Site Location of Development approvals.

In addition to meeting the standards and requirements of this Ordinance, the Scarborough Zoning Ordinance, and any other applicable local ordinances, subdivisions that include fifteen (15) or more lots on thirty (30) or more acres shall also be submitted and reviewed by the State of Maine regarding significant wildlife and fisheries habitat and natural resources and significant historic and archeological resources as follows:

- (a) The Maine Department of Inland Fisheries and Wildlife shall be provided with a complete site plan application and shall have the ability to review and provide advisory comments on the site plan's impact on any significant wildlife habitat, aquatic habitat, fisheries habitat, or wildlife travel corridor. The Planning Board shall not issue a final decision on a site plan application until it receives comments from the Maine Department of Inland Fisheries and Wildlife or thirty (30) days from the submission of the application to the department, whichever comes first.
- (b) The Maine Historic Preservation Commission shall be provided with a complete site plan application and shall have the ability to review and provide advisory comments on the presence of any significant historic or archeological resources that may exist on the site. The Planning Board shall not issue a final decision on a site plan application until it receives comments from the Maine Historic Preservation Commission or thirty (30) days from the submission of the application to the department, whichever comes first.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-27. Move approval on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 25th to May 15th.



MEMO

TO: Tom Hall, Town Manager
FROM: Mike Shaw, Director of Public Works *Mike Shaw*
DATE: February 18, 2014

RE: 2014 ROAD POSTING

To prevent heavy vehicle damage to the town's road network it is in Scarborough's best interest to post roads each year during the annual spring thaw,

Therefore, I am requesting permission to post the roads on the attached list as well as additional roads, as necessary due to weather conditions.

The posting period will be from **February 25 – May 15, 2014.**

/jpb



The following roads will be posted through Tuesday, May 15, 2014 or until posting is lifted by the Scarborough Public Works Department.

Access to posted roads may be granted as weather permits.
Road conditions are evaluated on a daily basis during this time period.

To check on a road's status:
Call 730-4400 & *Press 2*
Any Day of the Week AFTER 6:00 a.m.

STREET	SECTION
Ash Swamp Road	All
Bridges Drive	All
Burnham Road	All
Chamberlain Road	All
Commerce Drive	All
Dresser Road	All
Fogg Road	All
Hanson Road	All
Hearn Road	All
Hidden Creek Drive	All
Highland Avenue	Chamberlain Rd to So. Portland Line
Holmes Road	Beechridge Speedway to Saco Line
Jasper Street	All
Landmark Road	All
Longmeadow Road	All
Milliken Mills Road	All
Mitchell Hill Road	All
Old Blue Point Road	All
Pineledge Road	All
Ross Road	All
Sawyer Road	All
Seavey Landing Road	All
Tamarack Lane	All
Tapley Road	All
Two Road Road	Payne Rd to Holmes Rd
Woodfield Drive	All

**Note: Other roads may be posted as deemed necessary
by the Public Works Director**

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 5, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-28. Move approval on the request to authorize the Town Manager to sign and accept the sewer easement with the Sea Ridge Sub-division Homeowners Association.



Town of Scarborough, Maine

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

MEMORANDUM

TO: Thomas Hall, Town Manager
Town Council
David Hughes, SSD
Phil Saucier, Town Attorney
George Kerr, Project Owner Phase 2
David Ordway, Esq, Smith & Elliott, PA

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

DATE: February 25, 2014

RE: Sea Ridge Subdivision-Private Sanitary Sewer System Easement Request

Recently, George Kerr, owner of Phase 2 of the development and homeowner's association representative, approached Staff to discuss a problem discovered by Mr. Kerr as part of his due diligence to purchase the remaining phase of the development.

The problem is an error of omission in the documentation process of easement rights for maintenance, by the homeowners association, of the private sewer system designed and constructed, as approved, in the Town Open Space parcel.

Staff reviewed the situation with Mr. Kerr and agreed that the problem was simply an omission made between the original developer and the Town when the ownership and easement documentation was prepared in 2008 for phase 1 of the development.

Please find attached 2 sketches; first, a GIS sketch of the area showing the sewer system in phase 1; and second, a sketch to be part of the easement deed, identifying the easement area on the Open Space parcel.

Therefore, staff requests that the Council grant and execute the easement to the benefit of the homeowners association as presented in the easement deed.

Thank you,

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT the THE TOWN OF SCARBOROUGH, a municipal corporation whose mailing address is Scarborough Municipal Building, P.O. Box 360, Scarborough, ME 04070 for consideration paid, releases to the **SEA RIDGE AT BLUE POINT HOMEOWNER'S ASSOCIATION**, a Maine non-profit corporation with a principal place of business in Scarborough, in the County of Cumberland and State of Maine, its successors and assigns forever, a perpetual easement to construct, install, repair, replace, and maintain, above and below the surface of the ground, one or more domestic sanitary sewer lines, a sanitary sewer pump station with access thereto, and associated improvements and facilities, including an emergency generator, on, over and under a certain lot or parcel of land in situated in Scarborough, in the County of Cumberland and State of Maine, described as follows, and as shown on the plan attached as Exhibit A:

Beginning at a point on the southwesterly sideline of Mariners Cove, so-called, at the southeasterly corner of Lot 37 as shown on the plan entitled " Subdivision Plan of Sea Ridge at Blue Point Subdivision", dated April 7, 2006, as amended through May 18, 2007, recorded in the Cumberland County Registry of Deeds in Plan Book 207, Page 529, thence running southwesterly along the southerly sideline of said Lot 37, and continuing southwesterly and westerly along the southerly sideline of Lot 36 on said Plan to the southwesterly corner of said Lot 36; thence S 32° 55' 54" W a distance of 100 feet to a point; thence N 78° 00' 00" E a distance of 175 feet, more or less, to the westerly sideline of Lot 38 on said Plan; thence northerly by the westerly sideline of said Lot 38 to the northwesterly corner of Lot 38; thence easterly by the northerly sideline of Lot 38 to the southwesterly sideline of said Mariners Cove; thence northerly along the southwesterly sideline of said Mariners Cove to point and place of beginning.

Together with the right to enter upon the said land of the Grantor herein, its successors and assigns, with men, machinery and equipment, for the purpose of repairing, replacing and maintaining such sewer line(s), pump station, emergency generator, and associated improvements and facilities; provided that, by acceptance of this deed, the Grantee, its successors and assigns, covenant that it shall: notify the Grantor a minimum of twenty-four hours prior to any excavation or grading of the site and that the work shall include the use of best management practices for erosion control commensurate with the planned work and site conditions; and restore the surface of the ground in as good condition as when entered upon by the Grantee or its agents within seventy-two hours.

Being a portion of the same premises conveyed to the Grantor herein by deed of Sea Ridge Development, LLC, dated September 7, 2007, recorded in the Cumberland County Registry of Deeds in Book 25456, Page 112.

IN WITNESS WHEREOF, the Town of Scarborough has caused this instrument to be signed by Thomas Hall, its Town Manager, thereunto duly authorized, this day of the month of , 2014.

**Signed, Sealed and Delivered
in presence of**

The Town of Scarborough

_____ by: _____
Thomas Hall, Scarborough Town Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2014

Personally appeared the above named Thomas Hall in his capacity as Town Manager of the Town of Scarborough, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the Town of Scarborough.

Notary Public/Attorney at Law

Print Name: _____

My commission expires:

Return to:

Diagram illustrating a typical street frame section, showing various components and dimensions:

- 1. 12" x 12" x 1/2" S&W
- 2. 12" x 12" x 1/2" S&W
- 3. 12" x 12" x 1/2" S&W
- 4. 12" x 12" x 1/2" S&W
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- 100. 12" x 12" x 1/2" S&W

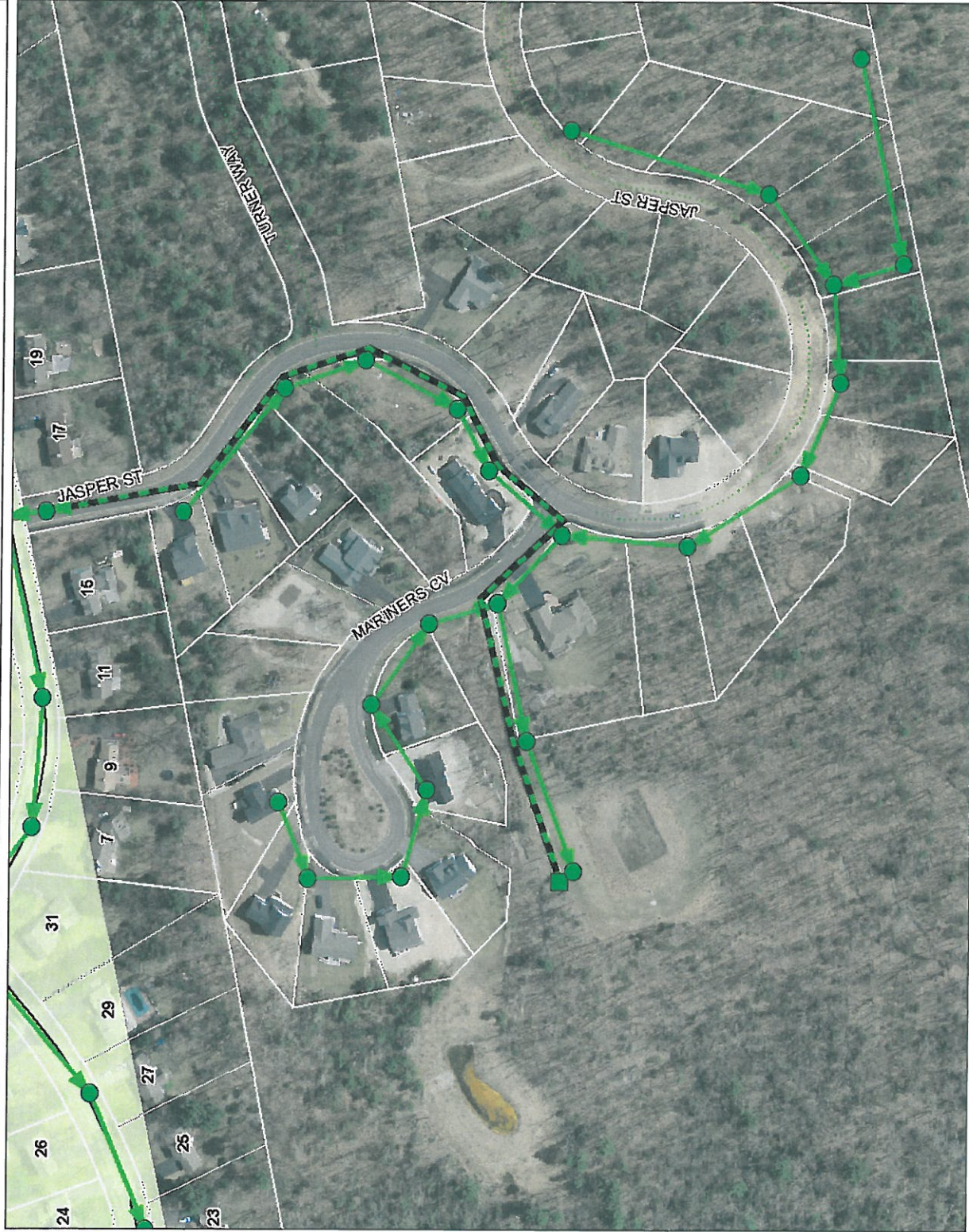
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3	24.12	11-1-80
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5	24.05	11-1-80
6	24.02	11-1-80
7	23.98	11-1-80
8	23.95	11-1-80
9	23.92	11-1-80
10	23.88	11-1-80
11	23.85	11-1-80
12	23.82	11-1-80
13	23.78	11-1-80
14	23.75	11-1-80
15	23.72	11-1-80
16	23.68	11-1-80
17	23.65	11-1-80
18	23.62	11-1-80
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20	23.55	11-1-80
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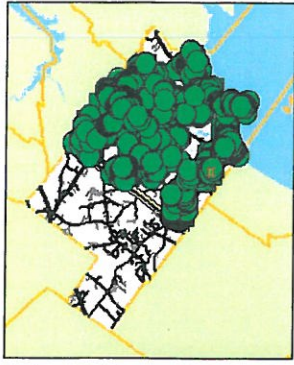
Sea Ridge at Blue Point-Private Sewer Sytem location



Town of Scarborough, Maine

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.



Legend

- Manholes
- Pump Stations
- Force Mains
- Gravity Mains
- 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
- Existing Service Areas
- Townlines
- Coastline & Major Rivers
- Geol.library_3in_2012_1ft
- Geol.library_6in_2012
- Cumberland_Co_1ft_2009
- Surrounding Towns

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Notes

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