AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 4, 2014
REGULAR MEETING – 6:00 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: May 21, 2014 – Regular Meeting.

Item 6. Adjustment to the Agenda.

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

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

Order No. 14-49, 6:00 p.m. Public Hearing and second reading on the proposed FY2015 School Budget.

Order No. 14-52, 6:00 p.m. Public hearing and action on the new request for a Food Handlers License from Brian and Lori Slezek, d/b/a/ Beach House Market & Deli, located at 27 East Grand Avenue.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 14-53. First reading and schedule a public hearing on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update the Performance Standards thereto.

Order No. 14-54. First reading and schedule a public hearing on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance.

Order No. 14-55. First reading and schedule a second reading, to approve the expenditure, in an amount not to exceed, $2,000,000 from the Land Acquisition Reserve Fund for the purpose of purchasing the so called Benjamin Farm, located more specifically identified by the Scarborough Tax Assessors Maps –Map 95/Lots 5A, 6 & 10, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest.

Item 8. Non Action Items.

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 – JUNE 4, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-49. Move approval of the second reading on the proposed FY2015 School Budget.

Order No. 14-49
Budget Order for Fiscal Year 2015 School Budget

Be it ordered that the Scarborough Town Council moves approval of the second reading to adopt the Fiscal year 2015School Budget and; and,

Be it ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the sum of **$43,836,495** (including Adult Education, School Nutrition and school debt), and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **$36,198,345.**

Be it further ordered, that the portion of the Education Operating Budget to be voted at referendum pursuant to M.R.S.A.20-A §1486(2) and §2307, shall be the appropriated sum of **$42,176,624** and the Town of Scarborough raises as the local share the sum of **$36,100,654** (excluding Adult Education and School Nutrition).

Includes Reducing the School Budget an additional $138,000 to reach a 3.25% overall tax rate increase.

TOTAL Tax Rate Computation

5/30/14
12:27 PM

	2014 Budget		2015 Budget		
Municipal Gross	$ 28,169,851		$ 29,301,332		4.02%
Less: Debt Revenues	$ (564,165)		$ (657,827)		16.60%
Less: Revenues	$ (10,591,889)		$ (11,372,360)		7.37%
Total Municipal - Revenues	**$ (11,156,054)**		**$ (12,030,187)**		7.84%
Municipal (Net Appropriation)		**$ 17,013,797**		**$ 17,271,145**	1.51%
Education Gross	$ 40,740,865		$ 43,661,804		7.17%
Less: Revenues	**$ (6,285,417)**		**$ (7,561,150)**		20.30%
Education (Net)		**$ 34,455,448**		**$ 36,100,654**	4.77%
Adult Learning	$ 148,691		$ 174,691		17.49%
Less: Revenues	**$ (51,000)**		**$ (77,000)**		50.98%
Adult Learning (Net)		**$ 97,691**		**$ 97,691**	0.00%
Municipal Capital Equipment	$ 923,700		$ 1,879,364		103.46%
Municipal Capital Projects	$ 2,683,426		$ 2,240,460		-16.51%
School Capital Projects	$ 1,705,425		$ 1,786,153		4.73%
Total Capital Projects - Gross	**$ 5,312,551**		**$ 5,905,977**		11.17%
Less: Revenues					
Municipal Capital Equip. Revenues	$ (826,800)		$ (1,789,330)		116.42%
Municipal Capital Projects Bonds/Reserves	$ (2,606,676)		$ (2,212,960)		-15.10%
Education Bonds	$ (1,561,825)		$ (1,631,153)		4.44%
Capital (Net Appropriation)	**$ (4,995,301)**		**$ (5,633,443)**		12.77%
		$ 317,250		**$ 272,534**	-14.09%
Total Townwide Operating Budgets		**$ 51,884,186**		**$ 53,742,024**	3.58%
County Assessment		$ 2,193,813		$ 2,355,415	7.37%
Overlay		$ 346,359		$ 266,553	-23.04%
Tax Increment Financing Districts		$ 192,233		$ 205,118	6.70%
Credit Enhancement Agreements		$ 685,316		$ 731,251	6.70%
Resident Senior Property Tax Relief Fund		$ 150,000		$ 130,000	-13.33%
Homestead Exemption Reimbursement (Estimate)		$ (338,458)		$ (361,144)	6.70%
Business Equipment Tax Exemption (BETE)		$ (268,517)		$ (286,509)	6.70%
State Municipal Revenue Sharing (Estimate)		$ (782,212)		$ (736,158)	-5.89%
Total Net Budget		**$ 54,062,720**		**$ 56,046,550**	3.67%

2015 amount to be raised ($56,046,550) = Valuation ($3,675,305,700) x the Tax Rate ($.01525) or $15.25 Mils.

2014 amount to be raised ($54,062,720) = Valuation ($3,660,305,700) x the Tax Rate ($.01477) or $14.77 Mils.

2015	$3,675,305,700	$56,046,550	$0.01525	$15.25	$0.48	3.25%
2014	$3,660,305,700	$54,062,720	$0.01477	$14.77		

As of May 21, 2014
includes $1,634,806 education reduction
3.25% Tax Rate Increase
15.25 Tax Rate
$300,000 Home
4,575 2015 taxes
4,431 2014 taxes
144 Increase
2.77 per week

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 4, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-52. Move approval on the new request for a Food Handlers License from Brian and Lori Slezek, d/b/a/ Beach House Market & Deli, located at 27 East Grand Avenue.

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: May 30, 2014

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

The following applicant is seeking approval on a new request for a Food Handlers License:

- Brian and Lori Slezek, d/b/a/ Beach House Market & Deli, located at 27 East Grand Avenue.

The completed application is on file with Clerk's Office and there are no outstanding issues and it is recommended that these licenses be approved.

Phone: 207.730.4020 • Fax: 207.730.4033 • www.scarborough.me.us

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 4, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-53. Move approval of the first reading on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update the Performance Standards thereto and schedule a public hearing for Wednesday, June 18, 2014.

Town of Scarborough, Maine
259 US Route One, PO Box 360
Scarborough, Maine • 04070-0360

To: Town Councilors
From: Dan Bacon, Planning Director
CC: Thomas Hall, Town Manager
Brian Longstaff, Zoning Administrator

Date: May 28, 2014

Subject: Proposed Amendments to the Zoning Ordinance for Wireless Facilities (Transmission Towers and Telecommunication Facilities)

Over the course of the past eight to twelve months the Ordinance Committee has been exploring approaches to help enable improved wireless communication and data coverage in Town where service is currently poor. This effort has involved exploring possible town owned lands that may be well positioned to provide wireless towers to improve service; having a consultant study the coverage gaps in Town and generate a comprehensive wireless antenna site assessment report; as well as crafting amendments to our zoning ordinance to more widely allow for new wireless antenna towers and building mounted antennas to improve wireless coverage.

As a result of this process, and what is proposed for Council consideration, is a fairly comprehensive update to the Town's standards and review process for the installation of wireless transmission towers and antenna facilities that is more contemporary to today's technology and needs, while also maintaining and bolstering a local board review process help ensure towers are installed in areas and ways that aren't overly impactful to abutters and the surrounding landscape.

This memo is intended to highlight the key amendments that are proposed. They are as follows:

- **Allowing for new transmission towers (wireless towers) in areas that exhibit poor coverage – permit this use in the Rural and Farming (RF) District; Rural, Farming and Manufactured Housing District (RFM); Village Residential 4 District (VR4); and Crossroads Planned Development District (CPD)**

  Using the coverage mapping done by IDK, it became clear that the area of west of the Maine Turnpike and the more rural areas along Spurwink Rd, Pleasant Hill Rd, Black Point Rd, Sawyer Rd area, and Pine Point Rd all have poor coverage. Based on review of our zoning map, these areas match up well with where the RF, RFM, VR4 and CPD all exist. So the broader zoning district change proposed is to allow transmission towers within the RF and RFM Districts, subject to Planning Board review and performance standards. This change will enable 8 out of the 11 sites recommended in the assessment report. In addition, the low density and lot sizes of 2 acres or greater in the RF Districts work well for siting a tower in a way that is less likely to crowd or

shadow neighboring properties. Further, the VR4 and CPD Districts are zones that are not heavily developed at this time and exhibit some larger lots that will enable tower installations that don't crowd existing homes and neighbors, while enabling a key coverage gap to be filled.

- **Allow taller transmission towers – permit towers up to 150 feet**

  Currently towers are limited to 100 feet in height, which can limit the ability to collocate service providers and can lead to more towers to meet coverage needs. The amendments propose a maximum tower height of 150 feet to enable collocation (which we are proposing to require) and help reduce the overall number of towers necessary.

- **Require collocation of providers**

  In order to reduce the overall number of towers needed to provide service from different providers, a performance standard is proposed to require new towers to provide space for the collocation of multiple providers.

- **Removal requirement for abandoned towers**

  This is a longer range standard, but transmission towers may end up being obsolete in the future, so a requirement has been added that abandoned towers need to be removed after a period of time and the site restored. This is typical in most modern ordinances.

- **Allow for stealth or building mounted wireless facilities**

  As another way to expand wireless service, the definition and allowance for antennas to be attached to buildings, or enclosed within them, (defined as telecommunication facilities) has been broadened and is proposed to be a special exception use to be reviewed and approved by the Board of Appeals in residential or mixed use zones and as a permitted use in commercial and industrial zones.

With these changes wireless providers should be in a position to pursue a variety of different sites in Scarborough to improve coverage and service for users, while also providing contemporary standards that promote collocation, minimize the overall number of installations, and provide thorough board review and permitting.

PROPOSAL DATED 5-28-14

Proposed Amendments to the Zoning Ordinance to Create a Transmission Tower Overlay District and Update the Performance Standards:

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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:

1. Amend the PERFORMANCE STANDARDS for TRANSMISSION TOWERS as follows (additions are underlined; deletions are struck through):

F. PERFORMANCE FOR STANDARDS--TRANSMISSION TOWERS AND TELECOMMUNICATION FACILITIES

~~In~~1. -Transmission Towers - All new transmission towers or the increase in height of an existing transmission tower shall conform to the following standards and be reviewed and permitted under the Site Plan Review Ordinance by the Planning Board, unless the changes to the tower comply with subsection 11. below. The purpose of these standards are ~~order~~ to minimize adverse visual effects of transmission towers through careful design, siting, and vegetative screening; ~~and~~ to avoid potential damage to adjacent properties from tower failure and falling ice through proper engineering; to promote the collocation of service providers and the careful siting of tower structures; and to protect the public against any adverse impacts on the Town's public health, safety and welfare.~~transmission towers are subject to the following standards:~~

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~~1~~a. No transmission tower shall exceed ~~100~~ 150 feet in height as measured from the base of the tower to the highest point of the tower, including any attached receiving or transmitting antennas and devices.

~~2~~b. The base of the tower shall be set back from all property lines by a distance equivalent to 100% of the total tower height, including any attached transmitting or receiving antennas and devices. Accessory structures and guy wire anchors shall meet the minimum setbacks for the zoning district. The Planning Board may relax the 100% of the total tower height setback standard if the applicant secures a restrictive easement(s) from the abutting property(s) that allows for a lesser setback. The restrictive easement shall restrict the uses and structures within the easement area so as to allow the tower to be located closer to the property line than the 100% requirement above. A restrictive easement from an abutting property shall not however enable a tower to be sited closer to the abutting property line than the minimum front, side and rear yard setback requirements of the zoning district.

~~3~~c. Towers which are not subject to specific painting or color ~~or lighting~~ standards imposed by any federal or state agency shall ~~have a galvanized finish or~~ be painted in a sky tone above the top of surrounding trees and in an earth tone

below tree-top level or exhibit a similar camouflaging architectural treatment as determined by the Planning Board.

4d. Towers and attached antennas and devices shall not be artificially lighted, unless required by the FAA or other federal or state agency. If lighting is required, the Planning Board may review the available lighting alternatives and require the design that would cause the least impact to surrounding properties and views.

e. All new transmission towers shall be designed and constructed to accommodate colocation of additional antennas, equipment and facilities on the tower and site. To meet this standard the applicant, owner and all other tower users shall allow other commercial wireless telecommunication service providers using functionally compatible technology to collocate; shall provide a mechanism for the construction and maintenance of collocated antennas and infrastructure; and shall provide for reasonable sharing of costs in accordance with industry standards. To ensure colocation and prevent the need for additional new towers within the same coverage area, the Planning Board may require an existing or new tower to be increased in height up to the maximum height allowed and/or make other accommodations in order to provide for colocation. When designing a tower and site for colocation the facility should be designed to accommodate the inclusion of at least three additional telecommunication service providers. The Planning Board may waive the requirement for colocation or the number of additional providers to be colocated, but only after the Planning Board reviews and determines with satisfactory evidence that technical constraints prohibit colocation.

f. No advertising or signage is permitted on transmission towers or any attached transmitting and receiving antennas or devices.

g. Unless existing vegetation provides a buffer strip at least the width of the minimum yard requirements for the zoning district, all property lines along roadways or visible to existing abutting or nearby buildings (within a one-quarter mile radius) shall be landscaped as follows or greater:

Ai. Six to eight foot evergreen shrubs shall be planted in an alternating pattern, 5 feet on center, within 15 feet of the property boundary.

Bii. At least one row of deciduous trees, not less than 2 ½ inches to 3-inch caliper measured 3 feet above grade and spaced not more than 20 feet apart shall be planted within 25 feet of the site boundary.

Ciii. In lieu of the foregoing planting requirements, the Planning Board, during the site plan review process, may determine that existing vegetation may be supplemented to achieve an equivalent means of minimizing visual impact.

~~5~~h. In order to review the suitability of the existing or proposed buffer strip, vegetative screening, the proposed color or camouflaging treatment for the tower, and the overall visual effects of the tower, the Planning Board may require photo simulations of the tower within the landscape from a variety of perspectives.

i. As part of an application there must be a radio frequency coverage analysis showing existing or planned wireless facilities within 10 miles of the proposed location. Maps shall be supplied that indicate on street and in building coverage for both exiting/planned sites and the proposed location. The coverage analysis for the proposed location must show all available optional antenna heights if it is a co-location or all possible antenna heights starting at a minimum of 90 feet if it is a new facility. The coverage analysis must use each current licensed frequency band by the applicant.

j. Transmission towers erected after May 17, 1995 shall meet all applicable requirements of federal and state regulations and shall be designed and installed in accordance with the standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna supporting Structures.

~~6~~k. Transmission towers existing before May 17, 1995 which do not comply with these performance standards or with the use or dimensional requirements of the zoning district in which they are located may continue to be used subject to the provisions of Section III of this Ordinance. The addition, removal or relocation of transmitting or receiving devices on such towers does not constitute the expansion or enlargement of the nonconforming use and does not require review under the Scarborough Site Plan Review Ordinance, provided the total height of the transmission tower, including attached devices, is not increased.

l. A transmission tower and associated facilities that is not operating for a continuous twelve month period shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to Code Enforcement that the facility has not been abandoned. If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. The removal of the facility shall include removing the tower and associated facility and returning the site to its pre-construction condition including removing of roads and replanting vegetation.

If the facility is not removed within this period, the Town may remove the facility at the owner's expense. A copy of the relevant portions of a signed lease or other comparable signed legal instrument which requires the applicant to remove the tower and associated facilities and reclaim the site upon abandonment shall be submitted as part of the application.

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m. Transmission towers shall not be allowed within any Shoreland Zoning District, including the Shoreland Overlay District.

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2. Telecommunication Facilities – The purpose of these standards are to minimize any adverse visual effects of telecommunication facilities through careful design in attaching these facilities to buildings and structures so that these facilities are compatible and consistent with the building's design and architecture; to ensure proper engineering in the installation of these facilities; and to protect the public against any adverse impacts on the Town's public health, safety and welfare. In those zoning districts where telecommunication facilities are allowed as a special exception use, the Board of Appeals may issue a special exception for the installation of a telecommunication facility. In addition to meeting the standards for special exceptions in Section IV.(I)4, the follow standards below also apply. In those zoning districts where telecommunication facilities are permitted uses they shall conform to the following standards and be reviewed and permitted under the Site Plan Review Ordinance by the Planning Board.

a. If a telecommunication facility is proposed to be mounted or attached to the exterior of a building or structure the facility shall be designed and located in a manner that is consistent and compatible with the architecture of that building or structure. If applicable, the addition of a facility to the exterior of a building shall also comply with the Design Standards for Scarborough's Commercial Districts, including- the standards for rooflines and roof mounted equipment.

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b. Ground mounted equipment associated with, and accessory to, the telecommunication facility may be allowed through Board review and approval provided the Board finds there is adequate screening of this equipment and that is compatible with the site.

c. Exemption - Telecommunication facilities that are proposed to be full enclosed within an existing building and will not be altering the exterior dimensions of the building or the exterior appearance of the building to accommodate the facility, shall be exempt from special exception review by the Board of Appeals or site plan review by the Planning Board. These installations may be permitted through review and approval by the Code Enforcement Officer. Ground mounted equipment associated with, and accessory to, the telecommunication facility may be allowed by the Code Enforcement Officer provided there is adequate screening of this equipment and that is compatible with the site.

2. Amend Section XIII. RURAL, FARMING AND MANUFACTURED HOUSING DISTRICT – R-F-M. to add Transmission Towers to the list of permitted uses (additions are underlined; deletions are struck through):

23. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance.

3. Amend Section XIV. RURAL AND FARMING DISTRICT – RF to add Transmission Towers to the list of permitted uses (additions are underlined; deletions are struck through):

22. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance.

4. Amend Section XV.C. VILLAGE RESIDENTIAL 4 DISTRICT – VR4 to add Transmission Towers to the list of permitted uses (additions are underlined; deletions are struck through):

13. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance.

5. Amend Section XX.C. CROSSROADS PLANNED DEVELOPMENT DISTRICT - CPD to add Transmission Towers to the list of permitted uses (additions are underlined; deletions are struck through):

45. Transmission towers.

6. Amend Section XVIII.B. HAIGIS PARKWAY DISTRICT HP to add Telecommunication Facility to the list of permitted uses (additions are underlined; deletions are struck through):

24. Telecommunication Facilities

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7. Amend Section XIX. REGIONAL BUSINESS DISTRICT B2 to add Telecommunication Facility to the list of permitted uses and delete it as a special exception use (additions are underlined; deletions are struck through):

24. Telecommunication Facilities

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~~**5.** Telecommunication Facility.~~

8. Amend Section XIXA. GENERAL BUSINESS DISTRICT B3 to add Telecommunication Facility to the list of permitted uses and delete it as a special exception use (additions are underlined; deletions are struck through):

19. Telecommunication Facilities

~~**3.** Telecommunication facilities~~

9. Amend Section XX. BUSINESS OFFICE RESEARCH DISTRICT BOR to add Telecommunication Facility to the list of permitted uses and delete it as a special exception use (additions are underlined; deletions are struck through):

22. Telecommunication Facilities

~~4. Telecommunication facilities~~

10. Amend Section XXA. RUNNING HILL MIXED USE DISTRICT RH to add Telecommunication Facility to the list of permitted uses and delete it as a special exception use (additions are underlined; deletions are struck through):

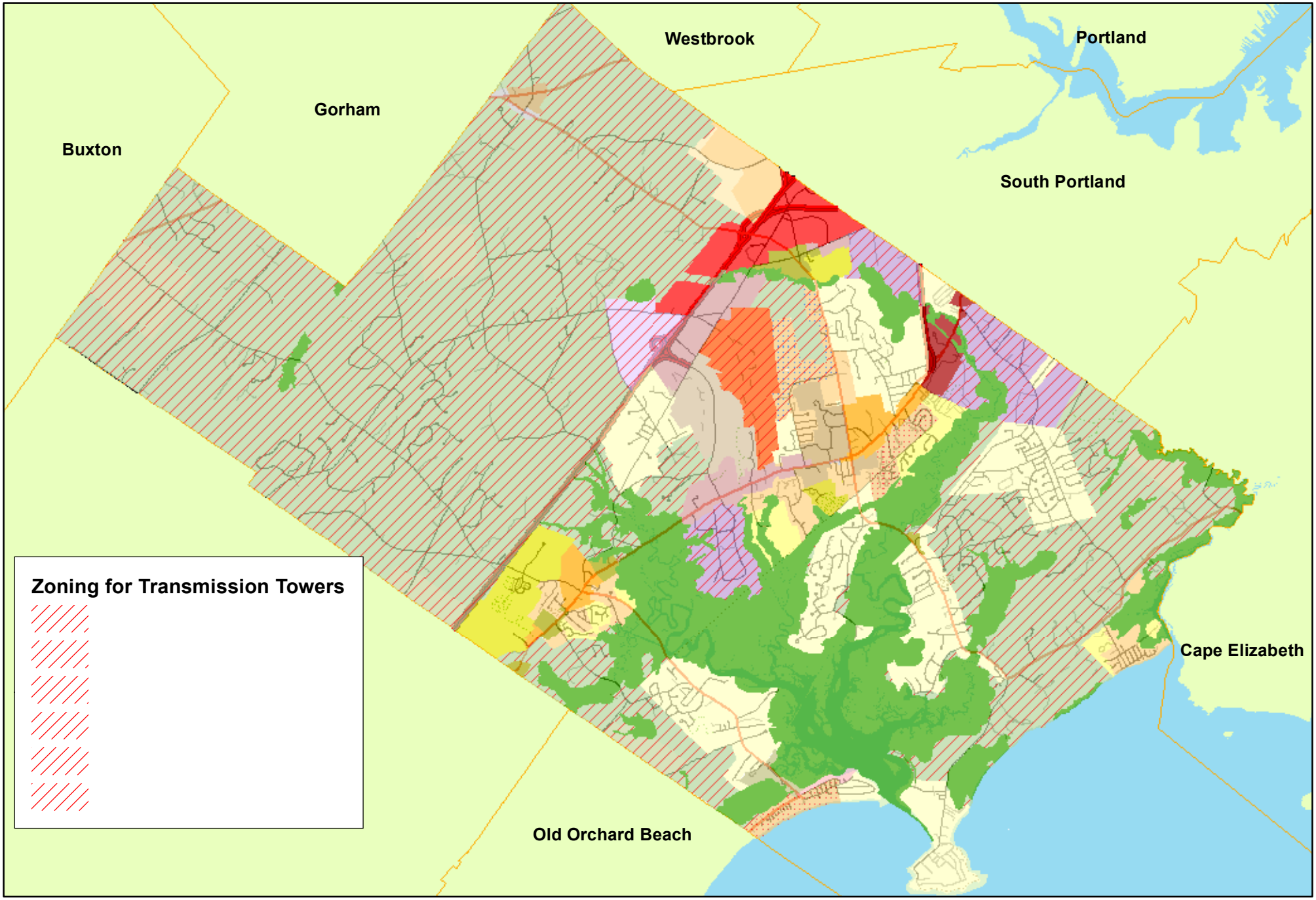
28. Telecommunication Facilities

~~4. Telecommunication facilities~~

11. Amend the definition of Transmission Tower and Telecommunication Facility under Section VI. DEFINITIONS as follows (additions are underlined; deletions are struck through):

Transmission Tower:
Any structure which extends more than 35 feet above grade or more than 10 feet above the highest point of the building or structure to which it is attached, whichever is higher, and which is used for the wireless transmission or reception of electric impulses or signals by means of electromagnetic waves. The term transmission tower does not include structures utilized by the Town of Scarborough for public safety or public works communications or utilized in the operation of federally licensed amateur radio stations, which are permitted in all zoning districts where municipal uses are allowed.

Telecommunication Facility:
Transmission and reception antennas, cables, electronic equipment and associated facilities used for wireless transmission and reception of voice or data, mounted on, or enclosed within, a ~~municipal~~ building, structure or use ~~or a place of worship~~, no part of which shall be more than ten (10) feet above the height of the existing structure to which it is attached.



Scarborough Public Works
20 Washinton Ave
Scarborough, ME 04074

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N

Prepared By: Aimee Dubois
Date Prepared: July 1, 2011

Zones Proposed to Permit Transmission Towers

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 4, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-54. Move approval of the first reading on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance and schedule a public hearing for Wednesday, June 18, 2014.

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 the following amendments to Chapter 601 - the Town of Scarborough Traffic Ordinance of Scarborough, Maine, be and hereby is amended, as follows *(additions are underlined; deletions are struck through):*

CHAPTER 601

TOWN OF SCARBOROUGH

TRAFFIC ORDINANCE

Adopted May 17, 1967, amended to June 15, 1977
Amended May 5, 1982 - Amended December 1985
Amended October 1, 1986 - Amended June 7, 1989
Amended June 6, 1990 - Amended August 1, 1990
Amended April 3, 1991 - Amended June 17, 1992
Amended April 7, 1993 - Amended December 1, 1993
Amended June 1, 1994 - Amended November 16, 1994
Amended June 6, 1997 - Amended January 5, 1998
Amended January 6, 1999 - Amended April 21, 1999
Amended April 5, 2000 - Amended September 06, 2000
Amended December 6, 2000 - Amended December 21, 2001
Amended February 14, 2003 - Amended June 5, 2002
Amended August 21, 2002 –
Amended February 5, 2003 -Effective Date May 1, 2003
Amended September 17, 2003 – Amended August 18, 2004
Amended September 1, 2004 – Amended September 15, 2004
Amended September 7, 2005 – Amended June 21, 2006
Amended January 20, 2010 – Amended January 19, 2011
Amended February 16, 2011 – Amended October 19, 2011
Amended May 2, 2012

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CHAPTER 601

TOWN OF SCARBOROUGH

TRAFFIC ORDINANCE

Section 1. Definitions

Vehicle

(a) The word "vehicle" shall mean as defined in Maine Motor Vehicle Statutes Title 29-A:

(1) ~~Every vehicle which is self-propelled,~~ means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on tracks or snowmobiles as defined in Title 12, section 13001 or an electric personal assistive mobility device as defined in this section. and

(2) Any vehicle defined as a "trailer, semi-trailer or tow dolly" according to the ~~Revised Statues of Maine, Chapter 22, Section 1, as amended.~~Maine Motor Vehicle Statutes Title 29-A

Park

(b) The word "park" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Standing

(c) The word "standing" shall mean any stopping of a vehicle, whether occupied or not.

Street, Way or Road

(d) The words "street, way or road" shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic.

Roadway

(e) The word "roadway" shall mean that portion of a street, way or road, designed or ordinarily used for vehicular traffic.

Person

(f) The word "person" shall mean every natural person, firm, co-partnership, association or corporation.

All Night Parking

(g) The words "all night parking" shall mean the parking of a vehicle between the hours of 2:00 A.M. and 6:00 A.M. of any day except physicians or other persons on bona fide emergency calls. (amended 06/21/2006)

Truck

(h) The word "truck" shall mean any motor vehicle ~~designed and~~ used for the conveyance of persons and or property having a gross vehicle weight of ~~12,000~~ 26,001 pounds or more. (effective 10/1/86).

Public Safety Traffic Flagger

(i) As defined in Maine Motor Vehicle Statutes, Title 29-A: means a municipal firefighter, a volunteer firefighter or a member of an emergency medical service licensed by the Department of Public Safety.

Section 2. Signs Required.

No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

Section 3. Unauthorized Signs, Signals or Markings.

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic signal or control device or sign or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any sign or signal, and no person shall place or maintain any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the Chief of Police is hereby empowered to remove the same or cause it to be removed without notice.

Section 4. Prohibited Parking.

No person ~~shall stand or~~ park[JOM1] a vehicle upon a street, way or road for the principal purpose of:

(a) Displaying it for sale;

(b) Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency;

(c) For the primary purpose of advertising;

(d) Or for the sale of any personal property, or for the exercise of any business, profession or calling.

Section 5. ~~Stopping, Standing,~~ Parking[JOM2] Prohibited, Specific Locations.

No person shall stop, stand or park a vehicle in any of the following places, nor shall any person move a vehicle not owned by him into any of the said places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, other authorized person, or traffic control device:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) Within 10 feet of a fire hydrant;

(e) On a crosswalk;

(f) Within 20 feet of the near corner of the curbs at an intersection;

(g) Within 30 feet upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

(h) Between a safety zone and the adjacent curb;

(i) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station;

(j) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(k) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or double park, so-called;

(l) Upon any bridge or other elevated structure upon a highway;

(m) At any place where official signs prohibit stopping.

Section 6. Parking at the Scene of a Fire.

No person shall park within 500 feet of the scene of a fire and within 400 feet of fire fighting apparatus at the scene of a fire.

~~No motor vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of~~[JOM3] ~~fire, without the consent of the state or municipal police or fire department official in command.~~

Section 7. Snow Removal.

No vehicle shall be parked at any time on any street, way or road so as to interfere with or hinder the plowing or removal of snow from any street, way or road. The Chief of Police or his designee may cause any vehicle so parked ~~on any street, way or road so as to interfere with or hinder the plowing or removal of snow~~[JOM4] to be removed from the street in accordance with the provisions of Section 9 of the Ordinance.

Section 8. Snow Obstruction.

No person, ~~firm or corporation~~[JOM5] shall lay, throw, or place, or cause to be laid, thrown or placed on any public street ~~or~~ way or road, any snow or ice from private property. If, in the removal of snow or ice from private property, it is necessary to place temporarily snow or ice on any public street ~~or~~ , way or road, such snow or ice shall immediately be removed from the public street ~~or~~ , way or road, by and or at the expense of the person~~, firm or corporation~~ that caused it to be placed on the public street, ~~or~~ way or road.

Section 9. Obstruction in Street.

Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by an ordinance of said Town is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic.

~~**Section 10. Frightening Animals.**~~

~~The driver of any motor vehicle approaching a person riding, driving or leading any animal, shall use reasonable caution in passing said animal(s). If said person so signals, a driver shall bring his motor vehicle to a stop and remain stationary as long as it may be necessary to allow said animal(s) to pass~~[JOM6]~~.~~

~~**Section 11. Transporting Rubbish or Garbage.**~~

~~No person shall transport any garbage or rubbish within the limits of the Town of Scarborough unless the transporting vehicle is so covered as to prevent such garbage or rubbish from blowing away~~[JOM7]~~.~~

Section 12. Authority to Remove.

(a) Any vehicle parked or standing in a manner described in Sections 7 and 9 may be removed by, or under the direction of, or at the request of the Chief of Police or any Police Officer of said Town to a garage or storage place. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provision of the ordinance.

Notice to owner

(b) The Police Department shall make every effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways or roads by quickest means. If this is not possible~~, and as soon as possible~~ a written notice that such vehicle has been impounded shall be sent by the Chief of Police or his designee to the owner at his last known address as shown by the records of the Secretary of Maine within (5) five business days of the vehicles removal thereof. If the owner is unknown, the Chief of Police shall cause to be published in any newspaper printed in the City of Portland notice of such impounding, giving the registration number, the motor number and the name, type, and year of said vehicle.

Release of Vehicle

(c) Before the owner of such vehicle, or his representative, may remove it from the possession of the person towing or storing it, he shall:

(1) Furnish satisfactory evidence of his identity and of his ownership of said vehicle to the Chief of Police or his designee and to the person having possession of the vehicle.

(2) Pay to the person having possession of said vehicle reasonable charges for the towing and storing of said vehicle.

(3) Sign a receipt for said vehicle.

~~**Section 13. Emerging from Driveways.**~~

~~The driver of a vehicle emerging from a private driveway, automobile service station or building shall stop such vehicle immediately prior to driving onto a sidewalk, or if none, upon entering the roadway, and shall yield the right-of-way to all vehicles approaching on said road-way~~[JOM8]~~.~~

~~**Section 14. Standing in Road.**~~

~~No person shall stand in a roadway or on a sidewalk for the purpose of soliciting a ride, employment or business.~~

~~No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway~~[JOM9]~~.~~

~~**Section 15. Following Traffic Direction.**~~

~~No person shall refuse, fail or neglect to follow the direction of a constable or police officer directing traffic on a street, way or road, or of a fireman directing traffic at the scene of a fire~~[JOM10]~~.~~

Section 16. Required Obedience.

Except when otherwise directed by a police officer, or~~ other authorized person~~Public Safety Traffic Flagger, the driver of any vehicle and every pedestrian shall obey the instructions of any traffic-control device, signal, sign or marker installed under the provisions of this ordinance or State Law, and every such person shall obey each and every provision of this ordinance.[JOM11]

Section 17. Traffic Control Devices.

(a) Authority to install traffic control devices.

The Council shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this Town to make effective the provisions of said ordinances, and may by order without the necessity of amending this ordinance, place and maintain such additional traffic-control signs, signals and devices as may be deemed necessary to regulate traffic under the traffic ordinances of the Town or under State Law, or to guide or warn traffic. Such additional traffic-control signs, signals and devices shall have the same force and effect as if placed pursuant to amendments to this ordinance.

(1) Whenever the Council accepts any street or way as a public way, and there are traffic control signs, signals, or devices existing on the street or way at the time of acceptance, and the Council approves the location of such existing traffic control signs, signals or devices as part of the street acceptance, then such traffic control signs, signals or devices shall have the same force and effect as if placed pursuant to an amendment to this Ordinance. (amended August 1, 1990).

(b) Obedience to official traffic-control devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances of this Town, unless otherwise directed by a police officer or Public Safety Traffic Flagger, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

(c) When traffic devices required for enforcement purposes.

(1) No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(2) Curb painting shall be yellow only and shall designate restricted areas.

~~**(d) Traffic control signals regulated.**~~

~~Whenever traffic is controlled by traffic control signals exhibiting the words "GO", "CAUTION", or "STOP" or exhibiting different colored lights~~

~~successively one at a time, or in combination, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:~~

~~(1) Green alone or "GO".~~

~~a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.~~

~~b. Pedestrians facing the signal may proceed across the roadway within any crosswalk.~~

~~(2) Yellow alone or "CAUTION" when shown following the green or "GO" signal.~~

~~a. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.~~

~~b. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.~~

~~(3) Red alone or "STOP".~~

~~a. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "GO" is shown alone.~~

~~b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.~~

~~(4) Red and green arrow.~~

~~a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.~~ [JOM12]

~~b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.~~

~~(5) Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:~~

~~a. Flashing red (stop signal). When a red lens is illumined by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.~~

~~b. Flashing yellow (caution signal). When a yellow lens is illumined with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.~~

~~c. Red and yellow (pedestrian signal). When the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians.~~[JOM13]

~~**(e) Pedestrian control signals.**~~

~~Whenever special pedestrian control signals exhibiting the words "WALK" or "DON'T WALK" are in place, such signals shall indicate as follows:~~

~~(1) Walk.~~

~~Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.~~

~~(2) Don't Walk.~~

~~No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.~~[JOM14]

Section 18. Parking on Paved or Improved Surface.

No vehicle shall be parked on the paved or improved surface of any street, way or road when it is practicable to park elsewhere.

Section 19. Parking on Left.

No vehicle shall be parked or stopped on the left of any street, way or road so that it is facing oncoming traffic.

Section 20. Movement of Traffic.

The stopping, standing and/or parking of vehicles and movement of traffic are hereby regulated on the streets or parts of the streets set forth on the Traffic Schedule [JOM15]annexed hereto and made a part of this ordinance and, when signs are erected giving notice thereof, the stopping, standing and/or parking of vehicles and movement of traffic shall be regulated as set forth on said Schedule for such streets or parts of streets.

Section 21. Prima facie Evidence of Operation.

No person shall allow, permit or suffer any vehicle registered in his name to stand or park ~~in~~ on any street, way or road, in violation of any provision of this ordinance. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 22. True name to be Given.

It shall be unlawful for any person when given a notice by any police officer or other authorized person to appear to answer for an offense against any provision of this ordinance to give other than his name and true place of residence or address, upon the request of such police officer or other authorized person.

Section 23. Temporary Signs.

The Chief of Police or his designee is hereby authorized to place temporary no-parking signs, detour signs, and to route traffic by personal direction of police officers and or Public Safety Traffic Flagger of the Town of Scarborough in circumstances of emergency or congestion such as, but not limited to fires, funerals, church services, parades, sporting events and also where the traffic generated by private business locations requires such directional and control.

Section 24. Snow Accumulation.

When the width of a roadway is decreased by reason of snow accumulation, or by any other reason, to less than twelve feet, the Chief of Police is authorized to prescribe temporary traffic and parking regulations and to place such temporary signs as may be necessary to give notice of the regulations.

~~**Section 25. Pedestrians Rights and Duties.**~~

~~**(a) Pedestrians subject to traffic control signals.**~~

~~Pedestrians shall be subject to traffic control signals as heretofore declared in Section 17-(d) of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this section.~~[JOM16]

~~**(b) Pedestrians' right of way in cross walks.**~~

~~(1) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling,~~[JOM17] ~~or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.~~

~~(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.~~

~~(3) Paragraph (1) shall not apply under the conditions stated in paragraph (2) of Section 17-(e).~~

~~(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk to an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.~~[JOM18]

(c) Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

~~**(d) Crossing at right angles.**~~

~~No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.~~[JOM19]

~~**(e) When pedestrian shall yield.**~~

~~(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.~~

~~(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing had been provided shall yield the right of way to all vehicles upon the roadway.~~

~~(3) The foregoing rules in this section have no application under the conditions stated in Section 17-(f) when pedestrians are prohibited from crossing at certain designated places.~~[JOM20]

(f) Prohibited crossing.

~~(1) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.~~[JOM21]

(2) No pedestrian shall cross a roadway other than in a crosswalk (in the central traffic district or) in any business district.[JOM22]

~~(3) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.~~[JOM23]

(g) Obedience of pedestrians to bridge and railroad signals.

(1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

~~**(h) Pedestrians walking along roadways.**~~

~~(1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.~~[JOM24]

~~(2) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.~~[JOM25]

(i) Pedestrians soliciting rides or business.

(1) No person shall stand in a roadway or a sidewalk for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.[JOM26]

~~**(j) Drivers to exercise due care.**~~

~~Not withstanding the foregoing provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.~~

[JOM27]

Section 26. Penalty.

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than Eighty ($80.00) Dollars for each offense, except for handicapped parking violations which shall be $120.00 for each offense, to be recovered, on complaint, to the use of the Town of Scarborough or by imprisonment for not more than ten (10) days or by both such fine and imprisonment. If payment of a ticket is received at the Scarborough Municipal Building within 30 days after the date of issuance of the ticket, the fine shall be reduced to $40.00, or $60.00 for handicapped parking violations. (amended 06/21/2006)

Section 27. Citation on Illegally Parked Vehicles.

Whenever any motor vehicle is found parked ~~or stopped~~[JOM28] in violation of any of the restrictions imposed by ordinance of this Town or by State Law, the officer or other authorized person finding such vehicle may take its registration number and may take any other information displayed on the vehicle which may identify the registered owner and may conspicuously affix to such vehicle a parking ticket, on a form provided by the Town, for the registered owner to answer to the charge against him within 5 days during the hours and at a place specified on the ticket. The penalty on illegally parked vehicles shall be $80.00 for each offense, except for handicapped parking violations which shall be $120.00 for each offense. (amended June 1990) (amended 06/21/2006)

Section 28. Appealing the Issuance of a Parking Ticket.

A registered owner of a motor vehicle that has been issued a parking ticket in violation of this ordinance may request that the issuance of the ticket be rescinded by appealing the issuance of the ticket. An appeal shall be made by delivering to the Scarborough Police Department, within seven business days of the issuance of the ticket, a written appeal on a form to be provided by the Scarborough Police Department. Delivery of the appeal shall be accomplished by hand delivery to the Police Department or by deposit in the United States mail, postage prepaid, properly addressed to the Chief of Police and post marked within seven business days of the issuance of the ticket. The Chief of Police or his designee shall render a written decision granting or denying the appeal within ten business days of the submission of the appeal. Written notice of the decision shall be sent by regular mail to the registered owner of the motor vehicle. (amended 06/21/2006)

Section 29.

A. PARKING RESTRICTIONS

I. NO PARKING AT ANY TIME.

No person shall ~~stop, stand or~~ [JOM29]park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device.

(1) No all night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.

(2) Upon the Pleasant Hill Road from U.S. Route #1 to the Rigby Road.[JOM30]

(3) Upon the westerly side of the Willowdale Road from U.S. Route #1 to the end of the Town right of way. (Parking permitted on the easterly side).

(4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. (amended 11/16/94)[JOM31]

(5) Upon the Boardturn Road within 50' of U.S. Route #1 to end.[JOM32]

(6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route #1.[JOM33]

(7) Upon U.S. Route #1 from the South Portland line to the Saco line (both sides).[JOM34]

(8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route #1. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route #1.[JOM35]

(9) Upon Pillsbury Drive (entire length).

(10) East Grand Avenue (east side) one parking space in front of 19 East Grand Ave. formerly; Colony Motel, no parking. Adopted 10/6/76.

(11) Avenue One Extension (entire length – from King Street to the ocean), amended 6/7/89.

(12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road, amended August 1, 1990.

(13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station, Amended August 1, 1990.[JOM36]

(14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length (Amended August 1, 1990).[JOM37]

(15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way (Amended August 18, 2004).

(16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive (Amended September 7, 2005).[JOM38]

(17) No parking along Bayview Avenue from Houghton Street to Pearl Street. (Adopted January 20, 2010)

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

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

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

b. Exempt from paragraph (a) of this subsection are the following:

(i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)

(ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated parking spaces, on the ocean side only of Bayview Avenue from the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1 hour parking shall not be in effect.

(iii) On all other areas of Bayview Avenue there shall be no parking at anytime, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street. (amended02/16/2011)

(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.

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

a. Upon any of the public streets or highways within the are 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 Rd.~~now or~~ formerly owned by Eucharist Archambault on the Prouts Neck Road. (Black Point Road[JOM39]).

b. Black Point Road from Kirkwood Road to Ferry Road. (amended 11/14/94)

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

(1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.[JOM40]

(2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides, 7/21/77.

(3) Entire length of Riversands Drive - both sides.[JOM41]

(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 ~~Conroy's Garage~~ #3 East Grand Ave.- No Parking.

b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of ~~Leary's Store~~ #27 East Grand Ave. - No Parking.[JOM42]

c. From a point opposite the Westerly entrance to ~~Conroy's Garage~~ #3 East Grand Ave.-to the Pine Point Road - No Parking.

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 ~~and~~ ,Avenue Three[JOM43] and Avenue Six[JOM44], from Jones Creek Drive to King Street.

(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 May 5, 1982).

(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 5/5/82).

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.[JOM45]

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.[JOM46]

V. TWO ROD ROAD (from May 1 to October 30 of each year).

(1) No parking at any time on the Two Rod Road from Holmes Road southerly a direction of 1500 feet.

VI. LOADING AND UNLOADING ZONES.

(1) 63 King Street - 20 minute business zone.

(2) 27 East Grand Avenue - 20 minutes business zone.

(3) 49 East Grand Avenue - 20 minutes business zone.

(4) Ferry Beach Public Landing - Boat Landing Ramp - 20 minute limit.[JOM47]

VII. From 11:00 P.M. to 5:00 A.M. (Revised May 1982) (Amended June 1990) (Amended June 5, 2002)

(1) Ferry Road and Ferry Beach Public Landing.[JOM48]

(2) Hurd Memorial Park.

(3) Bi-Centennial Parking Lot.[JOM49]

(4) Pine Point Public Landing.[JOM50]

VIII. Deleted by Council Action on 5/5/82.

IX. Amended 6/7/89 see Section 30, A - I.

X. HANDICAPPED PARKING (enacted 2/2/83)(amended 6/17/92).

It shall be unlawful for any vehicle to park in a parking space(s) designated as handicapped parking space without first displaying a special registration plate or placard

issued under Title 29, Section 252, M.R.S.A. or a similar plate issued by another state. There shall be adjacent to and visible from each handicapped parking space(s) a posted sign containing the wording *"Handicapped Parking"* and denoting the International Handicap Symbol of Accessibility depicted in white on a blue background.

B. LOCATIONS WHERE U TURNS ARE NOT PERMITTED.

I. On U.S. Route #1 from the South Portland Line to the Saco Line.

C. ONE WAY STREETS AND ALLEYS.

I. Authority to sign one way streets.

Whenever any ordinance of this Town designates any one-way street the Town Council shall place and maintain signs giving notice thereof, and such regulation shall not be effective unless such signs are in place. Signs indicating the direction of lawful movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

II. One-Way Streets.

Upon the following streets vehicular traffic shall move only in the following specified directions:

(1) Ocean Avenue shall be one-way from Greenwood Avenue southeasterly to Bayview Avenue.

(2) Pearl Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue.

(3) Ashton Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue and add a stop sign at Bayview Avenue and Ashton Street. (amended 12/06/00).

(4) Morning Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue.

(5) Houghton Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue. (amended 12/06/00).

(6) Bayview Avenue shall be one-way from Ocean Avenue southwesterly to Houghton Street. (amended 12/06/00).

(7) Bayview Avenue shall be one-way from Ocean Avenue northeasterly to Morning Street. (amended 12/06/00).

D. SPEED LIMITS IN CERTAIN AREAS.

I. DUNSTAN AREA.

(1) Broadturn Road from U.S. Route #1 to Urban line. Maximum speed limit 25 [JOM51]M.P.H.

(2) Old Blue Point Road from U.S. Route #1 to Urban line. Maximum speed limit 35 [JOM52]M.P.H.

II. PINE POINT AREA.

(1) Pine Point Area - All streets easterly of Depot Street including Depot Street. Maximum speed limit 25 M.P.H.

(2) Ross Road from Pine Point Road ½ mile on Ross Road. Maximum speed limit 25 M.P.H.

III. HIGGINS BEACH AREA.

(1) All streets including Ocean Avenue. Maximum speed limit 25 M.P.H.

IV. PLEASANT HILL AREA.

(1) Highland Avenue from Pleasant Hill Road to Chamberlain Road. Maximum speed limit 35 M.P.H.

(2) Gunstock Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(3) Powder Horn Drive, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(4) Schooner Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(5) Honeysuckle Lane. Maximum speed limit 25 M.P.H. starting at the junction of Lilac Lane and extending northeasterly to the end of the pavement, a total distance of 0.25 miles. 09/06/2000

(6) Magnolia Lane. Maximum speed limit is 25 M.P.H. starting at the junction of Highland Avenue and extending southeasterly to the junction of Honeysuckle Lane, a total distance of 0.04 mils. 09/06/2000

(7) Lilac Lane. Maximum speed limit is 25 M.P.H. starting at the junction of Highland Avenue and extending southeasterly to the end of the pavement, a total distance of 0.20 miles. 09/06/2000

V. MAPLE AVENUE

(1) Maple Avenue from U.S. Route #1 to Route #114. Maximum speed limit 25 M.P.H. 06/01/94

VI. SAWYER ROAD.

(1) Sawyer Road from U.S. Route #1 to Route #114. Maximum speed limit 35 M.P.H.

VII. OLD MILLBROOK AREA.

(1) Old Millbrook Area - All streets. Maximum speed limit 25 M.P.H.

VIII. FOGG ROAD.

(a) Fogg Road from Route #207 to and extending easterly to a point opposite CMP/NET Pole #19 a total distance of .80 mile. Maximum speed limit 35 M.P.H. (8/8/75).

(b) Fogg Road from a point opposite CMP/NET pole #19 easterly to the junction of Pleasant Hill Road a total distance of .70 mile. Maximum speed limit 30 M.P.H. (8/8/75)

IX. WINNOCK'S NECK ROAD.

(1) Starting at the junction of the Winnock's Neck Road and the Black Point Road and extending southerly to the end of the road a total distance of 1.40 miles. Maximum speed limit 30 M.P.H. (12/4/75).

X. ASH SWAMP ROAD.

(1) The Ash Swamp Road. Starting at the junction of Broadturn Road and extending westerly to the Scarborough/Saco town line, a total distance of 2.00 miles. Maximum speed limit 40 M.P.H. (8/23/77).

XI. MILLIKIN MILLS ROAD.

(1) The Millikin Mills Road. Starting at the junction of Old Blue Point Road in Scarborough and extending southwesterly to the junction of Portland Avenue in Old Orchard Beach a total distance of 1.00 mile. Maximum speed 45 M.P.H. (7/15/86).

XII. HOLMES ROAD.

(1) The Holmes Road. Starting at the junction of Payne Road and extending westerly to the junction of Two Rod Road, a total distance of 0.80 mile. Maximum speed 40 M.P.H. (7/10/90)

(2) Holmes Road. Starting at the junction of Two Rod Road and extending westerly to the Saco town line, a total distance of 3.20 miles. Maximum speed 35 M.P.H. (7/10/90)

XIII. NEW ROAD.

(1) The New Road. Starting at the junction of Route 114 and extending northerly to the junction of Running Hill Road a total distance of .60 mile. Maximum speed 35 M.P.H. (6/21/88).

XIV. SPRING STREET.

(1) Spring Street. Starting at the junction of Route 114 and extending northerly to the junction of Payne Road a total distance of .50 mile. Maximum speed 35 M.P.H. (9/13/89).

XVI. MERRILL BROOK AREA.

(1) Beaver Brook Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(2) Longmeadow Road, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

(3) Merrill Brook Drive, entire length. Maximum speed limit is 25 M.P.H. 06/01/94[JOM53]

XVI. ELMWOOD AVENUE.

(1) Elmwood Avenue, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

XVII. SUNSET AVENUE.

(1) Sunset Avenue, entire length. Maximum speed limit is 25 M.P.H. 06/01/94

MAINE DEPARTMENT OF TRANSPORTATION SCARBOROUGH

ASH SWAMP ROAD (T.W.)
40 MPH starting at the junction of Broadturn Road and extending westerly to the Scarborough/Saco town line, a total distance of 2.00 miles.

BEECH RIDGE ROAD (S.A. #8)
40 MPH starting at the junction of Route 114 and extending southerly to the junction of the Payne Road, a total distance of 5.80 miles.

BROADTURN ROAD (S.A. #2, I.R. #70602)
25 MPH starting at the junction of Route 1 (Node 7006) and extending westerly to Phillips Brook or a point 0.03 mile east of the junction of Martin Avenue (Node 6805), a total distance of 0.25 mile. (7/24/98).

35 MPH starting at Phillips Brook or a point 0.03 mile east of the junction of Martin Avenue (Node 6805), and extending westerly to a point 0.22 mile west of the junction of Martin Avenue (Node 6805), a total distance of 0.25 mile. (7/24/98).

45 MHP starting at a point 0.22 mile west of the junction of Martin Avenue (Node 6805) and extending northerly to the junction with Route 22 (Node 6456), in the town of Buxton a total distance of 5.56 miles. (12/21/01)[JOM54]

BURNHAM ROAD (T.W. #493)
35 MPH starting at the Scarborough/Gorham town line and extending westerly to the Scarborough/Saco town line, a total distance of 2.10 miles. (5/21/91).

CHAMBERLAIN ROAD (I.R. #70201, T.W.)
25 MPH starting at the junction of Pleasant Hill road (Node 5413) and extending southwesterly to a point 0.35 mile northeast of the junction of Highland Avenue (Node 5418), a total distance of 0.41 mile. (6/17/98)

35 MPH starting at a point 0.35 mile northeast of the junction of Highland Avenue (Node 5418) and extending westerly to the junction of Highland Avenue (Node 5418), a total distance of 0.35 mile. (6/17/98)

CUMBERLAND WAY (T.W., I.R. #78115)
25 MPH starting at the junction of Route 114 in Scarborough (Node 00882) and extending northeasterly to the end of the public way located 0.06 mile northeast of the junction of Jameco Mill Road in Scarborough (Node 00883), a total distance of 0.29 mile. (09/03/98)

CUMMINGS ROAD (this section was f.k.a. section of SPRING STREET)
35 MPD starting at the junction with Payne Road (Node 06829) and extending northerly to the Scarborough-South Portland town line (Node 06681), a total distance of 0.37 miles. *Note: This 35 MPH speed zone extends northerly 0.17 miles into the City of South Portland, for a total distance of 0.54 miles.*

DEERING DRIVE (T.W.)
25 MPH starting at the junction of Route 22 (Node 1008) in Scarborough and extending northerly through the town line with Buxton (Node 1009) and then northeasterly to its termination (Node 2534) in Buxton, a total distance of 0.95 miles. (01/16/02)

EASTERN ROAD
35 MPH starting at the intersection of Route 207 (Node 5436) and extending north easterly to the intersection of Portland Farms Road (Node 6739), a distance of 0.90 miles. (06/06/97)[JOM55]

FOGG ROAD (T.W.)
35 MPH starting at the junction of Fogg Road and Route 207 and extending easterly to a point opposite CMP/NET Pole #19, a total distance of 0.80 mile.

30 MPH starting at a point opposite CMP/NET Pole #19 and extending easterly to the junction of Pleasant Hill Road, a total distance of 0.70 mile.

HAIGIS PARKWAY
35 MPH starting at the junction of US Route 1 and extending westerly to a point 250' west of the centerline of Scottow Hill Road, a total distance of 0.30 mile.

45 MPH starting at a point 250' west of the centerline of Scottow Hill Road and extending westerly to the intersection of Payne Road, a total distance of 1.00 mile.

HIGHLAND AVENUE (I.R. #70203, S.A. #13)
35 MPH beginning at the junction with Route 207 (Node 05006) and extending northeasterly to a point 0.21 miles beyond the junction with Chamberlain Road (Node 05418), a total distance of 1.18 miles. (06/17/2004)

25 MPH beginning at a point 0.21 miles east of the junction with Chamberlain Road (Node 05418) and extending northeasterly to the junction with Pleasant Hill Road (Node 05409), a total distance of 0.57 miles. (06/17/2004)

45 MPH beginning at the junction with Pleasant Hill Road (Node 05409) and extending northeasterly to the Scarborough/South Portland town line (Node 05378), a total distance of 0.80 mile. (06/17/2004)

HOLMES ROAD (S.A. #12)
40 MPH starting at the junction of Payne Road and extending westerly to the junction of Two Rod Road, a total distance of 0.80 mile. (7/10/90).

35 MPH starting at the junction of Two Rod Road and extending westerly to the Saco town line, a total distance of 3.20 miles. (7/10/90).

JAMECO MILL ROAD (T.W., I.R. #78120)
25 MPH starting at the junction of Cumberland Way in Scarborough (Node 00883), and extending southeasterly to the end of the public way (Node 00883), a total distance of 0.43 mile. (09/03/98)

MILLIKEN MILLS ROAD (T.W. - I.R. #932)
45 MPH starting at the Town of Old Orchard Beach/Town of Scarborough municipal boundary (Node 53476) and extending easterly to the junction with the Old Blue Point Road (Node 10886), a total distance of 0.41 mile. (06/20/2006).

MITCHELL HILL ROAD
35 MPH starting at the junction with Holmes Road (Node 01016) extending northerly to Scarborough-Gorham town line, (Node 01021), a total distance of 1.28 miles. (07/10/02)

MUSSEY ROAD (S.A. #14)
40 MPH starting at the Scarborough/South Portland town line and extending westerly to a point 0.20 mile east of the junction of Spring Street, a total distance of 0.50 mile.

25 MPH starting at a point 0.20 mile east of the junction of Spring Street and extending westerly to the junction of the Payne Road, a total distance of 0.70 mile.

NEW ROAD (T.W. #507)
35 MPH starting at the junction of Route 114 and extending northerly to the junction of Running Hill Road, a total distance of 0.60 mile. (6/21/88).

OLD BLUE POINT ROAD (S.A. #7)
25 MPH starting at the junction of Route 1 and extending 0.30 mile southeast to CMP Pole #10/NET #520.10, a total distance of 0.30 mile. (9/30/87)

40 MPH starting at a point opposite CMP Pole #10/NET #520.10 and/or at a point 0.30 mile southeast of the junction of Route 1 and extending south then east to the southern junction of Burnham Woods Drive, a total distance of 1.00 mile. (9/30/87)

30 MPH starting at the southerly junction of Burnham Woods Drive and extending northeasterly to the junction of Route 9, a total distance of 0.40 mile. (9/30/87)

ORCHARD HILL ROAD
25 MPH beginning at the junction with Winnocks Neck Road (Node 08507) and extending southwesterly to the junction with High Point Road (Node 08509), a total distance of 0.28 mile. (06/20/2006)

PAYNE ROAD (S.A. #8 & S.A. #9)
35 MPH starting at a point opposite the South Portland/Scarborough town line and extending southerly to a point opposite CMP Pole #28 and/or 0.10 mile south of the junction of the Payne Road and the Gorham Road, a total distance of 0.75 mile.

45 MPH starting at a point opposite CMP Pole #28 and/or 0.10 mile south of the junction of Payne Road and Gorham Road and extending southerly to CMP Pole #19/58, a total distance of 1.10 miles. (11/24/92)

35 MPH starting at a point opposite CMP Pole #19/58 and extending southerly to the junction of Payne Road and U.S. Route 1, a total distance of 2.80 miles. (11/24/92)

PLEASANT HILL ROAD (S.A. #11)
35 MPH starting at the junction of Route 1 and extending easterly to the junction of Fogg Road, a total distance of 2.50 miles.

40 MPH starting at the junction of Fogg Road and extending easterly to the junction of Route 77, a total distance of 0.80 mile.

PORTLAND FARMS ROAD (T.W., I.R. #70111)
25 MPH starting at the junction of Route 1 (Node 7028) and extending southeasterly to the junction of Eastern Road (Node 6739), a total distance of 0.33 mile (05/28/98)

PORTLAND AVENUE (S.A. #2)[JOM56]
25 MPH starting at the junction of Route 98 and extending northerly to a point opposite NET Pole #J40, a total distance of 0.50 mile.

35 MPH starting at a point opposite NET Pole #J40 and extending northerly to a point opposite NET Pole #J89, a total distance of 1.20 miles.

45 MPH starting at a point opposite NET Pole #J89 and extending northerly to the junction of Old Blue Point Road, a total distance of 1.20 miles.[JOM57]

ROSS ROAD
35 MPH beginning at the junction with Route 9 (Node 06014) and extending southwesterly to the Town of Scarborough/Town of Old Orchard Beach municipal boundary (Node 01300), a total distance of 0.84 miles (08/24/2005).[JOM58]

ROUTE ONE
50 MPH beginning at a point 0.13 miles north of the MDOT Garage Entrance (Node 16592) and extending northerly to the junction with Southgate Road (Node 16596), a total distance of 0.97 miles, and

40 MPH beginning at the junction with Southgate Road (Node 16596) and extending northerly to a point 0.12 miles beyond the junction with Sawyer Road (Node 16602), a total distance of 1.34 miles. (05/22/2006)

35 MPH starting at a point 0.35 mile south of the junction of US Routes 1 and 114 at Oak Hill in Scarborough and extending northerly to the signalized junction of US Route 1 and Sunset Avenue in Scarborough, a total distance of 1.40 miles (5/29/91).

45 MPH starting at the signalized junction of Sunset Avenue and US Route 1 and extending northerly to a point 0.20 mile south of the junction of US Route 1 and Pleasant Hill Road in Scarborough, a total distance of 0.70 mile. (5/29/91)

35 MPH starting at a point 0.20 mile south of the junction of US Route 1 and Pleasant Hill Road in Scarborough and extending northerly to the junction of the I-95 spur in South Portland, a total distance of 0.50 mile. (5/29/91)

ROUTE NINE
25 MPH beginning at the Saco/Old Orchard Beach town line (Node 05107) and extending easterly to the junction of Pine Point Road and Jones Creek Drive in the Town of Scarborough (Node 06008), a total distance of 3.79 miles, (06/17/2004)

35 MPH beginning at the junction of Pine Point Road and Jones Creek Drive in the Town of Scarborough (Node 06008) and extending northerly to a point 0.15 miles beyond the junction with Primrose Lane in the Town of Scarborough (Node 00451), a total distance of 1.96 miles, (06/17/2004)

45 MPH beginning at a point 0.15 miles beyond the junction with Primrose Lane in the Town of Scarborough and extending northerly to a point 0.66 miles beyond same junction (Node 00451), a total distance of 0.51 miles, and, (06/17/2004)

35 MPH beginning at a point 0.66 miles east of the junction with Primrose Lane in the Town of Scarborough (Node 00451) and extending northerly to the junction with U.S. Route 1 and Broadturn Road in the Town of Scarborough (Node 07006), a total distance of 0.63 miles. (06/17/2004)

ROUTE TWENTY-TWO (MPH ID#05-0508-8908)
40 MPH starting at a point 0.18 miles west of junction of Route 22 and the entrance to Union Mutual in Portland (Node 0508) and extending westerly to a point 0.55 miles west of the Westbrook/Scarborough town line (Node 5429) a total distance of 2.96 miles. (10/18/96)

RUNNING HILL ROAD (S.A. #10)
35 MPH starting at the Scarborough/South Portland town line and extending westerly to the junction of Route 114, a total distance of 1.90 miles.

SCOTTOW HILL ROAD (T.W. – IR #78102)
35 MPH starting at the junction of Payne Road (Node 1042) and extending easterly to the junction of Haigis Parkway (Node 0752), a total distance of 0.93 miles. (01/05/98)

SOUTH PORTLAND/SCARBOROUGH CONNECTOR F.A.P. 1-1 SPUR
40 MPH starting at the junction of Route 1 in Scarborough and extending northerly to a point 0.15 mile north of said intersection in Scarborough, a total distance of 0.15 mile.

55 MPH starting at a point 0.15 mile north of the junction of Route 1 and extending northerly to the junction of I-295 in South Portland, a total distance of 1.80 miles.

SPRING STREET (T.W. #473)
35 MPH starting at the junction of Route 114 and extending northerly to the junction of Payne Road, a total distance of 0.50 mile. (9/13/89).

TWO ROD ROAD (T.W.)
25 MPH starting at the junction of the Scottow Hill Road and extending westerly to a point opposite CMP Pole #34/C, a total distance of 0.90 mile.

35 MPH starting at a point opposite CMP Pole #34/C and extending westerly to the junction of the Holmes Road, a total distance of 1.00 mile.

WEST BEECH RIDGE ROAD (T.W.)
30 MHP starting at the junction with Beech Ridge Road (Node 01035) and extending westerly to its end (Node 01034), a total distance of 0.67 miles.

WINNOCK'S NECK ROAD (T.W.)
30 MPH starting at the junction of Winnock's Neck Road and Black Point Road and extending southerly to the end of the road, a total distance of 1.40 miles.

E. LOCATIONS WHERE VEHICLES ARE REQUIRED TO MAKE A FULL AND COMPLETE STOP (UPDATED 10/85)(AMENDED 8/90)(AMENDED 2/5/03 – EFFECTIVE DATE 5/1/2003)(AMENDED 09/03/03)(AMENDED 09/15/04).

At Abigail Way on Maple Avenue (East)
At Abigail Way on Maple Avenue (West)
At Ash Swamp Road on Hearn Road
At Avenue Five on Driftwood Lane
At Bayview Avenue on Houghton Street
At Bayview Avenue on Ashton Street
At Bayview Avenue on Vesper Street
At Bayview Avenue on Ocean Avenue
At Bayview Avenue on Morning Street
At Black Point Road on Thornton Avenue
At Black Point Road on Winnocks Neck Road
At Black Point Road on Old County Road
At Black Point Road on Highland Avenue
At Black Point Road on Roundabout Drive
At Black Point Road on Fogg Road
At Black Point Road on Woodside Drive
At Black Point Road on Clay Pits Road
At Black Point Road on Woodrock Drive
At Black Point Road on Old Neck Road
At Black Point Road on Spurwink Road
At Black Point Road on Ferry Road
At Black Point Road on Pinewood Circle (2)
At Broadturn Road on Ash Swamp Road
At Broadturn Road on Martin Avenue
At Broadturn Road on Susan Avenue
At Broadturn Road on Castle Terrace
At Broadturn Road on Hearn Road
At Broadturn Road on Holmes Road (Southeast)
At Broadturn Road on Holmes Road (Northwest)
At Broadturn Road on Burnham Road (Southeast)
At Broadturn Road on Burnham Road (Northwest)
At Broadturn Road on Hanson Road
At Beech Ridge Road on West Beech Ridge Road
At Beech Ridge Road on Dresser Road
At Beech Ridge Road on Holmes Road (East)
At Beech Ridge Road on Holmes Road (West)
At Chamberlain Road on Highland Avenue
At Chamberlain Road on Ramsey Terrace
At Clay Pits Road on Nonesuch Cove Road
At County Road on Broadturn Road
At County Road on Deering Road
At County Road on Gorham Road
At County Road on on Saco Road
At County Road on Beech Ridge Road
At Driftwood Lane on Riversands Drive
At Dunstan Avenue on North Street
At Dunstan Avenue on Charles Circle
At East Grand Avenue on Eleventh Street
At East Grand Avenue on Ninth Street
At East Grand Avenue on Bay Street
At East Grand Avenue on Sea Rose Lane
At East Grand Avenue on Beach Street
At East Grand Avenue on Pine Street
At East Grand Avenue on Dover Street
At East Grand Avenue on Bliss Street
At East Grand Avenue on Granite Street
At East Grand Avenue on Oak Street
At East Grand Avenue on Route #9 at the Traffic Circle
At East Grand Avenue on Pine Point Road (Ocean End)
At Elmwood Avenue on Greenacres Lane
At Elmwood Avenue on Hunnewell Road
At Elmwood Avenue on Maple Avenue (North)
At Elmwood Avenue on Maple Avenue (South)
At Elmwood Avenue on Second Avenue
At Elmwood Avenue on Third Avenue
At Greenacres Lane on I-295 Cut Off
At First Street on Maple Avenue (North)
At First Street on Maple Avenue (South)
At First Street on Sunset Road

At First Street on Hudson Street
At Fogg Road on Ironclad Road
At Glenndale Drive at Broadturn Road (10/2/85)
At Gorham Road on Greenneedle Drive
At Gorham Road on Sawyer Road
At Gorham Road on Maple Avenue
At Gorham Road on Asselyn Drive
At Gorham Road on Spring Street
At Gorham Road on Mussey Road (Northeast)
At Gorham Road on Mussey Road (Northwest)
At Gorham Road on Payne Road (Northeast)
At Gorham Road on Payne Road (Northwest)
At Gorham Road on New Road
At Gorham Road on Running Hill Road
At Gorham Road on Beech Ridge Road (Northeast)
At Gorham Road on Beech Ridge Road (Northwest)
At Gorham Road on Exit Road from Wentworth Middle School by Town Library, (amended 08/01/90)
At Gorham Road on Exit Road from Wentworth Middle School by tennis courts, (amended 08/01/90)
At Green Road on Running Hill Road
At Greenacres Lane on Elmwood Avenue (East)
At Greenacres Lane on Elmwood Avenue (West)
At Greenwood Avenue on Ocean Avenue (amended 04/05/00)
At Greenwood Avenue on Pearl Street (both sides)
At Greenwood Avenue on Morning Street
At Gunstock Road on Minuteman Drive (amended 11/14/94)
At Gunstock Road on Nutter Way. (Both sides of intersection making a four way stop. Amended August 1, 1990).
At Gunstock Road on Powderhorn Drive (amended 11/14/94)
At Hearn Road on Ash Swamp Road (East)
At Hearn Road on Ash Swamp Road (West) (amended 09/03/03)
At Heritage Lane on Pilgrim Drive
At Heritage Lane on Puritan Drive
At Highland Avenue on Ole Musket Road
At Highland Avenue on Pleasant Hill Road from both directions
At Highland Avenue on Woodland Road
At Highland Avenue on Marcia Street
At High Point Road on Orchard Hill Road
At High Point Road on Sandy Point Road
At High Point Road on Salt Marsh Circle
At Hillside Avenue on Storer Drive
At Hillside Avenue on Kennedy Drive
At Holmes Road on Two Rod Road
At Holmes Road on Mitchell Hill Road
At Holmes Road on Dresser Road
At Houghton Street on Greenwood Avenue (Westerly side)
At Houghton Street on Shell Street
At Hunnewell Road on Laidlaw Lane
At Hunnewell Road on Maple Avenue (North)
At Hunnewell Road on Maple Avenue (North)
At Jasper Street on Dodge Street
At Jasper Street on Baker Street
At Jasper Street on Merrill Street
At Jones Creek Drive on Tasker Avenue
At Jones Creek Drive on Avenue One
At Jones Creek Drive on Avenue Two
At Jones Creek Drive on Avenue Three
At Jones Creek Drive on Avenue Four
At Jones Creek Drive on Avenue Five
At King Street on Avenue Seven
At King Street on Avenue Six
At King Street on Avenue Five - both sides
At King Street on Avenue Four
At King Street on Avenue Three
At King Street on Avenue Two
At King Street on Avenue One
At King Street on Avenue One – both sides
At King Street on Tasker Avenue

At King Street on Pine Point Road (Ocean side)
At Manson Libby Road on Southgate Road
At Maple Avenue on First Street
At Maple Avenue on Sunset Road
At Maple Avenue on Elmwood Avenue
At Maple Avenue on Laidlaw Lane
At Maple Avenue on Hunnewell Road
At Marion Jordan Road on Meadowood Road
At Minuteman Drive on Gunstock Road (amended 11/14/94)
At Mussey Road on Spring Street (both sides)
At Mussey Road on Honan Road
At Nelson Road on Ramsey Terrace
At Nelson Road on Wayne Circle
At Nutter Way on Gunstock Road
At Nutter Way on Ole Ironside Lane
At Nutter Way on Powderhorn Drive
At Nutter Way on Cannon Lane
At Ocean Avenue on Greenwood Avenue (East and West)
At Old Blue Point Road on Milliken Mills Road
At Old County Road on Kimball Drive
At Old Neck Road on Melbourne Drive
At Old Neck Road on Rhonda Drive
At Old Neck Road on Thomas Drive
At Ole Musket Road on Flintlock Drive
At Olde Mill Road on Coachlantern Lane (East and West)
At Olde Mill Road on Partridge Lane
At Olde Mill Road on Tall Pines Road
At Orchard Hill Road on Tall Pines Road
At Partridge Lane on Fern Circle
At Payne Road on Milliken Road
At Payne Road on Beech Ridge Road
At Payne Road on Scottow Hill Road
At Payne Road on Puritan Drive
At Payne Road on Pilgrim Drive
At Payne Road on Plymouth Drive
At Payne Road on Two Rod Road (North)
At Payne Road on Two Rod Road (South)
At Payne Road on Holmes Road
At Payne Road on Mussey Road
At Payne Road on Gorham Road (both sides)
At Payne Road on Spring Street (North)
At Payne Road on Cummings Road
At Pilgrim Drive on Colonial Drive
At Pine Point Road on Douglas Road
At Pine Point Road on Dunstan Landing Road
At Pine Point Road on Old Blue Point Road
At Pine Point Road on Hillside Avenue
At Pine Point Road on Eagles Nest Drive
At Pine Point Road on Sylvan Drive
At Pine Point Road on Seavey Landing Road
At Pine Point Road on Ocean View Road
At Pine Point Road on Jasper Street
At Pine Point Road on Ross Road
At Pine Point Road on Snow Road
At Pine Point Road on Bickford Street
At Pine Point Road on Holly Street
At Pine Point Road on Depot Street
At Pine Point Road on Jones Creek Drive
At Pleasant Hill Road on Rigby Road
At Pleasant Hill Road on Pond View Drive
At Pleasant Hill Road on Gibson Road
At Pleasant Hill Road on Chamberlain Road
At Pleasant Hill Road on Robinson Road
At Pleasant Hill Road on Nelson Road
At Pleasant Hill Road on Pleasant Avenue
At Pleasant Hill Road on Highland Avenue (East)
At Pleasant Hill Road on Highland Avenue (West)
At Pleasant Hill Road on Flintlock Drive
At Pleasant Hill Road on Gunstock Road
At Pleasant Hill Road on Minuteman Drive
At Pleasant Hill Road on Fogg Road
At Portland Farms Road on Eastern Road (amended 09/15/04)
At Powderhorn Drive on Gunstock Road (amended 11/14/94)
At Powderhorn Drive on on Militia Lane
At Powderhorn Drive on Ole Musket Road
At Powderhorn Drive on Scabbard Road

At Ramsey Terrace on Robinson Road
At Robinson Road on Ramsey Terrace
At Route #1 on Pleasant Hill Road
At Route #1 on Payne Road
At Route #1 on Riverview Place
At Route #1 on Kenosha Avenue
At Route #1 on Portland Farms Road
At Route #1 on Foxcroft Drive
At Route #1 on Maple Avenue
At Route #1 on Downeast Lane
At Route One on Fairfield Road
At Route #1 on Westwood Avenue
At Route #1 on Libby Street
At Route #1 on Ward Avenue
At Route #1 on Millbrook Road
At Route #1 on Scottow Hill Road
At Route #1 on Milliken Road
At Route #1 on Rose Hill Way
At Route #1 on Harlow Street
At Route #1 on Orchard Street
At Route #1 on Church Street
At Route #1 on Dunstan Avenue
At Route #1 on Queens Drive
At Route #1 on Willowdale Road Turn Around
At Running Hill Road on Gorham Road
At Running Hill Road on New Road
At Sawyer Road on Barbara Avenue
At Sawyer Road on Herbert Drive
At Sawyer Road on Imperial Lane
At Sawyer Road on Phillip Street
At Saco Street on Vance Street
At Scottow Hill Road on Two Rod Road
At Serenity Drive on Eastern Road (amended 09/15/04)
At Spurwink Road on Sawyer Road
At Spurwink Road on Pleasant Hill Road
At Spurwink Road on Ocean Avenue
At Spurwink Road on Marion Jordan Road
At Sunset Road on Second Avenue
At Sunset Road on Third Avenue
At Tall Pines Road on Spruce Circle
At Tall Pines Road on Hemlock Circle
At Tall Pines Road on Cedar Circle
At Tall Pines Road on Rocky Hill Road
At Tall Pines Road on Ledgewood Circle
At Thomas Drive on Melbourne Drive
At Thornton Street on Fairfield Road
At Two Rod Road on Heritage Lane
At Vesper Street on Greenwood Avenue
At Welch Drive on Woodland Road
At Westwood Avenue on Seaview Avenue
At Westwood Avenue on Thornton Avenue
At Winnocks Neck Road on Olde Mill Road
At Winnocks Neck Road on Old County Road (2 entrances)
At Winnocks Neck Road on Orchard Hill Road
At Woodland Road on Nelson Road
At Woodland Road on Pleasant Avenue

F. LOCATIONS FOR "NO THROUGH TRUCKS (OVER ~~12,000~~–26,001 POUNDS)" SIGNS.[JOM59]

Chamberlain Road*
Fairfield Road*
Fogg Road*
Maple Avenue*
Mitchell Hill Road***
New Road**
Pondview Drive
Saywer Road*
Thornton Road*
Westwood Avenue*

* Revised to include 10/1/86
** Revised to include 8/4/88
***Revised to include 4/3/91 - No Truck over *10 Tons*

G. LOCATIONS FOR "EMERGENCY STOPPING ONLY" SIGNS [Adopted 01/20/2010]

Pillsbury Drive [the right-of-way between lots 37 and 38].

H. LOCATIONS FOR "NO PARKING/STOPPING/IDLING" SIGNS [Adopted 04/02/2012]

On the eastside of Bayview between Ocean Avenue and Pearl Street.

I. POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES [12/01/93]

Any person, firm or corporation who moves or causes the movement of any over-limit load which requires a permit for movement of such load from the Maine Department of Transportation and said permit stipulates that a police escort is required before such move may be made upon any of the streets or highways with the Town of Scarborough, shall arrange for said escort through the Scarborough Police Department. A fee for a police escort shall be charged by the Police Department in accordance with the hourly rate established by the Scarborough Town Council for "*Special Police Services.*" An additional fee shall be charged for the assignment of any police cruiser(s) assigned to said escort also at a rate established by the Scarborough Town Council. Fees collected must be used to defray the costs of providing services.

J. STICKERED PARKING [12/01/93]

Parking on the following locations shall be permitted by stickers for residents and non-resident taxpayers:

(1) Bi-Centennial Park (4) Higgins Beach Parking Lot

(2) Ferry Beach

(3) Hurd Memorial Park

K. PARKING BANS DURING EMERGENCIES [Adopted 01/20/2010]

The purpose of this subsection is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during emergencies.

In order to properly remove snow and to provide safer travel conditions, the Town of Scarborough does implement parking bans. After consultation with the Director of Public Works, the Chief of Police shall decide to impose a parking ban.. During an emergency parking ban, all vehicles are prohibited from parking on any street within the Town of Scarborough unless the ban is specifically described and advertised as being limited to a particular area.

Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect, you can call our hotline at 883-7760-SNO (766).

The Town of Scarborough strictly enforces parking bans – all vehicles in violation WILL BE TOWED at the owner's expense.

Section 30. TOWING [December 1, 1993] [amended 06/21/2006]
(A). APPLICABILITY.

1. Any vehicle which is parked in violation of any parking restriction set forth in Section 5 or Section ~~31~~30(A) of this Ordinance, may at the option of any police or other

officer authorized to enforce the parking regulations of the Town, may be removed by a vehicle wrecker or towing service approved by the Chief of Police and stored in a storage location approved by the Chief of Police pursuant to the provisions of this ordinance, including the provisions of the Scarborough Police Department Wrecker Policy set forth in Section ~~32~~ 31 of this Traffic Ordinance until all waiver fees established pursuant to 30-A M.R.S.A. § 3009, for all outstanding notices of parking violations and also the towing and storage charges authorized by this Ordinance have been paid or until the requirements of Section ~~31~~30(C) have been met.

2. If a motor vehicle has received at least two tickets in violation of this ordinance, both of which tickets were issued after December 31, 2004 and which remain unpaid for more than thirty (30) days, and neither of which tickets is currently under appeal as permitted under Section 28 and the vehicle is found to be in further violation of this ordinance, the motor vehicle may be towed and impounded. (06/21/2006)

(B). PROCEDURE FOR REMOVAL: NOTICE TO OWNER.

The police officer requesting removal of a vehicle under this Ordinance shall at the time of such removal notify the dispatcher of the intended storage location of the subject motor vehicle. Such information shall be recorded by the dispatcher for the use of the Chief of Police or Treasurer. If the motor vehicle is impounded, a reasonable attempt shall be made by telephone to contact the registered owner in order to make the owner aware of the impoundment. If contact is not made by telephone, the Chief of Police or his or her designee shall notify by certified mail the registered owner of such vehicle within five (5) business days of the impoundment thereof, the storage location of such vehicle and the requirements for release as set forth in Section ~~31~~30(C). (amended 06/21/2006)

(C). RELEASE OF VEHICLES. (amended 06/21/2006)

(1) Before a motor vehicle impounded under Section 30A paragraph 1 may be released, all appropriate towing and storage fees must be paid. If the registered owner of the vehicle is successful in appealing the violation, the registered owner will be reimbursed the towing and storage fees.

(2) Before a motor vehicle impounded under Section 30A paragraph 2 may be released, all outstanding tickets and appropriate towing and storage fees must be paid. The registered owner shall have the right to appeal the ticket issued when the vehicle was impounded. If the registered owner is successful in appealing the ticket, the registered owner shall not be entitled to either reimbursement of fees paid or waiver of fees otherwise due under this paragraph.

(D). INTERFERENCE WITH ENFORCEMENT.

It shall be unlawful for any person to obstruct or attempt to prevent the removal of a vehicle as provided in this Section.

Section 31. SCARBOROUGH POLICE DEPARTMENT WRECKER POLICY [December 1, 1993] [amended 06/21/2006]

PURPOSE

In order to protect motorists within the Scarborough Town Limits, to insure streets and public ways remain open and free of hazards, to insure efficient enforcement of traffic, parking, snow removal and other regulatory ordinances, it is necessary to set a policy to regulate wrecker companies used by the Scarborough Police Department. A **Wrecker Policy** will be established to regulate towing and services, storage and disposition of vehicles towed and to establish rates for these services.

POLICY

The Scarborough Police Department will maintain a rotation list of wrecker companies approved for use by the Police Department, for towing and service. The list will be used for all normal routine calls town wide and the next due wrecker will have 30 minutes to arrive at the scene of the town **(SEE Regulation "II-C").** If a towing company is unable to tow, it will be the responsibility of the Scarborough Police Department to assign a replacement wrecker, not the company originally called. Nothing in the foregoing paragraph will prevent the Scarborough Police Department in emergency situations from calling the closest available wrecker.

If the emergency deems the closest available wrecker be called, it will not be logged against the company called and they will not loose their place on the rotation list.

I. INSURANCE

The following policies will be on file with the Chief of Police.

A) Garage Keepers Policy

This will cover fire, theft, windstorm, vandalism and explosion in the amount of, at least, $25,000 with each vehicle suffering damage or loss being deemed a separate claim.

B) Garage Keepers Liability

This will cover the wrecker company's business, equipment and/or other vehicles for bodily injury or property damage. The policy shall be in the minimum amount of $250,000 for any one person injured or killed and a minimum of $500,000 for more than one person injured or killed in any accident and a minimum of $25,000 for property damage.

C) Road Service Liability

This will cover the lifting, hoisting and towing of vehicles in the minimum amount of $25,000.

D) Policy Requirements

Each policy shall contain an endorsement by the carrier providing thirty (30) days notice to both the Town of Scarborough and the insured in the event of any change in coverage and/or cancellation of the policy. Each policy shall also contain an endorsement holding harmless the Town of Scarborough or any of its' officers or employees.

II. REGULATIONS

A) Wreckers and storage facilities shall be within the Town of Scarborough limits.

B) Wrecker company's shall maintain records as required by the Chief of Police and permit their inspection during normal business hours.

C) Wreckers shall arrive on the scene within thirty (30) minutes of receipt of a request for service from the Police Department or lose the call to the next wrecker on the rotation list.

D) Vehicles must be towed and not driven to the storage area.

E) The wrecker operator shall check each vehicle, before towing, and note any existing damage.

F) Each wrecker shall carry equipment such as brooms, shovels, speedy dry, and containers, which may be necessary to clean a normal amount of debris from the accident area. Wrecker operators shall clean the accident area of all debris resulting from the accident.

G) No repairs will be made to the vehicle without the owners consent.

H) The wrecker company shall hold the Town of Scarborough harmless from all claims for damages to property and injuries to persons resulting from wrecker company's negligence in the towing or storing of a vehicle.

I) Police Officers may not recommend a wrecker company to the public.

J) If a request is received from a patron for a wrecker company, the wrecker company's place is not lost on the rotation schedule.

K) Police Officers will note damage, defects, etc., with the wrecker operator before the vehicle is towed.

L) Wrecker companies that are used for motorcycle tows must have a motorcycle "sling" device to provide maximum protection to the motorcycle.

III. SOLICITATION OF BUSINESS

No wrecker operator may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the Scarborough Police Department or persons involved in the accident or emergency. This does not prevent the wrecker company from contracting with any person, firm or corporation. It does not prevent soliciting a contract at the scene of an accident or emergency.

IV. REMOVAL FROM THE SCARBOROUGH POLICE ROTATION LIST

The Chief of Police may remove a wrecker company from the Police Department Rotation List for any of the following:

A) The wrecker company has violated any of the requirements or regulations established herein.

B) The Chief of Police is not satisfied with the general services of the wrecker company and/or employees or with the cooperation it has received while rendering the services.

V. RATE SCHEDULE

Shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. [amended 09/06/95]

Maine Revised Statutes
Title 29-A: MOTOR VEHICLES HEADING:
Chapter 1: GENERAL PROVISIONS HEADING:

§101. Definitions

91. Vehicle. "Vehicle" means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on tracks or snowmobiles as defined in Title 12, section 13001 or an electric personal assistive mobility device as defined in this section.

86. Trailer. "Trailer" means a vehicle without motive power, designed to carry persons or property and to be drawn by a motor vehicle, not operated on tracks, and so constructed that no part of its weight rests upon the towing vehicle. "Trailer" does not include tow dollies.

66. Semitrailer. "Semitrailer" means a vehicle:

A. Without motive power;

B. Designed for being drawn by a motor vehicle; and

C. Designed so that some part of its weight and its load rests upon or is carried by that motor vehicle.

"Semitrailer" includes, but is not limited to, so-called pole dollies and pole dickeys and wheels commonly used as a support for the ends of logs or other long articles. "Semitrailer" excludes tow dollies.

81. Tow dolly. "Tow dolly" means a device towed by a motor vehicle and designed and used exclusively to transport another motor vehicle and on which the front or rear wheels of the towed motor vehicle are mounted, while the other wheels of the towed motor vehicle remain in contact with the ground.

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2091. Control of vehicular traffic at emergency scenes

1. Definition. For the purposes of this section, "public safety traffic flagger" means a municipal firefighter, a volunteer firefighter or a member of an emergency medical service licensed by the Department of Public Safety, Maine Emergency Medical Services who is trained in accordance with subsection 2 and authorized by the chief official of the fire department or emergency medical service to control vehicular traffic.

2. Training. All public safety traffic flaggers must receive training approved by the Department of Labor, Bureau of Labor Standards in controlling traffic on public ways. Training

may consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities.

3. Authority. Notwithstanding any other provision of this Title, a public safety traffic flagger shall wear a reflective traffic vest or protective clothing as defined by Title 26, section 2103, subsection 3 and has the authority to control vehicular traffic on a public way at or to reroute vehicular traffic around a public safety emergency, including a medical emergency, motor vehicle accident, fire, hazardous materials incident or other natural or man-made disaster or a training operation, unless otherwise directed by a law enforcement officer.

4. Obeying public safety traffic flagger. An operator of a motor vehicle on a public way shall obey a request or signal of a person who is reasonably identifiable as a public safety traffic flagger. A violation of this subsection is a traffic infraction.

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2065. Driving over fire hose

An operator of a motor vehicle may not drive over an unprotected hose of a fire department laid down on a way for a fire or alarm without the consent of the police or fire department official in command.

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2055. Animals on a public way

3. Frightened animals. When a person riding, driving or leading an animal that appears to be frightened signals by putting up a hand or by other visible sign, an operator approaching from the opposite direction must stop as soon as possible and remain stationary as long as necessary and reasonable to allow the animal to pass.

[2003, c. 452, Pt. Q, §34 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

3-A. Passing animals. When traveling in the same direction as an animal on a way, an operator must use reasonable caution in passing the animal.

Title 17: CRIMES
Chapter 80: LITTER CONTROL

§2263-A. Littering

1. Prohibited acts. A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as "litter";

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2053. Right-of-way

4. Private to public intersection. An operator of a vehicle entering a public way from a private way must yield the right-of-way to a vehicle on the public way or to a pedestrian. After yielding, the operator of the vehicle must proceed cautiously.

For the purposes of this subsection, "private way" means any way or road access onto a public way, including an alley, driveway or entrance.

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2091. Control of vehicular traffic at emergency scenes

4. Obeying public safety traffic flagger. An operator of a motor vehicle on a public way shall obey a request or signal of a person who is reasonably identifiable as a public safety traffic flagger. A violation of this subsection is a traffic infraction.

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2057. Traffic-control devices

An operator shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter.

1. Lighted devices. A traffic-control device may emit only the colors green, red and yellow, except for a pedestrian signal carrying a legend. The lights have the following meanings.

A. A green light:

(1) If circular, means the operator may proceed straight through or turn right or left, unless a sign prohibits either turn; or

(2) If an arrow, alone or in combination with another indication, means the operator may cautiously enter the intersection only to make the movement indicated by the arrow or other movement as is permitted by other indications shown at the same time.

Notwithstanding the light, the operator must yield the right-of-way to a vehicle or pedestrian lawfully within the intersection or crosswalk.

B. A yellow light:

(1) If steady and circular or an arrow, means the operator must take warning that a green light is being terminated or a red light will be exhibited immediately; or

(2) If showing rapid intermittent flashes, means the operator may proceed only with caution.

C. A red light, if steady and circular, means:

(1) The operator must stop and remain stationary until an indication to proceed is shown; or

(2) The operator may cautiously enter the intersection to make a right turn after stopping if:

(a) Not prohibited by an appropriate sign such as "NO RIGHT TURN ON RED"; and

(b) The operator executing a turn yields the right-of-way to pedestrians on a crosswalk and to a vehicle having a green signal at the intersection.

C**-1. A red light, if a steady arrow, means the operator may not enter the intersection to make the movement indicated by that arrow.**

C-2. A red light, if showing rapid intermittent flashes, means the operator must stop and then proceed as if at a stop sign.

D. Red and yellow illuminated together, means the operator may not enter the intersection, as the intersection is reserved for the exclusive use of pedestrians.

5. Pedestrians. Unless otherwise directed by a pedestrian control signal, a pedestrian facing:

A. A green signal, except when the sole green signal is a turn arrow, may proceed across the way within a marked or unmarked crosswalk;

B. A steady circular yellow or yellow arrow signal, may not start to cross the way, as there is insufficient time to cross before a red indication is shown; or

C. A steady circular red signal or a steady red arrow, may not enter the way. [

6. Pedestrian control devices. When a pedestrian control device exhibiting the words "walk" and "don't walk" is used, it indicates as follows.

A. A pedestrian facing a "walk" signal may proceed across the way in the direction of the signal and must be given the right-of-way.

B. A pedestrian may not start to cross a way in the direction of a "don't walk" signal, but a pedestrian who has partially completed crossing may proceed to a sidewalk or safety island.

7. Stop signs. Unless directed to proceed by a law enforcement officer or traffic control device, an operator of a vehicle approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and

B. Having yielded, an operator may proceed. All other operators approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

8. Place of stop. A stop must be made before entering the intersecting way as follows:

A. Where the intersection is regulated by a traffic control device, at a sign or marking on the pavement indicating where the stop is to be made or, in the absence of a sign or marking, at the device; or

B. Where the intersection is regulated by a stop sign, before entering the crosswalk or, in the absence of a cross walk, at a marked stop line; but if there is no stop line, at a point nearest the intersecting way where the operator has a view of approaching traffic.

9. Evidence. The placing of a traffic control device in a position approximately conforming to this chapter is prima facie evidence that the device has been placed by the official act or direction of lawful authority.

Title 29-A: MOTOR VEHICLES HEADING:
Chapter 19: OPERATION HEADING:
Subchapter 1: RULES OF THE ROAD HEADING:

§2056. Pedestrians

1. Pedestrian traffic. When use of a sidewalk next to a public way is practicable, a pedestrian may not walk on that public way.

2. Pedestrian on way. Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable. An operator of a motor vehicle who is passing a pedestrian on a public way or the way's shoulder shall exercise due care by leaving a distance between the motor vehicle and the pedestrian of not less than 3 feet while the motor vehicle is passing the pedestrian. A motor vehicle operator may pass a pedestrian in a no-passing zone only when it is safe to do so.

3. Pedestrians on sidewalks. An operator shall yield the right-of-way to a pedestrian on a sidewalk.

4. Pedestrians in marked crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a marked crosswalk.

5. Pedestrian crossing. A pedestrian must yield the right-of-way to a vehicle when crossing a way:

A. Other than within a marked crosswalk; or

B. With an available pedestrian tunnel or overhead pedestrian crossing.

6. Pedestrian prohibitions. A pedestrian may not:

A. Cross between adjacent intersections at which traffic-control devices operate, except in a marked crosswalk;

B. Cross an intersection diagonally, unless authorized by official traffic-control devices; or C. Suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield. [

7. When vehicle stopped. When a vehicle is stopped at an intersection or a marked crosswalk to permit a pedestrian to cross, the operator of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

8. Due care. Notwithstanding other provisions of this chapter or of a local ordinance, an operator of a vehicle shall:

A. Exercise due care to avoid colliding with a pedestrian;

B. Give warning by sounding the horn when necessary; and

C. Exercise proper caution on observing a child or any obviously confused, incapacitated or intoxicated person.

9. Failure to yield right-of-way to a visually impaired pedestrian. Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually

impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section 1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this subsection may not be less than $50 nor more than $1,000.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 4, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-55. Move approval of the first reading, to approve the expenditure, in an amount not to exceed, $2,000,000 from the Land Acquisition Reserve Fund for the purpose of purchasing the so called Benjamin Farm, located more specifically identified by the Scarborough Tax Assessors Maps –Map 95/Lots 5A, 6 & 10, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest and schedule a second reading for Wednesday, June 18, 2014.

RECEIVED
MAY - 7 2014

SCARBOROUGH LAND TRUST

February 19, 2014 (updated 5/5/14)

Sue Foley-Ferguson
Parks & Conservation Land Bond Board
P.O. Box 360
Scarborough, ME 04070-0360
(and via email)

Board of Directors

Paul Austin
President

Elizabeth Peoples
Vice President

Patrick O'Reilly
Treasurer

Rick Shinay
Clerk

Betts Armstrong

Mark Follansbee

Alex Timpson

Jeremy Wintersteen

Executive Director
Kathy Mills

Dear Sue,

We are pleased to present this application for the Benjamin Farm property to the Parks and Conservation Land Board. Scarborough Land Trust (SLT) has been working on this project for over fifteen years. We are thrilled to have secured an agreement to purchase and protect this beautiful property.

Benjamin Farm is approximately 135 acres and is located on Pleasant Hill Road. It has been farmed for over 150 years and was until 2005, when its previous owner, Jerrerd Benjamin, passed away. It is a scenic viewshed and is appreciated by many in the area. Located in a densely populated area and abutting the Town's Willey Recreation Area and Rachel Carson National Wildlife Refuge, it provides a significant conservation/recreation area. Its open fields, woods, and wetlands are also the headwaters of the Spurwink River.

SLT is working to raise $2,500,000 to cover the purchase price, project costs, and stewardship needs. We are in the early stages of a fundraising campaign and are also pursuing a wildlife habitat grant. We are respectfully requesting $2,000,000 from the Land Bond.

Benjamin Farm has been our top priority for many years. It is the property we are continually asked about and many people have expressed their appreciation, concern, and financial support for conserving it. It is one of the largest properties left in eastern Scarborough and its proximity to dense neighborhoods and other open space areas makes it unique.

Benjamin Farm is about Scarborough's heritage. Its history, land features, wildlife and wetlands values, and location, along with its potential for trails, public access, wildlife habitat, and possible agriculture, all make it worth the huge effort that will be needed for its protection for Scarborough residents.

Please let me know if you have any questions or need more information. I would be happy to meet with the Land Bond Board and/or join you for a site walk. Thank you for your consideration.

Sincerely,

Jeremy Wintersteen
SLT Acquisition Committee Chair

Enclosure

P.O. Box 1237, Scarborough, ME 04070 • www.scarboroughlandtrust.org • (207) 289-1199 • info@scarboroughlandtrust.org

Town of Scarborough, Maine
LAND ACQUISITION APPLICATION FORM

Property Name: **Benjamin Farm**

February 19, 2014
(updated 5/5/14)

GENERAL INFORMATION:

Property Address:	302 Pleasant Hill Road, Scarborough, ME 04074
Mailing Address:	Scarborough Land Trust P.O. Box 1237, Scarborough, ME 04070-1237
Contact Person:	Jeremy Wintersteen, Acquisition Committee Chair
	617-291-7730 jrwintersteen22@aol.com
Landowners(s):	Estate of Jerrerd Benjamin
	No liens
Deed Type:	Warranty
Current Assessed Value:	$505,000
Appraised Value:	$2,220,000 (as of 4/7/14)
Existing boundary survey:	Yes
Potential boundary disputes:	None anticipated
Any hazardous waste:	Environmental assessment in process

LAND DESCRIPTION; Tax Map #95 Lots #5A, 6 & 10 Zoning District: R2, RF

Buildings on the property: Yes, old house and barn. The house is in very poor condition and may have to be demolished.

Part of the proposed purchase: Yes

BRIEF PROJECT DESCRIPTION:

The 135-acre Benjamin Farm property is one of the last, large parcels of open space in the Pleasant Hill neighborhood, one of the most densely developed areas of town. It is also the last parcel of historic farmland on Pleasant Hill Road; it had been farmed nearly continuously from 1824 to 2005. Approximately two-thirds of the parcel is open fields, which encompass extensive wetlands; the remainder is forested. Aquifers on the property feed the headwaters of the Spurwink River. The parcel abuts land owned by the Rachel

Carson National Wildlife Refuge and the Town of Scarborough and is part of a wetlands and wildlife corridor that runs from the Refuge past SLT's Libby River Farm property near Black Point Road. Pleasant Hill Road borders it to the west, and several large neighborhoods abut its northern side. Taken together, the property offers a scenic and historic viewshed, prime wildlife habitat, and great potential for public trails and possible agricultural uses. Scarborough Land Trust (SLT) has been working to conserve this property for over fifteen years. It has been SLT's top acquisition priority during this time.

Do you believe that the owners will be willing sellers of this site?

Yes, SLT and the Benjamin family have signed a Purchase & Sale Agreement.

Please attach the following:

- Site Location Map (map provided)
- Assessors Map (with abutting properties)
- Photo(s) (no more than one page please)

Directions to the property from Town Hall

North on Route 1 to Black Point Road. Left on Highland Avenue. Right on Pleasant Hill Road. Property on the left. 3.6 miles total.

LEAVE THIS BOX BLANK UNTIL FURTHER NOTICE

Important Note: The Town Council of the Town of Scarborough requires that all owners of land being proposed for town purchase are willing sellers and have full knowledge that their property is being presented to them for consideration. When and if the Parks and Conservation Land Board recommend a purchase, the owners of the property will be asked to sign below to indicate their willingness to sell. A *signed letter stating the above is also acceptable.*

- Landowner letter is included.

Site Description

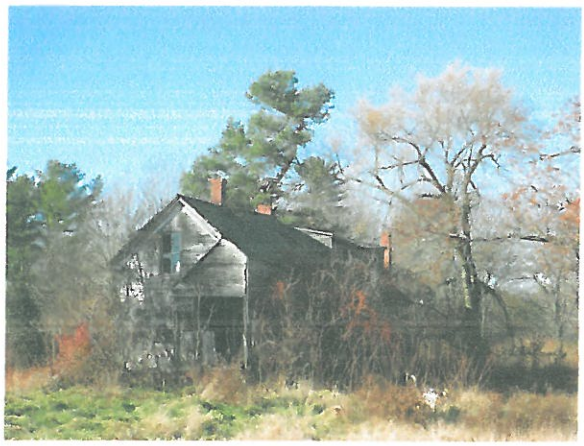
X	Rare or endangered species (New England cottontails)
X	Freshwater rivers, streams, vernal pools (aquifer feeding the Spurwink River)
	Ocean, tidal or estuary
X	Working Farm or Forest (farm until 2005)

X	Saltmarsh / other wetlands (extensive freshwater emergent wetlands)
X	Creates link between public or protected parcels or trails (Spurwink River, Town's Wiley Recreation Area, and Rachel Carson NWR to the northeast; SLT and Scarborough Marsh lands to the southwest)
X	Provides buffer for river, streams or brooks (Spurwink River)
	Public access to beaches, marshes, waterways, or other natural areas
X	Public access to trails or other public lands
	Existing active recreation (ball fields, motorized vehicles, etc.)
	Potential active recreation
	Existing passive recreation (birding, hiking, horseback riding, skiing, etc.)
X	Potential passive recreation
X	Scenic views
X	Historical significance (cemetery, monument, archeological site)

Possibilities for:

X	Purchase
	Easement
	Donation

Site Visit Scheduled: (to be filled out by committee)



Suzanne A. Foley-Ferguson for the
Scarborough Parks and Conservation Land Board

May 28, 2014

Dear Scarborough Town Councilors,

The Parks and Conservation Land Board is delighted to recommend that voter approved bonds in the amount of 2 million dollars be issued to support the Scarborough Land Trust's purchase of the Benjamin Farm Property. And while this property will decrease the land bond fund to its lowest level in 14 years ($429,240, Attachment 10) it is an important enough piece that we believe that it is well worth the expenditure.

Neighbors to the 136 acre Benjamin Farm are familiar with the curvy road, views of fields and forests, the trees, and the look and "feel" of the rural character of the land that is so hard to describe but is auspiciously present as one drives on Pleasant Hill past this jewel of a property. It's not only that neighbors have wondered about this former farm east of the turnpike. One of the few spots of green in the densely developed Pleasant Hill neighborhood, this property has long been eyed by builders for residential development. (Attachment 6) Located in the Rural Residential and Conservation District, but adjacent to high density, people from all over have also wondered and worried about its eventual fate. We are so excited that the Scarborough Land Trust and Town will preserve the Benjamin Farm for people and wildlife, forever.

Adjacent to the Rachel Carson National Wildlife Refuge, the 5000-acre coastal sanctuary for migratory bird species that expands over 500 acres along Scarborough's coast, the Benjamin Farm Property has always been "***the***" property that stirs up protection discussions at farmers markets and in grocery stores. The Benjamin property is "***the***" property that beachgoers pondered as they passed by year after year as its physical farming infrastructure gradually crumbled. Wondering what might happen to the property, Willey Field visitors often inquired about the property, as did most of the land trust's donors. In fact, the Benjamin Farm is "***the***" property that was envisioned as being one of the most valuable to protect when the first land bond referendum was put to the ballot in 2000. For over 15 years, the Benjamin Property has been "***the***"-property that the land trust worked hardest to secure, spanning three land trust Presidents, two Executive Directors, and three land bond referendums. So, let's find out what is so special about Benjamin Farm?

The BF property embodies all of the reasons it is important to conserve land for future generations.

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PHONE NUMBER 207-883-1162 CELL 207-730-1762 E-MAIL ADDRESS PinusStrobus@maine.rr.com

Reasons for Protection of the Benjamin Farm

1. The Comprehensive Plan identifies this area as a Rural Residential and Conservation District. The vision of the community is to maintain the "rural" character, maintain water quality for our fisheries, shorebirds, and other wildlife habitat, and protect open space for recreation.

2. It abuts Town and Federally protected land, with wetlands that feed the Spurwink River creating both protection for Waterfowl Wading Habitat and shorebirds, and an important large block of undeveloped land for other species of plants and animals. Connections with other conserved land is a possibility (**Attachment 3**)

3. It is one of the last large blocks of undeveloped land east of Route One, and it abuts many other blocks of undeveloped land that have potential to be conserved. (**Attachment 1 and Attachment 7**)

4. The property contains a mix of field, forest and wetland that supports a huge diversity of wildlife. The Maine Natural Areas Program characterizes its wetlands as the type with "***the***" most functional value based on flood control, plant and animal habitat, finfish habitat, shellfish habitat and educational/ cultural value. The only other area as significant is the Scarborough Marsh. (**Attachment 2**)

5. The property overlays an aquifer according to Scarborough's Comprehensive Plan. Aquifers, when protected can assist to maintain the high water quality of the Spurwink River, which supports shorebird feeding areas and a recreational fishery.

6. The property maintains soils of statewide significance for farming. (**Attachment 11**)

7. The property is adjacent to active recreation, and is prime for active farming and passive recreation in the form of trails that could link all the way to Spurwink River.

8. ***Piping Plover and Least Terns*** are two endangered species whose habitat includes most of Scarborough's marine environment, including the Spurwink River. Protecting the water quality of the feeding habitat of endangered species is important.

9. 26 +/- acres of the property are show to be in the 100-year floodplain.

10. Over 2681 feet of small perennial streams exist providing over 8542 feet of buffer of natural vegetation that provide waterfowl wading habitat, wildlife corridors, and aquifer recharge areas that assist in protecting the saltwater marsh. (**Attachment 7**)

11. Two other unique and critical natural resources have been identified in the area: Saltmarsh Foxglove, which is of "special concern" and rare in Maine; and Salt Hay salt

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marsh, which is also rare. *Agalinis martima* or saltmarsh false-foxglove has been placed on the "watch list" by the State. This small pink to purple flowered annual is confined to salt marshes. It has been sighted in the Libby River watershed, but could also be located in the Spurwink River wetlands. Research on these species at this location is non-existent.

12. In addition, the Maine Department of Inland Fisheries and Wildlife believe the property could support another endangered species: the New England Cottontail (NEC). (**Attachments 4 and 5**)

13. Anadromous fish (rainbow smelt, American eel, alewife, blue back herring and American shad) inhabit the Scarborough River and the Nonesuch River. It is likely that anadromous fish are in the Spurwink River too, although data is not available. The Spurwink River in Scarborough does support a striped bass sport fishery.

14. The potential for future passive recreation, trails, and/or farming is still high, even while protecting valuable wetlands, and even while improving habitat for other species.

The Evaluation

The Parks and Conservation Land Board met twice to evaluate the Benjamin Farm (BF) proposal using the Acquisition Evaluation Process (AEP) and Detailed Assessment Form. The BF property was evaluated for its plant, soil, and wildlife values, as well as public values such as public access, trails, view sheds, historic features, etc. The property scored 870 points for its 136 acres. Compared to other known valuable properties, Benjamin Farm scored high. There are some unique and critical habitat features that are known to be in the area, but data has not been collected on the farm. These include the possibility of 2-3 threatened or endangered species of plants and animals. That could increase its score by up to 50 points, which could put it at 920, which is the highest of any property ever scored. The property could also have gained another 50 points if the farm was still a working farm (970). Not long ago, it was.
Despite that we could not objectively give the property either of those "50" points, and even though the acreage is less, larger parcels scored in similar ranges. Warren Woods received 737 points for 161.5 acres; Libby River Farm, scored 910 points for 120 acres and Fuller Farm, which is 180 acres, scored 905.

We are happy to see that our "gut" inclinations to support a 2 million dollar expenditure were correct. This property objectively scores high in all of its values, and should be considered an exemplary model of land conservation.

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Alternate Proposal for Council's Information

SLT has pursued the possibility of a third funding source from a New England Cottontail state program that could yield up to $925,000 for a 20 year wildlife management agreement on 54 acres of the Benjamin Farm Property (Attachment 4 and 5) Maine Department of Inland Fisheries and Wildlife (MDIFW) proposed to do some major clear cutting on the property to improve habitat for the New England Cottontail, a state endangered species, that is believed to occupy the adjacent Rachel Carson National Wildlife Refuge, but has not been verified to exist on the Benjamin Farm.

Given the configuration of the 54 acres, the inability to have public access and trails on it, the loss of local control, and the uncertainty of the management agreement terms and renewal status, SLT believes BF is strongest as a local project supported by the Land Bond and private fundraising efforts. SLT will continue to pursue New England Cottontail and other options. If an arrangement can be found that is amenable to the land trust, Land Bond Board, and Town Council, then those funds could be used to lower or reimburse the Land Bond and private fundraising amounts.

The Land Board sees the creation of habitat as valuable, but is wary about non-local control of the property that local taxpayers will be paying for. Our major concerns are continued public access and passive recreational opportunities as well as potential conflict if the land trust wanted to restore community farming or active farming on the property. We recommend that the Town Council be clear about the method by which any changes in "agreements" between federal and state entities is made. It will therefore be important to state these concerns in the easement documents. The Board recommends that the Town of Scarborough maintain an interest in property via easements, not solely management agreements, which can be changed.

Other Details About Value

Large parcels are a priority identified by Maine's Inland Fisheries and Wildlife's Beginning With Habitat Project because of their ability to support a larger number, and often, a greater diversity of plants and animal species.

At 136 acres, and located at the headwaters of the Spurwink River, the BF property value is high both in cultural as well as natural resources. (Attachment 1) the Benjamin Farm large block habitat is a valuable mix of fields, forests, upland and wetland, streams and dry land. (Attachment 2) Historically this land supported an artesian well that was used by visiting tourists for soaking. The SLT has put together an impressive historical and cultural collection of material about the property.

Being adjacent to the Willey Recreational area and the Rachel Carson National Wildlife Refuge, this purchase represents a major contribution to lands already protected in the Spurwink River corridor.

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Valuable Farm Soils

The Benjamin Farm property, originally 3 separate family farmsteads was successfully farmed for over 150 years, sending produce as far away as Boston. It's no wonder because even though there are a lot of wetlands on the property, 76% or more of the soils are considered "prime" farmland soil. In fact 47% of the soils are of statewide significance for farming. Attachment 11, taken from the Cumberland County Soil Survey data provided by Web Soil Survey and the Natural Resources Conservation Services shows that 47% of the property contains soils of statewide importance (Buxton BuB, Melrose MeC, Hollis HrB and Paxton PbC).

Whether or not this property will eventually serve the community again as a farm is unknown. But what is certain is that if we protect these soils now, they will be available in the future for future farmers or community farming. If we do not, these soils of statewide significance will never be available again.

Final Thoughts

The Scarborough Parks and Conservation Land Board supports the SLT's decision to keep this a local project and not to involve the MDIFW by accepting their contribution. The PCLB recommends that the development rights on the property be extinguished legally by attaching conditions to the contribution and/or placing an easement on the property. However, we are supportive of efforts that may include buildings to continue the farming on the property.

The Board recommends that the SLT and the town work towards an agreement to share in any financial benefit derived from the property to benefit further land conservation efforts. Some initial discussions have focused on community agriculture, for example. Our recommendation (re-stated below) includes asking the town to send another referendum to the voters at some time so that conservation partners can be confident that the availability of funding is more certain.

The more we learn about the Benjamin Farm property, the more thrilled we become to be a part of its permanent protection.

Thank you for your consideration. Members of the Board, and the SLT will be available on the night of your meeting for any questions you may have.

Sincerely,

Suzanne D. Foley-Ferguson

Suzanne Foley-Ferguson
Chair, Parks and Conservation Land Board

331 BLACK POINT ROAD ● SCARBOROUGH, ME 04074
PHONE NUMBER 207-883-1162 CELL 207-730-1762 E-MAIL ADDRESS PinusStrobus@maine.rr.com

Parks and Conservation Land Board Recommendation-May 5, 2014

The Parks and Conservation Land Board recommends that the Town Council authorize the Town Manager to issue voter approved bonds in the amount not to exceed 2 million dollars to assist the Scarborough Land Trust in its purchase of the Benjamin Farm property, and requests the Town Council authorize the PCLB to examine placing a new referendum on the ballot sometime in the future to replenish the land bond funding mechanism.

Parks and Conservation Land Board
Benjamin Farm Property Recommendation
Attachments

Maps / Attachments

Location Map	(With SLT application)
Powerpoint	PCLB Powerpoint Copy
Attachment 1	Aerial Photo From Google
Attachment 2	Field and Forest Aerial
Attachment 3	Map of Proximity and Adjacent Conservation Land
Attachment 4	New England Cottontail Proposal Outline Map From MDIFW
Attachment 5	New England Cottontail Proposal From SLCT (declined)
Attachment 6	Benjamin Farm Property Allowable Build Out Scenario
Attachment 7	Maine Inland Fisheries and Wildlife Wetland Characterization Maps, Waterfowls and Inland Wading Bird Habitat and National Wetlands Inventory.
Attachment 8	Benjamin Farm Estimated Budget
Attachment 9	Buy Versus Build: The Cost of Services Versus Land Acquisition Over Time
Attachment 10	Land Bond Expenditures / Projects To Date
Attachment 11	Benjamin Farms Soils Map
Attachment 12	Scarborough Land Acquisition Projects 1997-2014

Note: Each of the maps used in the analysis of the value determination are not included in the Town Council Packet but were consulted, and can be provided upon request. They include: Current FEMA flood map, 2014 FEMA proposed flood map, Rare Plant and Animal Polygons, Streams and Wetlands.

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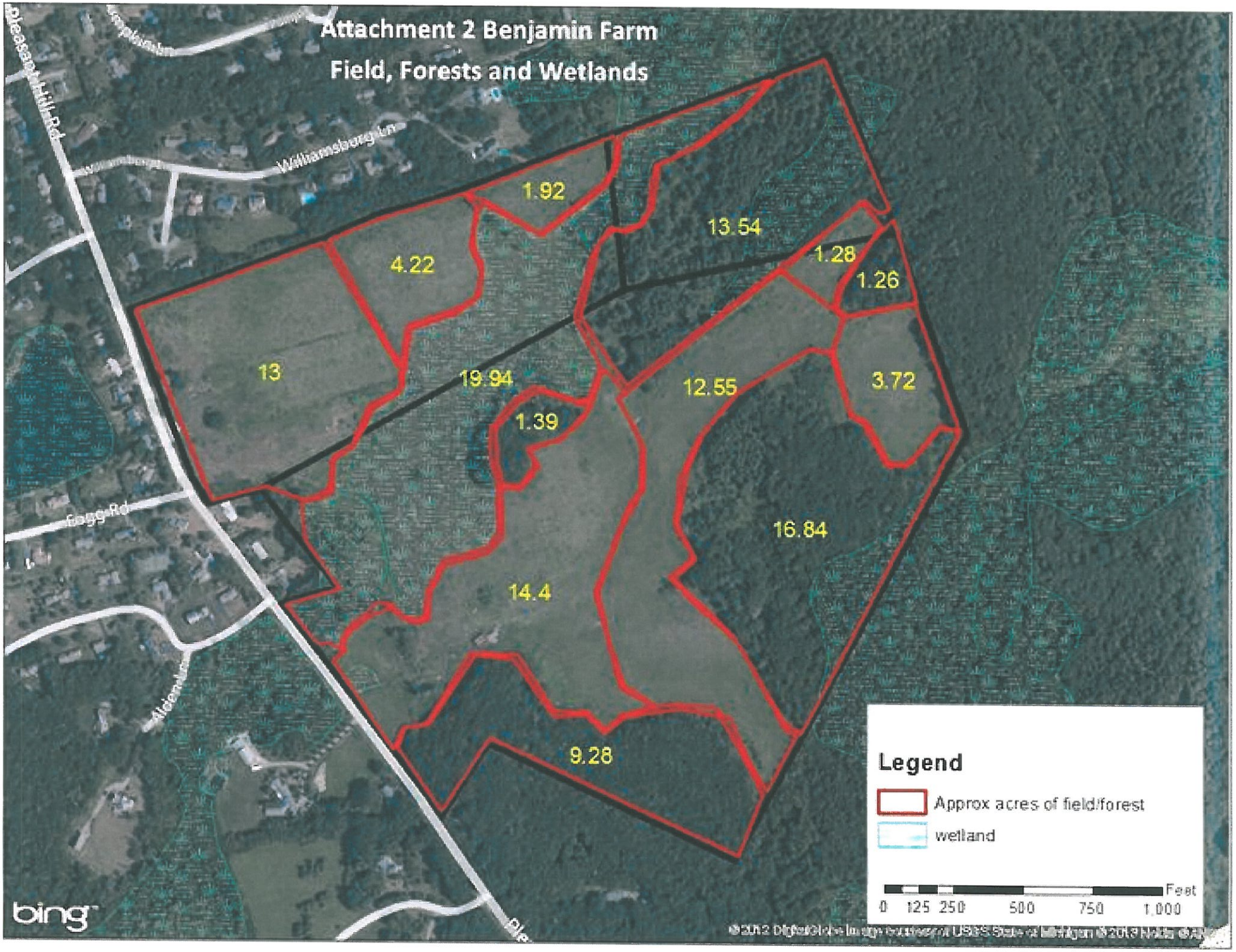
Attachment 1

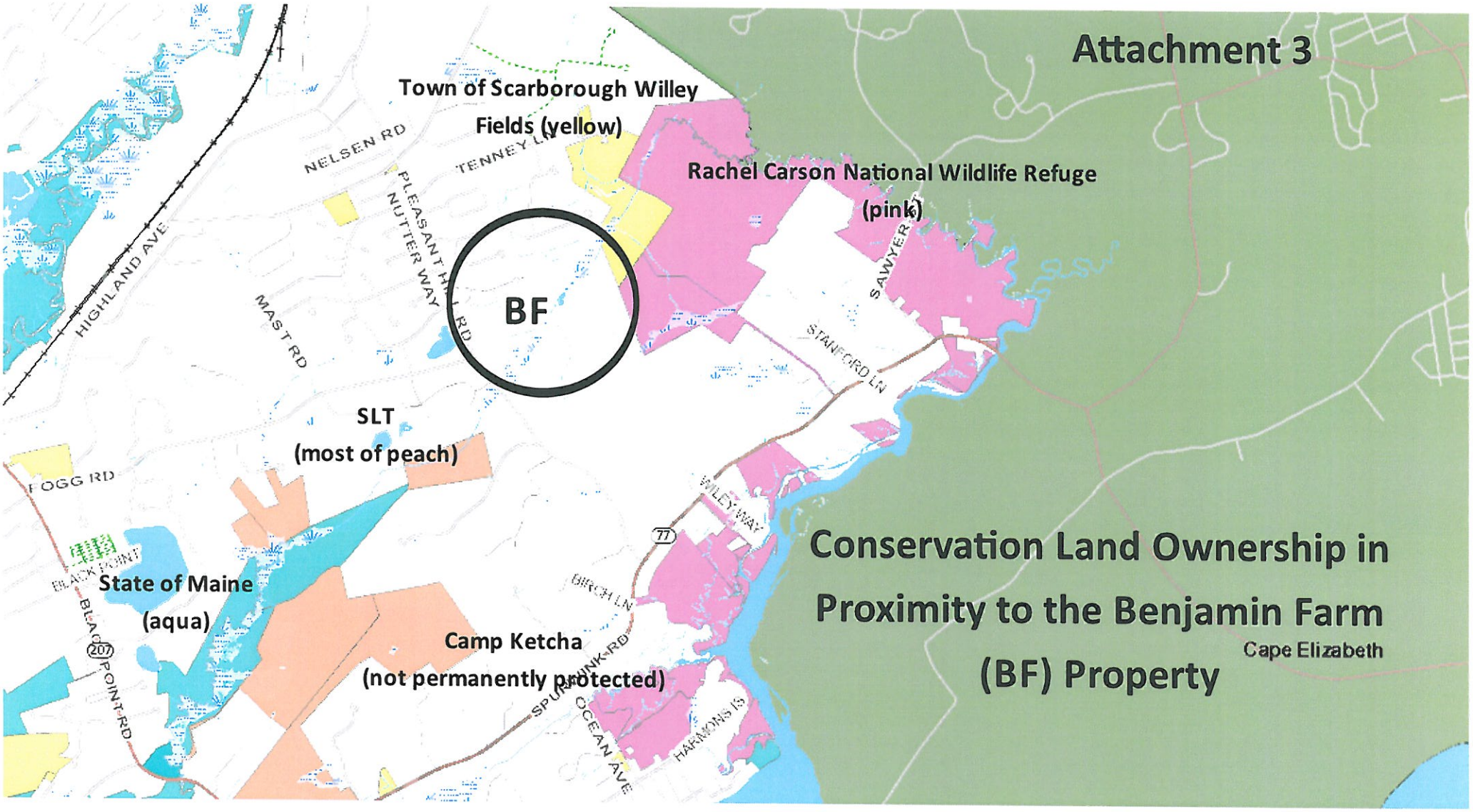
Willey Fields, Wetlands, and Headwaters of the Spurwink River

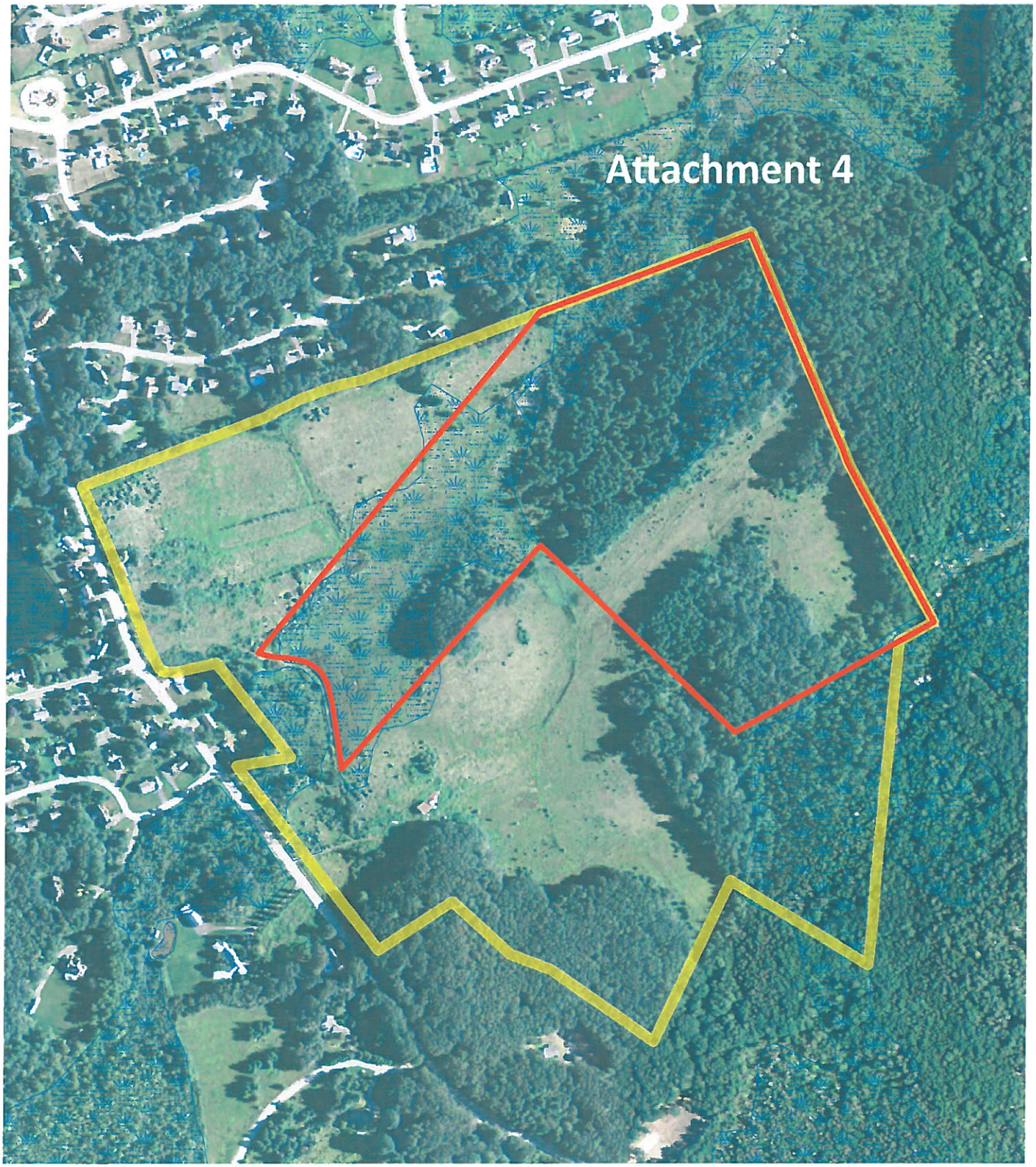
To see all the details that are visible on the screen, use the "Print" link next to the map.

Benjamin Farm, Pleasant Hill Road
Scarborough, Maine

Spurwink River


Attachment 2 Benjamin Farm
Field, Forests and Wetlands
Pleasant Hill Rd
Williamsburg Ln
Fogg Rd
Alden Ln
1.92
13.54
4.22
1.28
1.26
13
19.94
12.55
3.72
1.39
16.84
14.4
9.28
Legend
Approx acres of field/forest
wetland
Feet
0 125 250 500 750 1,000
bing


Attachment 3
Town of Scarborough Willey Fields (yellow)
Rachel Carson National Wildlife Refuge (pink)
BF
SLT (most of peach)
State of Maine (aqua)
Camp Ketcha (not permanently protected)
NELSEN RD
TENNEY LN
PLEASANT HILL RD
NUTTER WAY
HIGHLAND AVE
MAST RD
SAWYER
STANFORD LN
FOGG RD
WILEY WAY
BIRCH LN
BLACK POINT
BLACK POINT RD
SPURWINK RD
OCEAN AVE
HARMONS IS
77
207
Conservation Land Ownership in Proximity to the Benjamin Farm (BF) Property
Cape Elizabeth



Benjamin Farm

Proposed New England Cottontail
Conservation Area

Scarborough, Maine

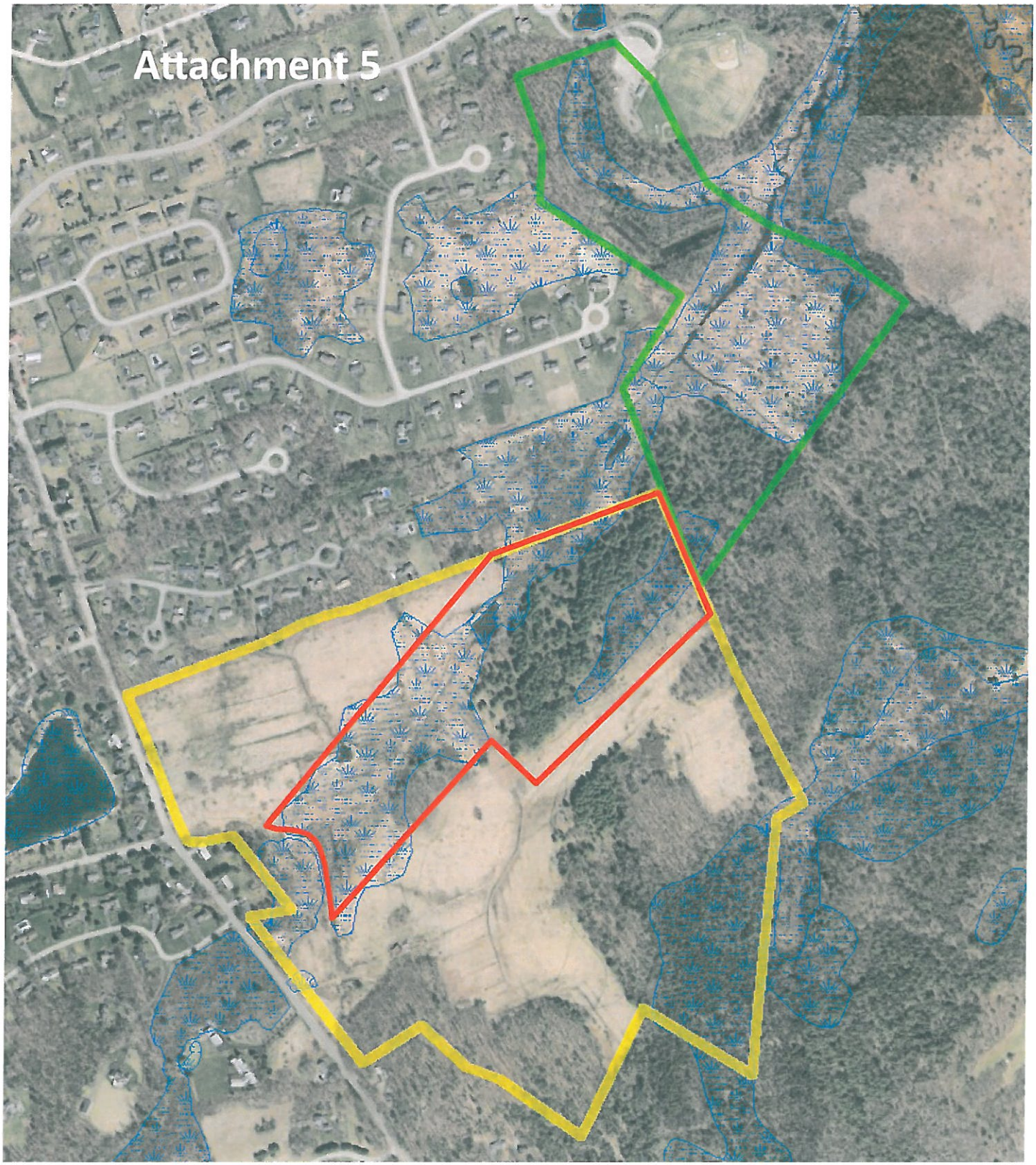
Benjamin Farm Property

Proposed NEC Area - 54.7 ac.

N

0 500 1,000

Feet



Benjamin Farm

Proposed New England Cottontail Conservation Area

Scarborough, Maine

Benjamin Farm Property

Proposed NEC Area - 36.1 ac.

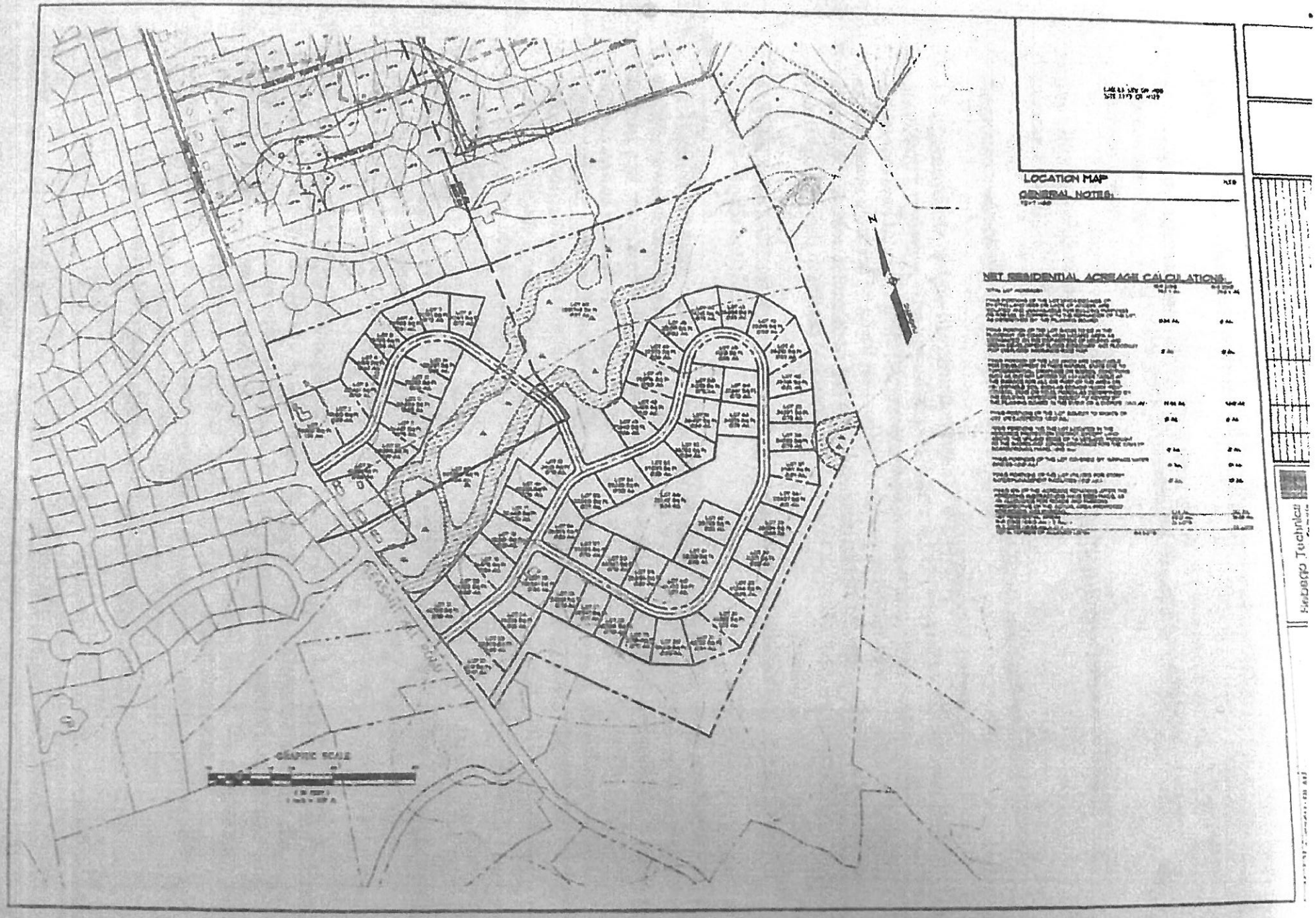
Wiley Property

N

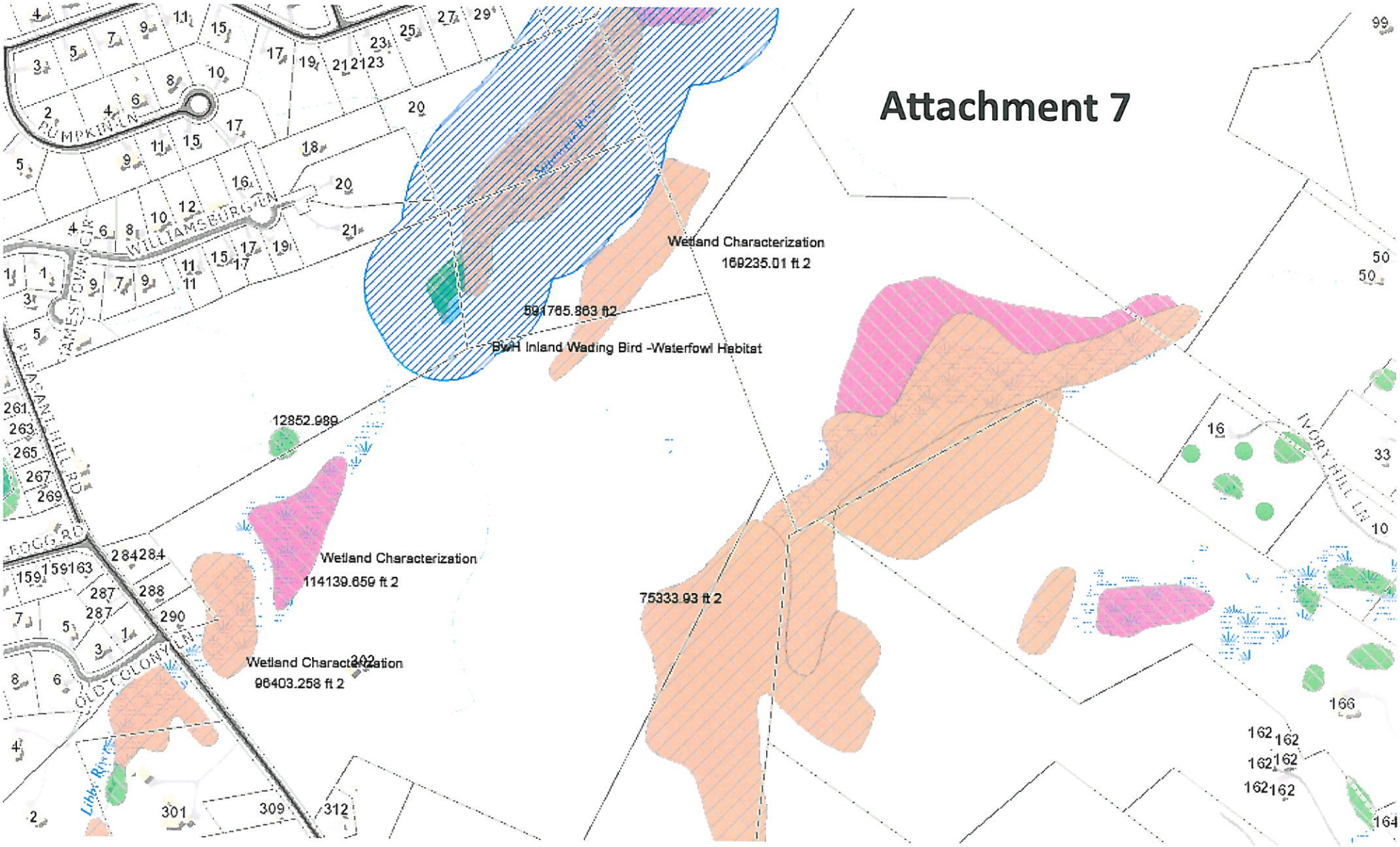
0 500 1,000

Feet

Attachment 6



Attachment 7



Attachment 8

Benjamin Farm
Project Cost Estimates

05/28/14

Purchase Price	2,225,000.00		
			2,225,000.00
Project Costs			
Appraisal	5,500.00		
Title / Legal	11,500.00	est	
Boundary survey	11,000.00	est	
Environmental Assessment & Building Removal	16,000.00	est	
Tax Reimbursement	7,500.00		
Project Manager	5,000.00	est	
Fundraising	10,000.00	est	
Contingency	15,000.00	est	
SLT Staff Time	30,000.00	est	
Total Project Costs	111,500.00		
			111,500.00
Stewardship (Short Term & Long Term)			
Ecological Assessment, Monitoring & Management Plan, Invasives Inventory & Removal, Habitat Creation / Protection, and Signs, Property Literature, Kiosk	75,000.00	est	
Trail Planning & Design	5,000.00	est	
Trail Building	20,000.00	est	
Parking Lot Design & Creation	9,000.00	est	
Contingency	15,000.00	est	
SLT Staff Time	30,000.00	est	
Total Stewardship Costs	154,000.00		
			154,000.00
TOTAL BENJAMIN PROJECT COST ESTIMATE			**2,490,500.00**

BENJAMIN FARM

Town of Scarborough
Bonding versus Building
Attachment 9

				Source:
a	$	1,194	Net cost per year for homes in new development. *Compares all revenues from taxes and fees to municipal and educational costs.*	*G&S Report*
b		65	Expected number new homes.	*Developer plan*
c	$	77,610	Total annual ongoing cost to Scarborough taxpayers. *Town foregoes other activity, borrows, or raises taxes to cover shortfall due to the development.* *This is an "opportunity cost" to the taxpayers.*	*(a x b)*
d		$5,156,319	Estimated future value of shortfall @ 5% cost of capital. *This is economic impact on taxpayers due to funding the tax shortfall from the housing development over 30 years.*	*(FV of c @ 5% for 30 yrs.)*
e		$2,890,269	Estimated debt service costs (interest & principal) to borrow $2 million @ 5% for 15 years. *This is the estimated total cost to taxpayers for a 15 year land purchase bond.*	*(15 yr "mortgage")*
		$2,266,050	Net benefit to taxpayers of borrowing $2 million to purchase Benjamin Farm vs. a 65 home subdivision. *Note: assumes borrowing rate of 5% and DOES NOT assume any monetary benefits from open space, maintenance of rural character, recreation, Spurwink River water quality, or wildlife preservation.*	*(d - e)*

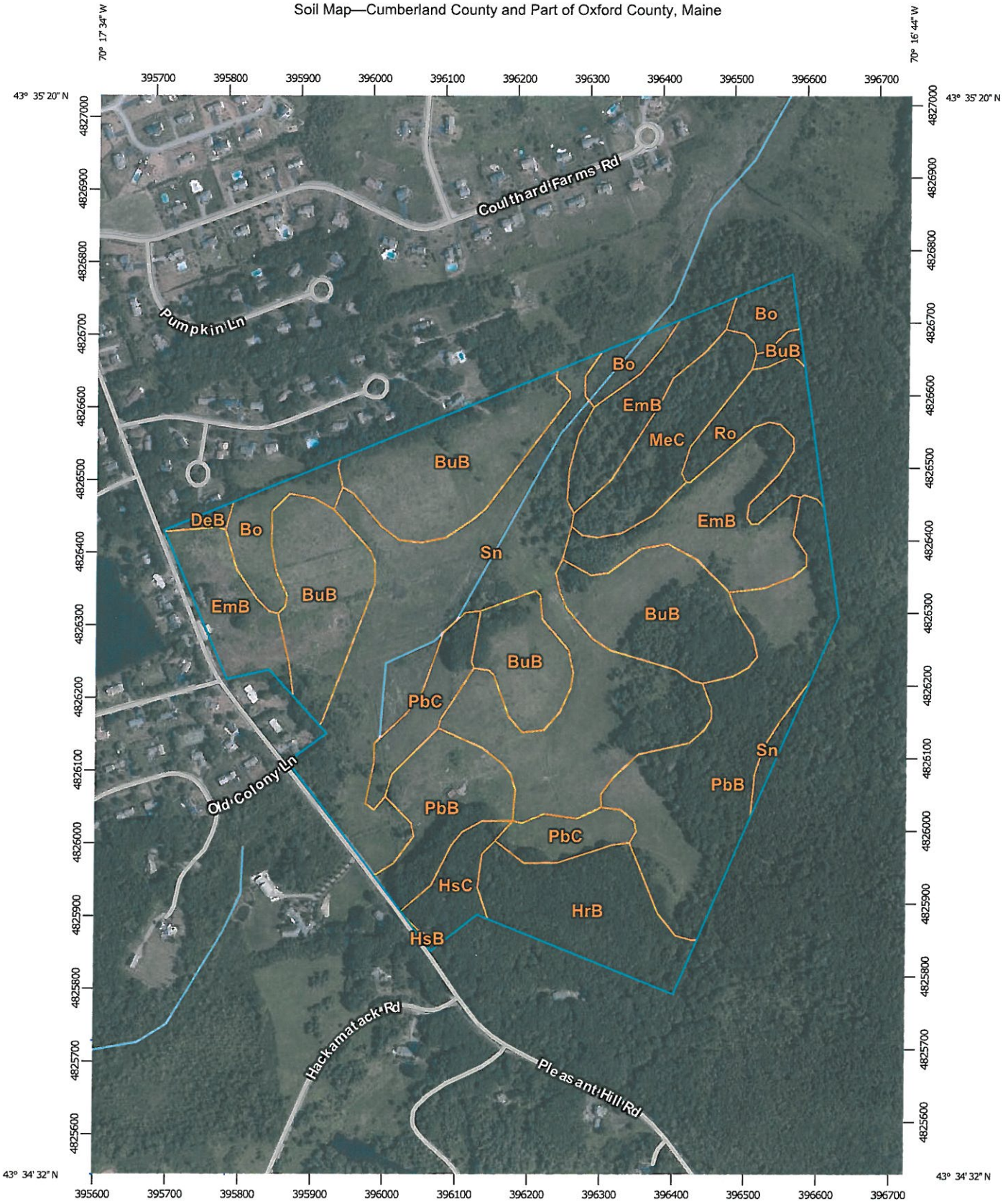
Annual cost comparison demonstrates why there is a financial benefit in open space vs housing:

Average annual interest payment on land bond:	$	59,351	*15 years - to bond maturity.*
Annual cost of tax shortfall from development:	$	77,610	*for as long as the homes are used.*

Town of Scarborough
Expenditures of
Voter Approved Land Bond Funds
Attachment 10

	Account Number	Authorized In Budget	Total Spent	Remaining Balance
2009-2010				
Referendum t/fund-purchase parks & conservatn lands	88108	**1,000,000.00**	-	1,000,000.00
		1,000,000.00	-	1,000,000.00
2003-2004				
Referendum f/fund t/purchase parks & conservatn lands	88107	**2,500,000.00**		
04-20-10 Me. Community Foundation Grant	79105	127,571.00	127,571.00	
Parks & conservatn lands Cora Gervais Property	13955500-047100-88107	part of above	47,400.00	
Funds to S Land Trust to purchase Whitten property	12565520-047100-85020	part of above	156,980.43	
Purchase property at Higgins Beach	13955500-047100-88107	part of above	510,284.00	
Fancy Farm Land Purchase	13955500-047100-88107	part of above	127,345.50	
Warren Land Purchase	13955500-047100-88107	part of above	228,750.00	
Comstock (not yet finalized or paid for)	13955500-047100-88107	part of above	270,000.00	not yet spent
		2,627,571.00	1,468,330.93	1,159,240.07
2000-2001				
Referendum f/fund t/purchase parks & conservatn lands	88106	**1,500,000.00**		
Cora Gervais Purchase/Donation of Land	13955500-047100-88106	part of line above	202,600.00	
Meserve Farm Purchase	13955500-047100-88106	part of line above	1,000,000.00	
Meserve Farm Purchase	13955500-047100-88106	part of line above	197,400.00	
77 Broadturn Road Purchase (Me Turnpike Authority)	13955500-047100-88106	part of line above	100,000.00	
		1,500,000.00	1,500,000.00	-
Total Available through May 7, 2014				**2,429,240.07**

Soil Map—Cumberland County and Part of Oxford County, Maine



Map Scale: 1:7,230 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 100 200 400 600

Feet: 0 350 700 1400 2100

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Survey Areas
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 8, Nov 27, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2010—Jul 18, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
Bo	Biddeford silt loam	6.1	4.5%
BuB	Buxton silt loam, 3 to 8 percent slopes	29.6	21.6%
DeB	Deerfield loamy sand, 3 to 8 percent slopes	0.4	0.3%
EmB	Elmwood fine sandy loam, 0 to 8 percent slopes	17.7	12.9%
HrB	Hollis fine sandy loam, 3 to 8 percent slopes	8.7	6.3%
HsB	Hollis very rocky fine sandy loam, 3 to 8 percent slopes	0.1	0.1%
HsC	Hollis very rocky fine sandy loam, 8 to 20 percent slopes	2.7	1.9%
MeC	Melrose fine sandy loam, 8 to 15 percent slopes	6.1	4.5%
PbB	Paxton fine sandy loam, 3 to 8 percent slopes	22.5	16.4%
PbC	Paxton fine sandy loam, 8 to 15 percent slopes	5.5	4.0%
Ro	Rock land	4.6	3.4%
Sn	Scantic silt loam, 0 to 3 percent slopes	33.2	24.2%
Totals for Area of Interest		**137.2**	**100.0%**

Benjamin Farm Proposal Attachment 12
Scarborough Land Acquisition Projects
As of May 28, 2014 (subject to more verification)

Date	Acres	Property	Town Contribution	Other Contributions*	Match %
1997	121	Libby River ** (formerly Larrabee Farm)	0	~500,000	N/A
2001	180	Fuller Farm **	215,000	475,000	69%
2004	434	Broadturn Farm (formerly Meserve Farm)	1,197,400	1,560,096	57%
2005	6.4	Whitten	156,980	248,700	71%
2008	45	Gervais	250,000	725,000	74%
2010	11.41	Higgins Beach & Mussey Road	637,855	638,414	50%
2011	13.1	Frith Farm (formerly Fancy Farm)	127,345.50	138,000	52%
2012	161.5	Warren Woods	228,750	76,250	25%
2013	97.9	Comstock	270,000***	***	***
	19	Broadturn Rd&Turnpike	100,000	5 acres for affordable housing	UK
Total			**3,183,330**	**4,361,460**	**58%**

** Other contributions include Land for Maine's Future Funds, private fundraising, grants, and other state and/or federal sources.*

*** Before Scarborough's first land bond, the land trust completed two other land acquisition projects. Libby River Farm was funded through Scarborough Land Trust private fundraising, a US Fish and Wildlife Foundation Grant, a Maine Outdoor Heritage grant, and State of Maine funds. Fuller Farm was funded through a combination of a Town appropriation, Land for Maine Future funds, and land trust fundraising.*

**** Project has not been completed. Land Bond funding has been approved but has not been issued. N/A=not applicable; UK=unknown/incomplete*