

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 16, 2014
REGULAR MEETING – 6:00 P.M.
WORKSHOP ON GRIFFIN ROAD – 6:15 P.M.**

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

Item 1. Call to Order.

Item 2. Pledge of Allegiance.

Item 3. Roll Call.

Order No. 14-64. Act on the request for an executive session pursuant to Title 1, M.S.R.A §405(6)(E) in consultation with legal counsel relating to pending litigation.

Item 4. General Public Comments.*

Item 5. Minutes: June 18, 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. 14-53, 7:00 p.m. 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. 14-57, 7:00 p.m. Public Hearing and second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to designate the RH, RH2 and RF Districts in the vicinity of the Holmes Road and Gorham Road.

Order No. 14-58, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance to make updates to the RH and RH2 Districts and the Conservation Subdivision Design Standards.

Order No. 14-59, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance.

Order No. 14-65, 7:00 p.m. Public Hearing and action on the following new requests for a Food Handlers License: KBC14, LLC, d/b/a Mac's Deli, located at 426 U.S. Route One – Suite 2; Robert E. Anderson, d/b/a The Paper Store, located at 11 Hannaford Drive; and North Madison Hill, LLC, d/b/a Great East Butcher Company, located at 450 Payne Road.

OLD BUSINESS:

Order No. 14-54. Second reading on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance.

Order No. 14-66. Act on the names posted to the Senior Program Advisory Board at the June 18, 2014, Town Council meeting, as recommended by the Appointments Committee.

NEW BUSINESS:

Order No. 14-67. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses.

Order No. 14-68. Act on the request to approve the Terfloth Settlement Agreement, authorize the Town Manager to execute it on behalf of the Town and grant the 2011 and 2012 abatements.

Order No. 14-69. Act on the request to appoint Council Jean-Marie to MMA’s Legislative Policy Committee and to authorize the Town Manager to sign the nomination papers.

Order No. 14-70. Act to authorize the Town Manager, and after consultation with the Council Chair, to sign future Council nomination/appointment papers for outside committees/boards [e.g. MMA, PACTS & GPCOG, etc.].

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 – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-64. Move approval on the request for an executive session pursuant to Title 1, M.S.R.A §405(6)(E) in consultation with legal counsel relating to pending litigation.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-53. The second 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, will be held on Wednesday, August 20, 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.

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

Style Definition: Heading 2: Left

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

~~1.~~ 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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- ~~1a.~~ No transmission tower shall exceed ~~400-150~~ 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.
- ~~2b.~~ 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.
- ~~3c.~~ 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.

- 5h. 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.
- 6k. 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.

PROPOSAL DATED 5-28-14

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 XIX.A. 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~~

PROPOSAL DATED 5-28-14

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~~

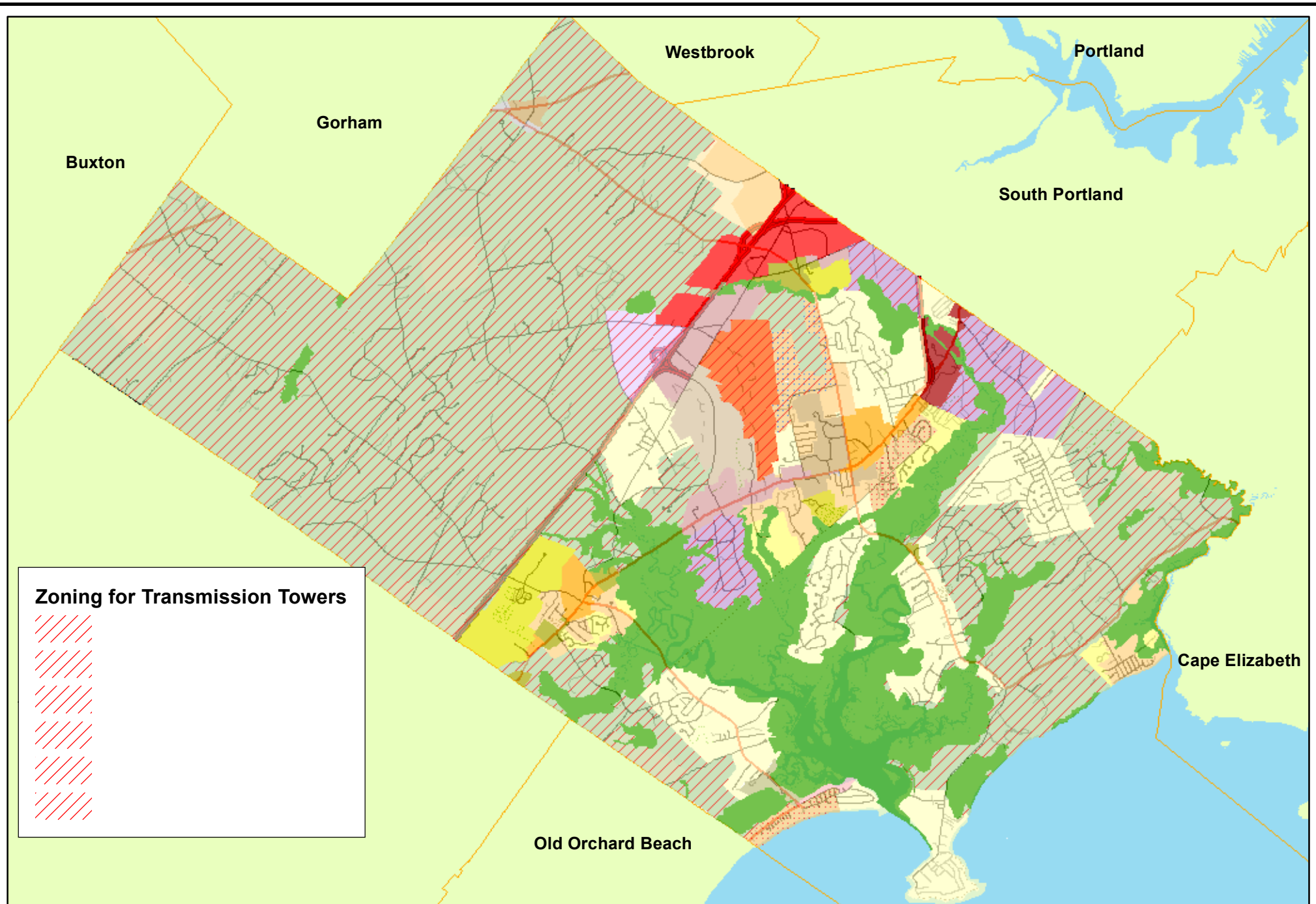
11. Amend the definition of Transmission Tower and Telecommunication Facility under Section VI. DEFINITIONS as follows (additions are underlined; deletions are struck through):

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

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



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

**Zones Proposed to Permit
Transmission Towers**

Town of Scarborough

Planning Board

June 23, 2014

MINUTES

Members Present

Ms. Auglis
Mr. Bouffard
Mr. Dupont
Mr. Fellows
Mr. Mazer
Mr. McGee
Mr. Paul

Staff

Mr. Bacon, Town Planner
Ms. Logan, Recording Secretary

1. Call to Order

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

2. Roll Call

The Recording Secretary called the roll; all members were present.

3. Approval of Minutes (June 2, 2014) Mr. Paul moved to approve the minutes; Mr. Mazer seconded.

Voted 5-0

4. The Planning Board will conduct a public hearing to receive input regarding amendments to the Zoning Ordinance regarding performance standards for transmission towers and the zoning districts where permitted*

Mr. Bacon explained that the Ordinance Committee had worked for several months to improve wireless facilities; he stated that the last time this issue was addressed was in the late 1990s and there had been many technological changes since that time. He stated that the Committee had hired a consultant to look at gaps in coverage in the outer areas of Town. Mr. Bacon stated that the Committee had used the map and advice from the consultant and generated a range of amendments to the performance standards, as well as indicating where they should be allowed. He stated that the poor coverage areas were within the rural and farming districts and some areas toward the east near Spurwink and Black Point Roads and part of Pine Point where towers are not currently allowed. He stated that towers were currently allowed only in the Industrial Zone.

Mr. Bacon stated that these amendments would broaden into the Rural Farm Districts which were the least dense areas with more space where towers would be easier to site without infringing on neighborhoods. He stated that these amendments would also cover the Crossroads Zone and the area around Payne and Sawyer Roads which were also undeveloped. Mr. Bacon stated that the changes modernized the performance standards and required collocation of providers on the same tower. He stated that the ordinance now allowed towers up to 100 feet high and this amendment would allow 150 foot towers; he noted that there would be a requirement to remove any tower that was no longer used. He stated that, under this amendment, antennas could be attached to buildings other than what was now allowed on municipal buildings and churches. He stated that this would give additional language for Planning Board review with tools to consider aesthetics and buffering, etc.

Mr. Paul opened the public hearing and asked that comments be kept to five minutes or less and that no one repeat what someone else had said. Ms. Suzanne Foley-Ferguson, of 331 Black Point Road, stated that she had recently worked on the Smart Meter project and learned a lot about radio frequency. She noted that this amendment included no limits on the number of towers in Scarborough and that she was comfortable with the old allowed locations.

Ms. Foley-Ferguson stated that cell towers emitted possible carcinogens and should be pulled back 400 to 500 meters from where children were typically located. She stated that 100% coverage was used for service goals but cell reception could be approved in only some of the RF Zone areas. She stated that this was a major change to a zone and people should be notified because the public had not heard much about this change. She stated that the entire Spurwink Road area was rural and scenic and towers did not jive with the Comprehensive Plan for a rural area. Ms. Foley-Ferguson stated that wireless facilities might be better as a Contract Zone or a Special Exception. She noted that a cell tower would change the character of the newly acquired Benjamin farm property which would soon be protected land.

Ms. Foley Ferguson stated that there were many studies showing health concerns such as genetic and behavioral changes and increased cancer risks. She noted that cell phones had been around for only 20 years so their effects were not yet fully known. She stated that her concern was the risk to children and towers should be away from schools. She stated that the Town should be smart about locations because there were risks.

Ms. Elisa Boxer, of 16 Minuteman Drive, stated that her family chose their home because the closest tower was a half mile away; she stated that she had collected data on microwave radiation and asked that the Town place towers at least a half mile from family neighborhoods. She stated that Los Angeles and some states had banned towers from being close to schools and fire stations and studies showed harm to people living closer than a half mile to cell towers. She asked that the Town not rush this process; she stated that it was nice to have cell phones but not at the cost of the health hazards. Ms. Boxer asked that the towers be kept in the Industrial Districts or at least away from children.

Attorney Kelly Boden, who represented Verizon, noted that they had talked with Mr. Bacon and the Town Council about restrictive ordinances and that Scarborough needed to increase voice and cell service. She stated that there would be more opportunities for the public to hear about this issue with the Town Council. Ms. Boden stated that cell towers were a regulated, quasi-federal activity with partial municipal control preempted by federal regulations which superseded the local regulations.

Attorney Barry Hobbins, who represented AT & T Wireless, commended the Town Planner and the Committee for doing the appropriate due diligence by retaining an independent consultant. He stated that he had been involved in the permitting process in Scarborough for towers consistent with the ordinances which allowed 100 foot towers and frustrated the collocation on towers. He stated that he respected the opinions from Ms. Boxer and Ms. Foley-Ferguson, but disagreed with respect to the radio frequency, if restricted, could put the Town in a compromising position with the Federal regulations. He stated that the health issues were important but he had been able to site towers on church steeples and assisted care facilities. Mr. Hobbins stated that there were public safety issues with police and fire departments as well as medical responders when there was a lack of telecommunications. He stated that Scarborough had stepped up to the plate to address this ordinance to become consistent with Federal and State law.

To a question from Mr. Mazer, Ms. Boden explained that, according to the Telecommunications Act of 1996, the Town could not preclude the right to have towers somewhere in Town and if an area was zoned because of perceived health effects it would run afoul of case law. Mr. Mazer asked whether experts had

spoken of hazards; Mr. Hobbins replied that he had heard representations by individuals, but it was someone's opinion whether they were scientifically based and the issues of health had not been based on science; he stated that he respected the emotions but the ordinance had to be based on science and the rule of law. Ms. Foley-Ferguson noted that the attorneys were present to address the issue from the standpoint of wireless carriers; she stated that she did not disagree with the 1996 act and now was the chance through zoning to allow cell towers only where they were appropriate and that would not violate the act. She stated that to blanket the town with towers where they were not appropriate would not be responsible. She gave the Board a summary that reviewed a lot of studies.

Mr. Paul noted that there was a letter from Attorney Julius Ciembroniewicz, of 16 Minuteman Drive, who was not in favor of this amendment. Mr. Paul closed the public hearing.

Mr. Mazer stated that he agreed with some of the sentiments and the Town should do a better job of notifying the public and look at limiting the number of towers. He stated that he would like to read more information before making a decision. Mr. Dupont agreed and stated that this should be considered carefully especially in the tight neighborhoods; he noted that providers would collocate rather than build excessive towers. He stated that the zones should be considered a little more closely. Mr. Fellows stated that he agreed that the zones should be considered; he noted that there would be the opportunity to review each tower on a case by case basis. He stated and this was just an advisory opinion to the Town Council and there would be more opportunities for the public to be heard. Mr. Fellows stated that he had some of the same health concerns but the Town had worked with consultants and he was not in a position to opine about the health risks.

To a question from Mr. Paul, Mr. Mazer replied that he would like wording to limit the number of towers and to keep towers away from schools and densely populated areas; Messrs. Dupont and Fellows agreed. Mr. Bouffard stated that stated that there could be better coverage in his area in west Scarborough; he stated that there was a GIS map that showed that the fastest growth in Town was within one mile of the Holmes Road and Broadturn Road area. He stated that Scarborough had grown especially in the rural areas and there was the need for better coverage. Mr. Bouffard stated that he would leave it to the experts to decide the number of towers and locations; he stated that he believed in collocation.

Mr. McGee stated that he was unclear about what a cell tower provided for coverage and how many towers it would take to cover Scarborough; he asked how a taller tower would change the range of service. He stated that he did not have enough information to consider this issue. Mr. McGee stated that there was the concern to protect school children while no one was worried about the elderly and others. He stated that he was not comfortable with this proposal.

Ms. Auglis agreed that there had not been much said or done about this but people needed to be aware of what was going on in Town by reading the website; she stated that there was no way to notify everyone. She stated that she was glad for the opportunity to give input to the Town Council because this was an imperfect ordinance and she thought there should be another chance to see it amended. She asked whether this could go back to the Ordinance Committee; Mr. Bacon replied that the Town Council, at its meeting on July 16, 2014, could decide to move forward, work on this issue themselves or to have the Ordinance Committee do further work. Ms. Auglis stated that it would be her recommendation to send this back to the Ordinance Committee because the Planning Board would be implementing this ordinance. She stated that the Comprehensive Plan considered view corridors and she could not imagine driving down Spurwink Road with cell towers in view; she stated that the ordinance did not give strong enough tools for camouflaging a 150 foot tower. She stated that she lived in Scarborough for the rural

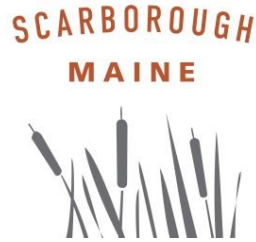
feel and the amenities not for perfect cell reception. She stated that the ordinance needed to be clearer about height and lighting.

Mr. Bacon noted that the Planning Board would review new cell towers and antennas on buildings they would typically review under Site Plan review. Ms. Auglis stated that she disagreed with that. Mr. Bacon stated that he had information from the consultants regarding the number and location of towers that would provide good service to Scarborough and would e-mail it to the Board.

Mr. Paul stated that one of his concerns about this draft was that it asked for changes across the Town; he stated that if the Board said these changes were acceptable as written, the only power after the fact was that it did not meet the ordinance and the only option would be to enforce the ordinance as written. He stated that he was not comfortable with a tower not being on its own property if it blew over. Mr. Paul stated that he believe more cell coverage was needed but was not willing to do it at any risk and would like to see where potential sites could be that would provide good coverage and to see if the proposed locations had any other detrimental impact on the area. He stated that this ordinance was a great idea but was not ready yet and needed to make more environmental sense without the broad, Town-wide brush. He asked that the Town Council send the issue back to the Ordinance Committee. He stated that he appreciated the effort that had already gone into the amendments but the town needed to get the ordinance right the first time.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-57. Move approval of the second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to designate the RH, RH2 and RF Districts in the vicinity of the Holmes Road and Gorham Road.



Long Range Planning Committee
June 6, 2014

Overview of the Gorham Road Zoning Proposal

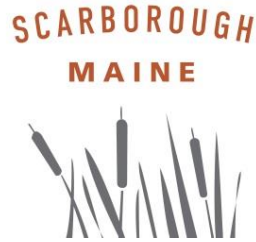
I. Background

The Long Range Planning Committee (LRPC) has been working to implement the recommendations for changes in the Town's zoning and land use regulations proposed in the Town's adopted Comprehensive Plan. The Town has already updated the zoning for the Running Hill Road area and for the Holmes Road area. This leaves the area on the west side of the Turnpike from Holmes Road to the Gorham Road area to be addressed. The Comprehensive Plan envisioned that the Gorham Road area should develop as a medium-density mixed use area somewhat similar to what is envisioned for the Running Hill Road corridor, which over time could result in a mix of commercial, residential and senior housing type development. LRPC has been working to develop revised zoning for the area to reflect this concept; has conducted outreach to the property owners in the area; and has crafted the attached package of zoning ordinance and zoning map amendments for consideration by the Town Council and Planning Board.

II. Basic Concept

While the Comprehensive Plan addresses the Gorham Road area as a single geographic area, the proposed zoning map amendments establish three sub-areas as follows:

- The area between Holmes Road and the Stream Protection District along the Nonesuch River is almost entirely part of the existing golf course and has limited development potential because of wetlands. Therefore the proposal is to include this in the Rural Farming District similar to other land along the Nonesuch River, rather than the B2 District (Regional Business District) which is the current zoning on the eastern 2/3rds of the property.
- The area between the Stream Protection District and Gorham Road includes the "front nine" of the golf course as well as a few parcels that may be suitable for



higher intensity development if sewered. Since the Comprehensive Plan envisions similar development in this area to the Running Hill Road area, the proposal is to zone this part of the Gorham Road area RH with some minor changes to the RH requirements.

- The area on the north side of Gorham Road including the existing developed lots is proposed to be included in the Running Hill Transition District (RH2) which is similar to the adjacent zoning. The provisions of the RH2 allow less intensive development than the RH provisions to provide a transition to the adjacent residential/rural areas and a transition to the development allowed for in the RH zone to the north.

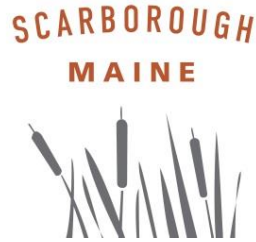
III. Proposed Zoning Amendments

The proposed zoning amendments address four areas:

1. Zoning Map –The Zoning Map amendments propose to put the Gorham Road area into three existing zoning districts. The area between Holmes Road and the Stream Protection District along the Nonesuch will be included in the RF District. The area between the Stream Protection District along the Nonesuch and the Gorham Road will be included in the RH District. The area on the north side of the Gorham Road including the small lots along Gorham Road will be included in the RH2 District.

2. RH District – The amendments to the existing RH provisions address the following:

- The revisions apply the various standards for Running Hill Road to the Gorham Road as well – these changes occur in a number of places throughout the section.
- Golf courses are added as a permitted use as well as a few nursing and elderly care uses that may fit the area well.
- The provisions for sewage disposal are revised to allow septic systems for uses in conventional developments that generate limited amounts of sewage as long they make provisions to connect to the public sewer system if it becomes available. This is similar to what is allowed in the Holmes Road LI District. All larger developments and planned developments would still be required to use public sewers.



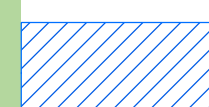
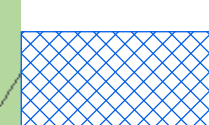
3. RH2 District – The amendments to the RH2 District are similar to the RH changes with a few differences. The amendments address the following:

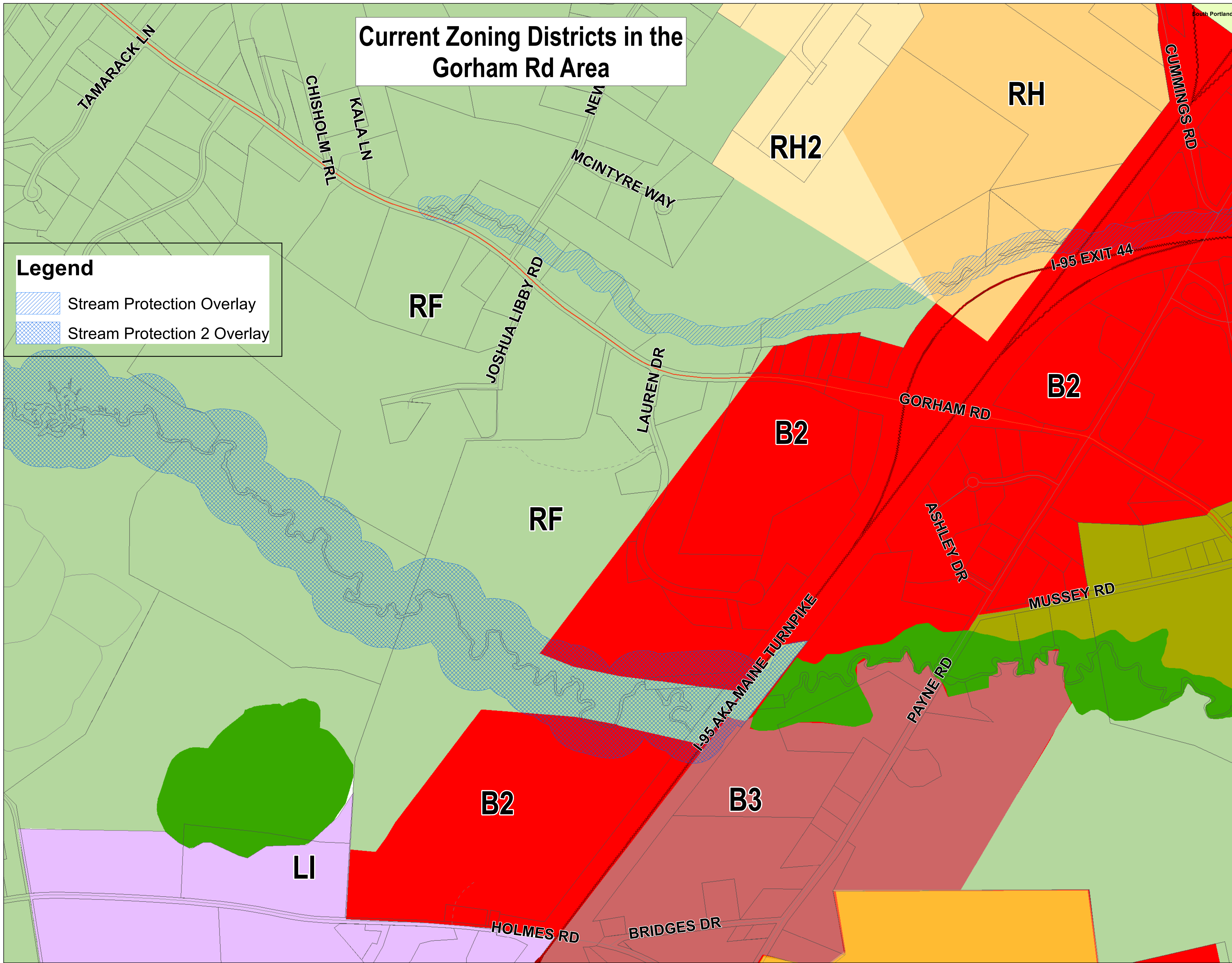
- The revisions apply the various standards for Running Hill Road to the Gorham Road as well – these changes occur in a number of places throughout the section.
- Provisions are included to expand the permitted uses for the reuse/redevelopment of the small lots along Gorham Road – the changes add small retail and restaurant uses (<2,500 SF) as permitted uses
- The provisions for sewage disposal are revised to allow septic systems for uses in conventional developments that generate limited amounts of sewage as long they make provisions to connect to the public sewer system if it becomes available. This is similar to what is allowed in the Holmes Road LI District and as proposed in the RH. All larger developments and planned developments would still be required to use public sewers.

4. Conservation Subdivision Provisions – The amendments allow the use of golf courses, cross-country ski facilities and other outdoor commercial recreational areas to be used as the open space in a conservation subdivision as long as the open space is permanently restricted from future development. These provisions have been added because the existing golf course could accommodate some residential development scattered along the edge of fairways, while also enabling the long term preservation of portions of the course and its buffer to the Nonesuch River. Further, some additional housekeeping type amendments to the Conservation Subdivisions standards have also been incorporated.

Current Zoning Districts in the Gorham Rd Area

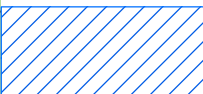
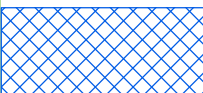
Legend

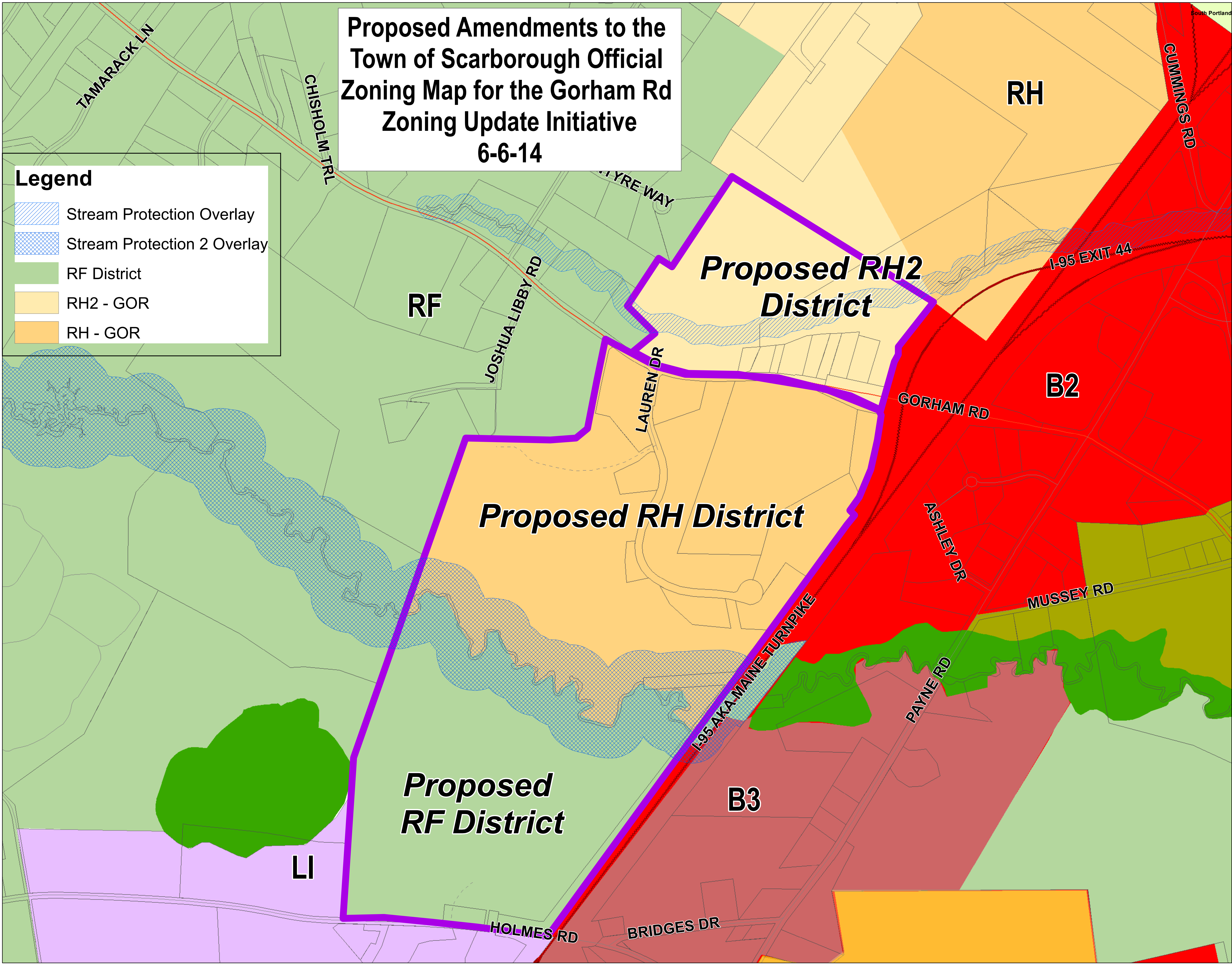
-  Stream Protection Overlay
-  Stream Protection 2 Overlay



Proposed Amendments to the
Town of Scarborough Official
Zoning Map for the Gorham Rd
Zoning Update Initiative
6-6-14

Legend

-  Stream Protection Overlay
-  Stream Protection 2 Overlay
-  RF District
-  RH2 - GOR
-  RH - GOR



Proposed Amendments to the Zoning Ordinance Updating the Running Hill Districts (RH and RH2) and Conservation Subdivision Design Standards to Implement the Comprehensive Plan Recommendations for the Gorham Rd Area

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

1. SECTION XX.A. RUNNING HILL MIXED USE DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

Section XXA. RUNNING HILL - GORHAM ROAD MIXED USE DISTRICT,
RH

A. PURPOSE

To provide for and encourage the Running Hill Road and Gorham Road area west of the Maine Turnpike to develop as a high-quality, well-planned mixed use center. This district is intended to accommodate a mix of office, service, financial, research, small retail, recreational, and residential uses in an environment conducive to both pedestrians and motorists. Development is intended to be compact and interconnected with common spaces, enabling walk-ability, human activity and vibrancy as well as convenient and orderly vehicular access and circulation. Master planning for larger parcels will enable flexibility, creativity, open spaces, and an overall character for the development. The Running Hill -Gorham Road Mixed Use District (RH) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsection I. of this district.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of

subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance.

3. New ~~Lots~~Parcels. The division of a parcel that had five (5) acres or more of area as of July 16, 2008 into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance~~Any parcel created after July 16, 2008 by dividing a larger parcel must be at least 5 acres in area and must be developed as a Planned Development.~~

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

RESIDENTIAL USES

The following residential uses are permitted in both conventional and planned developments:

1. Multifamily dwellings
2. Multiplex dwellings
3. Townhouses
4. Senior housing
5. Single-family dwellings existing as of September 1, 2008
6. Accessory units subject to the performance standards of Section IX.J

MIXED USES

The following mixed uses are permitted in both conventional and planned developments:

7. Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I) of this Ordinance
8. Live/Work Units
9. Retail sales and services establishments with less than 5,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

NON-RESIDENTIAL USES:

The following non-residential uses are permitted in both conventional and planned developments:

12. Professional offices
13. Business services and business offices
14. Financial, insurance and real estate offices
15. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
16. Health clubs
17. Non-municipal government offices
18. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
19. Funeral homes
20. Place of worship
21. Group day care homes, day care facilities, and nursery schools
22. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
23. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
24. Municipal buildings and uses
25. Elementary and secondary schools
26. Libraries and museums
27. General purpose farming existing as of September 1, 2008 including the retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries
- [28. Golf courses](#)
- [29. Nursing homes](#)
- [30. Boarding care facilities for the elderly](#)

D. SPECIAL EXCEPTIONS

The following uses are allowed as special exceptions in both conventional and planned developments:

1. Adjunct Uses, Place of Worship
2. Public utility facilities
3. Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply
4. Telecommunication facility

E. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to conventional developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Minimum Lot Width (ft.)
Multi-family dwellings; multiplex;	10,000 with public sewer	200 for lots abutting Running Hill Road or	50

Dated June 6, 2014

townhouses; senior housing	40,000 with on-site sewage disposal	Gorham Road ; 50 for lots ~~not~~ abutting any other street ~~Running Hill Road~~	
Non-Residential and Mixed Uses	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road ; 50 for lots ~~not~~ abutting any other street ~~Running Hill Road~~	50
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply		

2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road and Gorham Road	30 or the height of the building fronting Running Hill Road or Gorham Road , whichever is greater	15 ^{1 & 2}
All other streets	10	15 ^{1 & 2}
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply	

¹When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

²When a site abuts a residential district the minimum yard [for a use other than a single-family dwelling](#) shall be 100ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other	Minimum building height	Maximum building height
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	impervious surfaces		
50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet

For single-family dwellings existing as of September 1, 2008, the space and bulk regulations of Section XIV., the RF District shall apply.

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses; senior housing	10,000	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; for lots ~~not~~ abutting <u>any other street</u> ~~Running Hill Road~~ the Planning Board shall determine the lot frontage under subsection I. of this district	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road <u>or Gorham Road</u> ; for lots ~~not~~ abutting <u>any other street</u> ~~Running Hill Road~~ the Planning Board shall determine the lot frontage under subsection I. of this district	50

5. Yard Standards and Building Distance Requirements ~~from Running Hill Road~~— The following minimum front yard standards apply in conjunction with subsection I. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road	30 or the height of the building fronting	15 ^{1 & 2}

and Gorham Road – Buildings	Running Hill Road or Gorham Road , whichever is greater	
All other streets	10	15 ^{1 & 2}

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under subsection I. of this district	85%	Determined by the Planning Board under subsection I. of this district	60 feet if the building is approved by the Planning Board under subsection I. of this district

F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal . The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
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2. Additional Residential Density Thru Development Transfer – A development [that is served by the public sewer system](#) may incorporate up to ten (10) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development [that is served by the public sewer system](#) may incorporate up to ten (10) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional

dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed ten (10) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., ~~and~~ F.3., and/or F.4. are ~~both~~ used, the additional dwelling units permitted under F.3. and/or F.4. shall not also be subject to the development transfer provisions under F.2.

G. BUILDING ORIENTATION, STREETScape, ACCESS MANAGEMENT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road, and Gorham Road, the streetscape of Running Hill and Gorham Roads, access management as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

1. Streetscape – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. Where significant trees do not exist the buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road or Gorham Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

2. Building Orientation – The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing ~~an~~ attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads Running Hill Road in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the Running Hill Road road corridors.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridors as well as to establish ~~an~~ attractive gateway into the Town of Scarborough. ~~Individual sites shall be limited to no more than one curb cut onto Running Hill Road.~~ Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road Running Hill Road in order to share an access point and reduce the number of curb cuts along the corridor. Site access shall also be designed in accordance with the Site Plan Review Ordinance.

4. Off-Street Parking Location –No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

Therefore on sites fronting Running Hill or Gorham Roads off-street parking shall be located to the side or rear of the building or may be incorporated into the building design as structured parking. Further, where parking lots and associated access drives are visible from these roads, Running Hill Road they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.

H. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. Signs - Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

2. Commercial Design Standards – All development within the Running Hill -Gorham Road Mixed Use District must be consistent with the Design Standards for Scarborough's Commercial Districts.

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough's Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development or redevelopment within a planned development this district shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

- a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code, and
- b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
- c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and
- d. The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

5. General Off-Street Parking Standards -

- a.** Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.
- b.** In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill -Gorham Road Mixed Use District (RH) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

- a.** Running Hill and Gorham -Road Streetscapes – The streetscapes along Running Hill Road and Gorham Road are critical to establishing ~~an~~attractive gateways into Scarborough with

shade trees and a generous landscaped buffer strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along [these roads Running Hill Road](#) where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from [these roads Running Hill Road](#) but shall be setback from and separated from the street by this landscaped buffer. In addition to landscaping, sidewalks, pedestrian trails, freestanding signage and access drives are permitted within the buffer strip, but parking is not.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscapes along Running Hill [and Gorham Roads](#) and shall exhibit a more compact layout, form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a more compact, urban scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH District. Sidewalks or pedestrian trails shall be designed along both Running Hill [and Gorham Roads](#) and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill Road [and Gorham Road](#) should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be closer to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Building Orientation for Buildings 45 feet or less in Height – Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. For buildings 45 feet in height or less, off-street parking shall not be permitted between the front line of the building and the street that the building fronts. Off-street parking shall be located to the side or rear of the building(s) or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings on one lot, the Planning Board may allow some buildings to be setback from the street(s) or driveways with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a more compact, human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards.

e. Building Orientation and Visual Impact for Buildings Greater than 45 feet in Height – The Planned Development provisions enable the Planning Board to review and approve of buildings greater than forty-five (45) feet in height, up to a maximum of sixty (60) feet in height, if the Planning Board finds that the building meets all of the following standards:

- 1) The apparent height of the proposed building when viewed from the Running Hill Road or Gorham Road is no greater than the apparent height of a similar building with a height of forty-five (45) feet setback forty-five (45) feet from the road Running Hill Road considering the topography of the site and the actual height of the proposed building;
- 2) The proposed building will not shadow or visually dominate the road Running Hill Road corridor;
- 3) The proposed building will not significantly alter the appearance of the natural tree line of Running Hill when viewed from the surrounding area including from South Portland; and
- 4) Any portion of the building that is taller than forty-five (45) feet will be located at least five hundred (500) feet from an RF District or other residential zone unless the Planning Board determines that there is adequate visual buffering between the building and the RF District or other residential zone to assure that the proposed building does not have an adverse visual impact on properties in the RF District or other residential zones.

When determining the visual appropriateness of a building taller than forty-five (45) feet, the Planning Board may require graphic representations of how a building will look upon completion when viewed from various perspectives along the road corridor, from an RF District or other residential zones within five hundred (500) feet, and from surrounding viewing points in Scarborough and South Portland from which the proposed building may be visible. When buildings are setback more than one hundred (100) feet from Running Hill or Gorham Roads, the Planning Board may permit off-street parking to be located between the building and the road Running Hill Road provided it is screened in accordance with the streetscape requirements of subsection I.1.a above.

f. Place-making – A planned development shall include at least one “place” and potentially a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a planned development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a “place” unless they are available for public use.

g. Access management and interconnections – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads Running Hill Road. ~~All development within a planned development shall connect to Running Hill Road at one common intersection by way of internal street and driveway connections.~~ Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, to share the use of curb cuts and intersections, and to reduce the overall number of curb cuts on ~~Running Hill Road~~ these roads.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXA. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXA.(I)(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of subsection (I)(1), in particular subsection I.1.d. Compact design.

c. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill or Gorham Road or internal streets to meet the standards of subsection (I) and further the purpose of this district.

2. SECTION XX.B. RUNNING HILL MIXED USE TRANSITION DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

SECTION XXB. RUNNING HILL -GORHAM ROAD TRANSITION DISTRICT RH2

A. PURPOSE

To provide an area for the location of small retail, business, service and community uses as well as a range of residential uses including multifamily dwellings and dwellings that are part of mixed use developments. The goal of the district is to supplement the RH District in fostering a high-quality, mixed use center, with development at a scale and uses at an intensity which are compatible with the surrounding area. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in the RH District as well as serve as a transition to the surrounding rural residential areas. The Running Hill -Gorham Road Transition District shall be considered a businesses district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsections E. and I.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIIE. Planned Development of this Ordinance.

3. New Lots ~~Parcels~~. The division of a parcel that had five (5) acres or more of area as of July 16, 2008 into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIIE. Planned Development of this Ordinance~~Any parcel created after July 16, 2008 by dividing a larger parcel must be at least 5 acres in area and must be developed as a Planned Development.~~

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS
RESIDENTIAL USES:

The following residential uses are permitted in both conventional and planned developments:

1. Single family dwellings
2. Two family dwellings
3. Multifamily dwellings limited to no more than twelve (12) dwelling units per building
4. Multiplex dwellings
5. Townhouses limited to no more than eight (8) dwelling units per building
6. Senior housing

MIXED USES:

The following mixed uses are permitted in both conventional and planned developments:

7. Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I)
8. Live/Work Units
9. Retail sales and services establishments with less than 1,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

NON-RESIDENTIAL USES:

The following mixed uses are permitted in both conventional and planned developments.

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

12. Business services and business offices
13. Professional offices
14. Financial, insurance and real estate offices
15. Day care center facilities and Nursery schools
16. Group day care homes and Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
17. Health clubs

The following non-residential uses are not limited in square footage of floor area per unit of occupancy.

18. Municipal buildings and uses
19. Place of worship

20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]

21. General purpose agriculture existing as of September 1, 2008 including retail sales of farm products located on the same premises and kennels, but exclusive of abattoirs and piggeries

The following non-residential uses are permitted in conventional developments on lots existing as of April 1, 2014 that have frontage on Gorham Road:

22. Retail sales and services establishments with less than 2,500 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services

23. Restaurants with no drive-through service

D. SPECIAL EXCEPTIONS

The following uses are allowed as special exceptions in both conventional and planned developments:

1. Nursing homes.
2. Boarding care facility for the elderly.
3. Public utility facilities.
4. Telecommunication facility.
5. Adjunct Uses, Place of Worship.
6. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)
7. Non-municipal government offices
8. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
9. Funeral homes
10. Elementary and secondary schools
11. Libraries and museums

E. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to conventional developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings; two-family dwellings; multi-family dwellings; multiplex; townhouses; senior housing	10,000 <u>with public sewer</u> 40,000 <u>with on-site sewage disposal</u>	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; 50 for lots ~~not~~ abutting <u>any other street</u> <u>Running Hill Road</u>	50

Non-Residential and Mixed Uses	10,000 <u>with public sewer</u> 40,000 <u>with on-site sewage disposal</u>	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; 50 for lots ~~not~~ abutting <u>any other street</u> ~~Running Hill Road~~	50
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2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road <u>and Gorham Road</u>	30 or the height of the building fronting Running Hill Road <u>or Gorham Road</u> , whichever is greater	15 ^{1 & 2}
All other streets	10	15 ^{1 & 2}

¹ When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

² When a site abuts a residential district, the minimum yard for a use other than a single-family or two-family dwelling shall be 50ft. and determined based on the use in the RH2 District in accordance with the following table. Where a buffer is required, it shall comply with the buffering requirements of Section VIII of this Ordinance~~shall apply~~.

<u>Use of the site</u>	<u>Minimum yard and buffer width</u>
<u>Buildings and structures for all residential uses other than single- and two-family dwellings</u>	<u>50 feet</u>
<u>Buildings and structures for non-residential uses or mixed-uses with one story</u>	<u>50 feet</u>
<u>Buildings and structures for non-residential uses or mixed-uses with more than one story</u>	<u>100 feet</u>

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious	Minimum building height	Maximum building height
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		surfaces		
5,000 sq. ft.	35%	85%	None	3 stories or 45 feet, whichever is less

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings; two-family dwellings; multi-family dwellings; multiplex; townhouses; senior housing	10,000	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; for lots ~~not~~ abutting <u>any other street</u> ~~Running Hill Road~~ the Planning Board shall determine the lot frontage under subsection I. of this district	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road <u>or Gorham Road</u> ; for lots ~~not~~ abutting <u>any other street</u> ~~Running Hill Road~~ the Planning Board shall determine the lot frontage under subsection I. of this district	50

5. Yard Standards – Determined by the Planning Board under subsection I. of this district

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
5,000 sq. ft.	35%	85%	None	3 stories or 45 feet whichever is less

F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Single-family, two-family, multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal . The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
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2. Additional Residential Density Thru Development Transfer – A development [that is served by the public sewer system](#) may incorporate up to five (5) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development [that is served by the public sewer system](#) may incorporate up to five (5) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – [In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to five \(5\) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.](#)

The Planning Board may allow a development [that is served by the public sewer system](#) to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed five (5) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., ~~and F.3., and/or F.4.~~ are ~~both~~ used, the additional dwelling units permitted under F.3. [and/or F.4.](#) shall not also be subject to the development transfer provisions under F.2.

G. BUILDING ORIENTATION, STREETScape AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road [and Gorham Road](#) and internal streets, the streetscape of Running Hill Road [and](#)

| Dated June 6, 2014

| [Gorham Road](#) and internal streets, as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

| **1. Streetscape** – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road [or Gorham Road](#). The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. The buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

| **2. Building Orientation** - The location of buildings and their orientation to Running Hill [and Gorham Roads](#) is critical to establishing ~~an~~ attractive gateways into the Town of Scarborough. Buildings fronting Running Hill [and Gorham Roads](#) shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill [or Gorham Road](#) right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from ~~these roads Running Hill Road~~ in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the ~~Running Hill Road road~~ corridors.

| **3. Access Management and Interconnections** – Access management is critical to preserving mobility in the Running Hill [and Gorham Road](#) corridors as well as to establish ~~an~~ attractive gateways into the Town of Scarborough. ~~Individual sites shall be limited to no more than one curb cut onto Running Hill Road.~~ Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto ~~the road Running Hill Road~~ in order to share an access point and reduce the number of curb cuts along the corridor. ~~These standards Site access~~ shall also be designed in accordance with the Site Plan Review Ordinance.

| **4. Off-Street Parking Location** – No off-street parking shall be located within the front yard of sites fronting Running Hill [or Gorham Roads](#). The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

This standard shall not apply to single-family and two-family dwellings that may utilize driveways for parking within the front yard.

Where parking lots and associated access drives are visible from adjacent public streets, they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.

H. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. Signs - Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

2. Commercial Design Standards – All development within the Running Hill [Road-Gorham Road Transition](#)~~Mixed-Use~~ District, with the exception of single-family and two-family dwellings, must be consistent with the Design Standards for Scarborough's Commercial Districts.

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough's Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development and redevelopment within [a planned development this district](#) shall be served by public sewer. [All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.](#)

[a. The design sewage flow of the use will be less than six hundred \(600\) gallons per day based on the Maine State Plumbing Code, and](#)

[b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and](#)

[c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and](#)

[d. The owner or developer agrees to connect to the public sewer system within twenty-four \(24\) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.](#)

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

4. General Off-Street Parking Standards -

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared

or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill [Road-Gorham Road](#) Transition District (RH2) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH2 District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH2 District as a mixed use transition zone. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill [and Gorham Road Streetscapes](#) – The streetscape along Running Hill Road [and Gorham Road](#) are ~~is~~ critical to establishing ~~an~~ attractive gateways and ~~a~~ transitions into the rural area of Scarborough. Running Hill [and Gorham Roads](#) shall be buffered with shade trees and a generous landscaped strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along [these roads](#) ~~Running Hill Road~~ where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from [these roads](#) ~~Running Hill Road~~ but shall be setback and separated from the street by this landscaped buffer. Parking is not appropriate between Running Hill Road [or Gorham Road](#) and buildings within a planned development, but sidewalks, pedestrian trails, freestanding signs and access drives are.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscapes along Running Hill Road [and Gorham Road](#) and shall exhibit a more compact form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are more compact in scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH2 District. Sidewalks or pedestrian trails shall be designed along both Running Hill [and Gorham Roads](#) and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill [and Gorham Roads](#) should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be close to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Compact building design – Planned developments with the RH2 District shall exhibit a compact development pattern. Buildings shall be designed to front onto the internal street or driveway that provides access to the building(s). Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. The majority of off-street parking shall be located to the side or rear of buildings or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street or driveway with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. The Planning Board may determine that this standard need not apply to single-family and two-family dwellings that may seek to utilize driveways for parking within the front yard.

e. Access management and interconnections – Access to planned developments from Running Hill Road [and/or Gorham Road](#) shall be strictly controlled to limit the number of curb cuts on ~~these roads~~[Running Hill Road](#). ~~All development within a planned development shall connect to Running Hill Road at one common intersection by way of internal street and driveway connections.~~ Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, the share use of curb cuts and intersections and to reduce the overall number of curb cuts on ~~these roads~~[Running Hill Road](#).

f. Place-making – A planned development shall include at least one “place” and potentially a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a planned development; shall an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a “place” unless they are available for public use.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXB. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXB.(I)(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill [or Gorham Roads](#) or internal streets to [meet](#) the standards of subsection (I) and further the purpose of this district.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-58. Move approval of the second reading on the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance to make updates to the RH and RH2 Districts and the Conservation Subdivision Design Standards.

3. SECTION VIIA. CONSERVATION SUBDIVISION DESIGN – FLEXIBLE DEVELOPMENT STANDARDS FOR LOWER DENSITY RESIDENTIAL DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

Section VIIA. CONSERVATION SUBDIVISION DESIGN – FLEXIBLE DEVELOPMENT STANDARDS FOR LOWER DENSITY RESIDENTIAL DISTRICTS [Amended 05/05/2010]

A. PURPOSE

Conservation subdivisions are intended to conserve and protect the town's freshwater wetlands, watercourses, farmlands, open space and natural features, while enabling more flexibility for residential developments to design around these natural features and resources. Conservation subdivisions allow the same net residential density on a given parcel as a conventional subdivision, but the use of alternative space and bulk requirements enable residential lots and dwellings to be clustered away from the natural or agricultural resources within a development. Conservation subdivision designs present many public benefits including: the conservation of wetlands; the avoidance of wetland impacts; the protection of watercourses and riparian corridors; the conservation of wildlife habitat; the conservation of productive agricultural uses, activities and soils; and the conservation of open space and forestlands for neighborhood use and recreation. Conservation subdivision designs also offer economic and maintenance benefits to the landowner, developer and town government through clustered development which enables shorter road lengths, less infrastructure, and less impact to the landscape. Conservation subdivision design shall be required to avoid and conserve Scarborough's freshwater wetlands and shall be encouraged to conserve Scarborough's forestlands, wildlife habitat, farms, agriculture and rural character.

B. APPLICABILITY

Conservation subdivisions are allowed in only the RFM, RF and R-2 Zoning Districts, subject to the requirements of Section VIIA. ~~A conservation subdivision within an R-2 Zoning District must be served by sewer.~~

1. Required conservation subdivisions. Conservation subdivision design is required in the RFM, RF and R-2 Districts when:

- a. The land to be subdivided contains one acre or more of wetlands;:-
- b. Twenty percent (20%) or more of the land to be subdivided is wetlands;:-
- c. Twenty percent (20%) or more of the land to be subdivided is within the Shoreland Zone under the Town of Scarborough Shoreland Zoning Ordinance;:-
- d. A subdivision will alter (through lot configurations and road, driveway and utility crossings) 4,300 square feet or more of wetland if designed and developed in a conventional layout; or:-

Dated June 6, 2014

- e. A subdivision proposes to include two-family and/or multi-family dwellings.
[Adopted 05/05/10]

2. Elective conservation subdivisions. Where not required under Section VIIA(B)(1) above, conservation subdivision design may be permitted by the Planning Board in the RFM, RF and R-2 Districts in order to:

- a. Avoid, buffer and conserve wetlands, watercourses, water bodies, and shoreland zoned areas less in area and percentages than the thresholds requiring conservation subdivision design under Section VIIA(B)(1).
- b. Conserve agricultural fields, farming activities, forestlands, meadows, wildlife corridors, high value plant and animal habitat areas, or other natural areas, while accommodating residential development through flexible design.
- c. Establish open space to be used for active and passive recreational purposes that can complement and serve the residences within a conservation subdivision.

C. PERMITTED USES & SPECIAL EXCEPTIONS [Amended 05/05/10]

The Permitted Uses and Special Exceptions within a conservation subdivision shall be the same as those allowed within the zoning district in which the subdivision is approved.

D. DENSITY DETERMINATION

The maximum number of dwelling units permitted within the conservation subdivision shall be determined by the maximum net residential density allowed in the zoning district in which the conservation subdivision is located, and as calculated in accordance with the definition of net residential acreage. To demonstrate the number of dwelling units possible, an applicant shall submit a sketch or concept level conventional subdivision plan showing a lot layout complying with the space and bulk regulations of the applicable zoning district, the net residential density calculation, an upland area on each lot capable of sufficiently accommodating a building envelope and providing for drinking water and wastewater disposal, and a street layout in accordance with the Street Acceptance Ordinance of the Town of Scarborough. If the subdivision will be served by on-site well and wastewater disposal the lots in a sketch conventional plan shall each have at least 20,000 sq. ft. of contiguous uplands.

E. SPACE AND BULK REGULATIONS

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving a proposed conservation subdivision, shall apply the following space and bulk regulations.

1. RF & RFM Districts

Maximum net residential density	1 dwelling unit per net residential 2 acres
Minimum lot area	30,000 sq. ft.
Minimum street frontage	100 feet
Minimum front yard, all buildings	25 feet
Minimum rear and side yards, all buildings	15 feet

Dated June 6, 2014

Maximum building height	(See Section IX,A,15)
Maximum building coverage	25%

2. R2 Districts served by Sewer

Maximum net residential density	2 dwelling units per net residential acre
Minimum lot area	7,500 sq. ft.
Minimum street frontage	75 feet
Minimum front yard, all buildings	15 feet
Minimum rear and side yards, all buildings ~~*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.~~	15 feet ^{*1}
Maximum building height	(See Section IX,A,15)
Maximum building coverage	35%

1. The minimum side yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

3. For conservation subdivisions in areas of the R2 District that are not served by the public sewer system, or are not within a reasonable distance from public sewer system, the space and bulk standards of the R2 District shall apply. When determining a reasonable distance from the public sewer system, the Planning Board should consider factors such as the topography of the potential sewer line extension; subsurface conditions within the potential sewer line alignment; the residential density and number of building lots proposed within the subdivision; and other similar factors.

4. Building lots may be clustered in groupings of three to five lots or may all be clustered in one contiguous area depending on the natural characteristics of the land, the location and size of upland areas, and the function and values of the open space. The minimum width of open space between any clusters of building lots shall be 50 feet. This minimum width shall be measured between the building lots' side property lines and is intended to provide separation between clusters of building lots along a road right-of-way. The size and dimensions of the larger, contiguous open space areas shall be designed in accordance with the applicable performance standards in Section VIIA(F) below.

45. The minimum lot area in the RFM and RF Districts shall be 30,000 sq. ft. as per Section VIIA(E)(1) above, except where a greater lot area minimum may be required in order to meet the Town Plumbing Ordinance and the Maine State Plumbing Code. Lot size determinations shall be made prior to preliminary plan approval.

F. CONSERVATION OF OPEN SPACE

The open space within a conservation subdivision, ~~which~~ may include freshwater wetlands, forested wetlands, saltwater marshlands, farmlands, fields, forestlands and recreation areas. Stormwater facilities including detention or retention ponds and similar facilities shall not be counted in meeting the minimum open space requirements unless the Planning Board finds that the purpose and other standards of this Section VIIA. are met.; The open space shall be designed

in accordance with the following performance standards depending on the purpose of the open space:

1. Within conservation subdivisions that are required pursuant to Section VIIA(B)(1) and are located in the RF District, RFM District or within a sewer area of the R2 District, at least 50% of a subdivision's total land area shall be open space. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition to these wetlands and natural features, the open space may also include agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas that will be preserved or established as part of the subdivision as well as land designed to buffer these areas. In order to be counted toward the 50% requirement, an open space area must be at least one acre in size and include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space areas shall be connected and contiguous, consistent with the connectivity and network of the wetlands, watercourses, water bodies and other natural features within the subdivision. To the extent possible, open spaces shall connect to open space lands existing or proposed on adjacent properties. The open space areas within conservation subdivisions shall also be consistent with the performance standards that apply to the type and function of the open space. Building lots shall be designed on the accessible and contiguous upland areas in clusters according to Section VIIA(E)(3) to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs and wetland or stream crossings. The Planning Board may permit open space parcels that are not contiguous and are less than one acre in size, as per Section VIIA(G), if the intent and purpose of this Section VIIA is fulfilled.

2. Within conservation subdivisions that that are required pursuant to Section VIIA(B)(1) and are located in an unsewered area of the R2 District or conservation subdivisions that are elected pursuant to Section VIIA(B)(2) a., at least 40% of a subdivision's total land area shall be open space. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In order to be counted toward the 40% requirement, these open space areas shall include a minimum wetland buffer of twenty-five (25) feet, but the open space areas may be less than one acre in size depending on the size and configuration of wetlands or other natural features. The open space areas shall be connected and contiguous, consistent with the connectivity and network of the wetlands, watercourses, water bodies and other natural features within the subdivision. Building lots shall be designed on the accessible and contiguous upland areas in clusters according to Section VIIA(E)(3) to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs and wetland or stream crossings. The Planning Board may permit open space parcels that are not contiguous, as per Section VIIA(G), if the intent and purpose of this section is fulfilled.

3. Within conservation subdivisions that are elected pursuant to Section VIIA(B)(2)(b) or (c), at least 40% of a subdivision's total land area shall be open space. The open space areas shall encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition, the open space may encompass and buffer the agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas the conservation subdivision is intended to preserve or establish. In order to be counted toward the 40% minimum requirement, the open space areas shall be connected and contiguous and shall

each be at least one acre in size. To the extent possible, open spaces shall connect to open space lands existing or proposed on adjacent properties. The open space areas within conservation subdivisions shall also be consistent with the performance standards that apply to the type and function of the open space.

4. Open space lands that are conserved to be used and maintained for agricultural activities shall meet the following standards:

- a.** The open space land(s) intended for agricultural activity shall not be intermingled with a cluster of residential lots within a conservation subdivision, but rather shall be designed as larger, contiguous tracts of land appropriate in dimensions and area to enable agricultural activities to occur at a level deemed appropriate by the Planning Board. For example, agricultural fields and activities should be designated along a road at the entrance to a subdivision, within a central common between clusters of residential lots, or at the rear of subdivision behind a cluster of residential lots, as opposed to designating agricultural activities on smaller open space strips between residential lots.
- b.** The specific agricultural activity shall require Planning Board approval. When determining the appropriateness of an agricultural activity within a conservation subdivision the Planning Board shall consider the noise, dust, odors, and other impacts that may result from the proposed agricultural activity. The Planning Board may require specific buffering, hours of operation and seasons of operation, and may restrict the type and intensity of agricultural use or activity based on the above considerations. Any conditions or restrictions imposed by the Planning Board shall be consistent with best management practices as determined by the Maine Department of Agriculture, Food and Rural Resources.
- c.** No access to the agricultural use by vehicles, equipment or livestock associated with the agricultural activity shall be planned or allowed over residential lots as part of the conservation subdivision. Separate access to the agricultural use for operational purposes shall be required.
- d.** The size and location of any agricultural building(s) associated with the agricultural use of the open space shall be approved by the Planning Board.
- e.** The open space lands may be owned jointly by the owners of the residential lots within the subdivision, or may be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots within the subdivision or to a recognized nonprofit conservation group, a land trust or the Town as approved by the Planning Board. Alternatively, open space land preserved for agricultural activity may be held in private ownership separate from the ownership of the residential lots within the subdivision, provided that all the agricultural open space within the subdivision is held in the same ownership. A deed restriction prohibiting further use and development of the open space parcel(s) beyond the specified agricultural use(s) and building(s) shall be required. Allowance for

Dated June 6, 2014

modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

5. Open space lands that are conserved as wetlands, forestlands, meadows and other natural areas shall meet the following standards:

- a. Conservation subdivisions utilized to preserve wetlands, forestlands, meadows, wildlife corridors, wildlife habitats and other natural features shall be designed with the open space lands encompassing the most significant wildlife areas, mature forestlands or natural features within the subdivision. The open space lands shall be as large and contiguous as possible to provide the highest wildlife habitat and passive recreation values possible.
- b. Open space lands may include a trail system for walking, hiking, biking or similar activities. This trail system shall be included on the subdivision plan, including a cross-section and limit of clearing, and should link with adjacent trails if possible.
- c. The open space lands shall be owned jointly by the owners of the residential lots within the subdivision, or shall be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots within the conservation subdivision, to be used for open space and recreational purposes, as specified above and as approved by the Planning Board, and shall not be further subdivided, used for building purposes or used for other recreational activities. A deed restriction to this effect shall be required. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.
- d. As an alternative to Section VIIA(F)(5)(c), the open space lands may be preserved as such by being conveyed to a recognized non-profit conservation group, land trust or the Town as approved by the Planning Board. This conveyance shall also be accompanied by a deed restriction limiting the use of the land to the specific open space and recreational purposes approved by the Planning Board. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

6. Open space lands designed to accommodate passive and active recreational facilities or amenities shall meet the following standards:

- a. The Active and passive recreational areas may include facilities exclusively for the use of the residents of the subdivision such as neighborhood commons, gardens, picnic areas, playing fields, playgrounds, courts, bikeways or a combination thereof, or for use by the general public, or may be privately owned and operated as commercial recreational facilities such as golf courses, cross country ski areas and other commercial outdoor recreational uses. shall not be commercial facilities, but rather shall be areas for use by the residents of the conservation subdivision, such as neighborhood commons, gardens, picnic areas, playing fields, playgrounds, courts, bikeways or a combination thereof.

b. Recreation^{al} areas shall be designed and located in a manner that is accessible to all of the residential dwellings in the subdivision. The open space and recreation areas may include sidewalks, footpaths, trails, driveways and parking areas to facilitate accessibility. Such amenities and infrastructure shall be reviewed and approved by the Planning Board.

c. Commercial recreational areas and facilities shall be principally identified by the use of open, outdoor space and shall have minimal structure development. If any of the facilities will be privately owned by an entity other than the owners of the dwelling units in the subdivision, permanent provisions must be established that allow residents of the subdivision use of the open space or designated facilities within the open space. Access to commercial recreational facilities for subdivision residents on a no-fee or reduced fee basis approved by the Planning Board can meet the requirement for resident access to the open space.

ed. The size, location and impervious area of any recreational facility or amenity shall be reviewed and approved by the Planning Board. The Planning Board may consider stormwater runoff, lighting, proximity to residential dwellings, buffering, traffic impacts, compatibility with the residential development, and similar factors in their review.

de. Recreation areas ~~shall~~^{may} be owned jointly by the owners of the residential lots or units within the subdivision, or ~~shall~~ be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots or units within the conservation subdivision, to be used for open space and recreational purposes, as specified above and as approved by the Planning Board, and shall not be further subdivided, used for building purposes or used for other recreational activities. A deed restriction to this effect shall be required. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

ef. As an alternative to Section VIIA(F)(6)(a), ~~(c)~~, ~~(d)~~ and ~~(de)~~, the recreation areas may be either conveyed to the Town and may be open to use by the entire community if specifically approved by the Planning Board and agreed to by the Town Council or owned by a private entity for use as a commercial recreational facility. If open to community or commercial use, the recreation areas shall be sited in a location that is easily accessible to the public with minimal traffic impacts to the residential component of the conservation subdivision; shall provide adequate visitor parking based on the recreation area's size and intended uses; and shall include buffers to the residential lots within the conservation subdivision to separate public and private space. These activities may be subject to the provisions of the Site Plan Review Ordinance.

fg. When parking areas are proposed, they shall be designed and constructed with pervious and semi-pervious alternatives to bituminous pavement, if possible. Such alternatives may include porous pavement blocks, grassed interlocking paving systems, re-enforced turf and stone dust materials. These alternative parking surfaces are intended to minimize storm water run-off and facilitate infiltration and natural hydrological functions to the extent feasible.

gh. If any portion of the open space will be owned by a private entity consisting of others than the owners of the lots or units in the subdivision, that open space shall be protected from future development or uses that are inconsistent with its function as open space that benefits the subdivision by the establishment of a permanent conservation easement to the Town of Scarborough or a land trust or conservation organization approved by the Planning Board, or the subdivision's home owners association. This easement shall be approved by the Town prior to approval of the subdivision by the Planning Board.

7. Open space lands, required pursuant to Section VIIA(B)(1), may be designed to conserve wetlands and other natural resources, while also accommodating agricultural or recreational uses and activities. The Planning Board shall have the flexibility to allow a combination of open space functions so long as these functions and uses are in conformance with all of the above performance standards in Section VIIA(F)(1) through (6).

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-59. Move approval of the second reading on the proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance.

June 6, 2014

Proposed Amendment to the Town of Scarborough Plumbing Ordinance to Revise the Limitations of Common Disposal Areas

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

Amend Article V. Section 4. Prohibited Systems so that subsection B. reads as follows (additions are underlined; deletions are struck through):

B. Common disposal areas serving multiple units are not permitted for new construction. This limitation does not apply to two-family dwellings, multifamily dwellings with four (4) or fewer dwelling units, and mixed-use buildings with four (4) or fewer dwelling units that are located in the portions of the RF, RPO, RH, RH2, and TVC2 zoning districts that are not served or cannot be reasonably served by the Town's public sewerage system provided that each building is served by one (1) or more independent subsurface sewage disposal systems so that no disposal system serves more than one (1) building. The use of common disposal areas to serve clusters of dwellings and structures shall be allowed only where existing units have malfunctioned.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-65. Move approval on the following new requests for a Food Handlers License: KBC14, LLC, d/b/a Mac's Deli, located at 426 U.S. Route One – Suite 2; Robert E. Anderson, d/b/a The Paper Store, located at 11 Hannaford Drive; and North Madison Hill, LLC, d/b/a Great East Butcher Company, located at 450 Payne Road.

Town of Scarborough, Maine
Town Clerk's Office
259 US ROUTE ONE
PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members
FROM: Yolande P. Justice, Town Clerk
DATE: July 11, 2014
RE: **Requests a Food Handlers License**

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

- KBC14, LLC, d/b/a Mac's Deli, located at 426 U.S. Route One – Suite 2;
- Robert E. Anderson, d/b/a The Paper Store, located at 11 Hannaford Drive
- North Madison Hill, LLC, d/b/a Great East Butcher Company, located at 450 Payne Road.

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

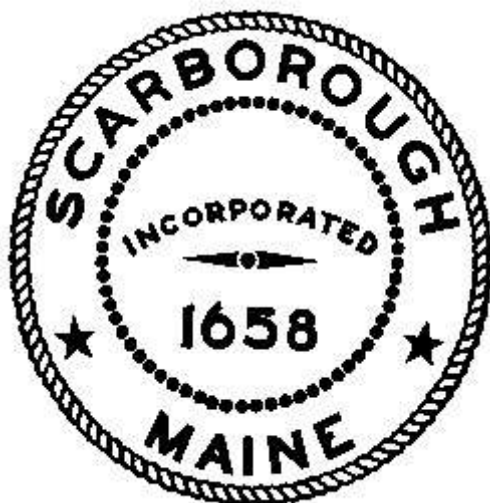
AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-54. Move approval of the second reading on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance.

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

Section 1. Definitions.....	1
Vehicle.....	1
Park.....	1
Standing.....	1
Street, Way or Road.....	1
Roadway	1
Person	1
All Night Parking.....	~~21~~
Truck.....	~~21~~
Public Safety Traffic Flagger.....	~~1~~
Section 2. Signs Required.	2
Section 3. Unauthorized Signs, Signals or Markings.....	2
Section 4. Prohibited Parking.	2
Section 5. Stopping, Standing, Parking Prohibited, Specific Locations.	~~32~~
Section 6. Parking at the Scene of a Fire.	3
Section 7. Snow Removal.	~~43~~
Section 8. Snow Obstruction.....	~~43~~
Section 9. Obstruction in Street.	~~43~~
~~Section 10. Frightening Animals.~~	~~44~~
~~Section 11. Transporting Rubbish or Garbage.....~~	~~44~~
Section 12. Authority to Remove.....	4
Notice to owner	~~54~~
Release of Vehicle	~~54~~
~~Section 13. Emerging from Driveways.....~~	~~55~~
~~Section 14. Standing in Road.....~~	~~55~~
~~Section 15. Following Traffic Direction.....~~	~~55~~
Section 16. Required Obedience.....	~~65~~
Section 17. Traffic Control Devices.	~~65~~
(a) Authority to install traffic control devices.....	~~65~~
(b) Obedience to official traffic-control devices.	6
(c) When traffic devices required for enforcement purposes.	6
~~(d) Traffic control signals regulated.....~~	~~66~~
~~(e) Pedestrian control signals.....~~	~~87~~
(1) Walk.....	~~87~~
(2) Don't Walk.....	~~88~~
Section 18. Parking on Paved or Improved Surface.	8
Section 19. Parking on Left.....	8
Section 20. Movement of Traffic.....	8
Section 21. Prima facie Evidence of Operation.	~~98~~
Section 22. True name to be Given.....	~~98~~
Section 23. Temporary Signs.	~~98~~
Section 24. Snow Accumulation.....	~~98~~
Section 25. Pedestrians Rights and Duties.....	9
(a) ~~Pedestrians subject to traffic control signals.....~~	~~99~~
(b) ~~Pedestrians' right of way in cross walks.....~~	~~99~~

(c) Pedestrians to use right half of crosswalks.	109
~~(d) Crossing at right angles.~~	~~109~~
~~(e) When pedestrian shall yield.~~	~~109~~
~~(f) Prohibited crossing.~~	~~1010~~
(g) Obedience of pedestrians to bridge and railroad signals.	10
~~(h) Pedestrians walking along roadways.~~	~~1110~~
(i) Pedestrians soliciting rides or business.	1110
~~(j) Drivers to exercise due care.~~	~~1110~~
Section 26. Penalty.....	1110
Section 27. Citation on Illegally Parked Vehicles.	11
Section 28. Appealing the Issuance of a Parking Ticket.....	1211
Section 29.....	1211
A. PARKING RESTRICTIONS.....	1211
I. NO PARKING AT ANY TIME.....	1211
II. HIGGINS BEACH.[amended 01/19/2011][02/16/2011]	1312
III. PROUTS NECK (from May 1 to September 15 of each year).....	1413
IV. PINE POINT (from May 1 to September 15 of each year). Revised February 1980.	1413
IV-1. PINE POINT (from May 1 to September 15 of each year).....	1514
IV-2. PINE POINT - CO-OP (Time Limit) [adopted 1/06/99]	1514
V. TWO ROD ROAD (from May 1 to October 30 of each year).	1514
VI. LOADING AND UNLOADING ZONES.	1514
VII. From 11:00 P.M. to 5:00 A.M. (Revised May 1982) (Amended June 1990) (Amended June 5, 2002)	1514
VIII. Deleted by Council Action on 5/5/82.	15
IX. Amended 6/7/89 see Section 30, A - I.	15
X. HANDICAPPED PARKING (enacted 2/2/83)(amended 6/17/92).....	15
B. LOCATIONS WHERE U TURNS ARE NOT PERMITTED.	1615
C. ONE WAY STREETS AND ALLEYS.....	1615
I. Authority to sign one way streets.....	1615
II. One-Way Streets.....	1615
D. SPEED LIMITS IN CERTAIN AREAS.....	16
I. DUNSTAN AREA.....	16
II. PINE POINT AREA.....	1716
III. HIGGINS BEACH AREA.	1716
IV. PLEASANT HILL AREA.....	1716
V. MAPLE AVENUE	17
VI. SAWYER ROAD.	17
VII. OLD MILLBROOK AREA.....	17
VIII. FOGG ROAD.....	1817
IX. WINNOCK'S NECK ROAD.....	1817
X. ASH SWAMP ROAD.....	1817
XI. MILLIKIN MILLS ROAD.....	1817
XII. HOLMES ROAD.....	1817
XIII. NEW ROAD.....	18
XIV. SPRING STREET.....	18

XVI. MERRILL BROOK AREA.....	18
XVI. ELMWOOD AVENUE.....	<u>1948</u>
XVII. SUNSET AVENUE.....	<u>1948</u>
MAINE DEPARTMENT OF TRANSPORTATION SCARBOROUGH	<u>2049</u>
ASH SWAMP ROAD (T.W.).....	<u>2049</u>
BEECH RIDGE ROAD (S.A. #8).....	<u>2049</u>
BROADTURN ROAD (S.A. #2, I.R. #70602).....	<u>2049</u>
BURNHAM ROAD (T.W. #493)	<u>2049</u>
CHAMBERLAIN ROAD (I.R. #70201, T.W.).....	<u>2049</u>
CUMBERLAND WAY (T.W., I.R. #78115).....	<u>2049</u>
CUMMINGS ROAD (this section was f.k.a. section of SPRING STREET)	<u>2049</u>
DEERING DRIVE (T.W.)	<u>2120</u>
EASTERN ROAD.....	<u>2120</u>
FOGG ROAD (T.W.).....	<u>2120</u>
HAIGIS PARKWAY	<u>2120</u>
HIGHLAND AVENUE (I.R. #70203, S.A. #13).....	<u>2120</u>
HOLMES ROAD (S.A. #12)	<u>2120</u>
JAMECO MILL ROAD (T.W., I.R. #78120)	<u>2120</u>
MILLIKEN MILLS ROAD (T.W. - I.R. #932).....	<u>2224</u>
MITCHELL HILL ROAD.....	<u>2224</u>
MUSSEY ROAD (S.A. #14).....	<u>2224</u>
NEW ROAD (T.W. #507).....	<u>2224</u>
OLD BLUE POINT ROAD (S.A. #7).....	<u>2224</u>
ORCHARD HILL ROAD	<u>2224</u>
PAYNE ROAD (S.A. #8 & S.A. #9)	<u>2224</u>
PLEASANT HILL ROAD (S.A. #11).....	<u>2224</u>
PORTLAND FARMS ROAD (T.W., I.R. #70111).....	<u>2322</u>
PORTLAND AVENUE (S.A. #2)	<u>2322</u>
ROSS ROAD	<u>2322</u>
ROUTE ONE	<u>2322</u>
ROUTE NINE	<u>2322</u>
ROUTE TWENTY-TWO (MPH ID#05-0508-8908)	<u>2423</u>
RUNNING HILL ROAD (S.A. #10).....	<u>2423</u>
SCOTTOW HILL ROAD (T.W. – IR #78102).....	<u>2423</u>
SOUTH PORTLAND/SCARBOROUGH CONNECTOR F.A.P. 1-1 SPUR.....	<u>2423</u>
SPRING STREET (T.W. #473)	<u>2423</u>
TWO ROD ROAD (T.W.)	<u>2423</u>
WEST BEECH RIDGE ROAD (T.W.).....	<u>2423</u>
WINNOCK’S NECK ROAD (T.W.)	<u>2423</u>
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).	<u>2524</u>
F. LOCATIONS FOR “NO THROUGH TRUCKS (OVER <u>12,000</u> <u>26,001</u> POUNDS)” SIGNS.	<u>2827</u>

G. LOCATIONS FOR “EMERGENCY STOPPING ONLY” SIGNS [Adopted 01/20/2010]	~~28~~ <u>27</u>
H. LOCATIONS FOR "NO PARKING/STOPPING/IDLING" SIGNS [Adopted 04/02/2012]	27
I. POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES [12/01/93]	~~29~~ <u>28</u>
J. STICKERED PARKING [12/01/93]	~~29~~ <u>28</u>
K. PARKING BANS DURING EMERGENCIES [Adopted 01/20/2010]	~~29~~ <u>28</u>
Section 30. TOWING [December 1, 1993] [amended 06/21/2006]	~~29~~ <u>28</u>
(A). APPLICABILITY.	~~29~~ <u>28</u>
(B). PROCEDURE FOR REMOVAL: NOTICE TO OWNER.	~~30~~ <u>29</u>
(C). RELEASE OF VEHICLES. (amended 06/21/2006)	~~30~~ <u>29</u>
(D). INTERFERENCE WITH ENFORCEMENT.	~~30~~ <u>29</u>
Section 31. SCARBOROUGH POLICE DEPARTMENT WRECKER POLICY [December 1, 1993] [amended 06/21/2006]	~~30~~ <u>29</u>
PURPOSE	~~31~~ <u>29</u>
POLICY	~~31~~ <u>30</u>
I. INSURANCE	~~31~~ <u>30</u>
A) Garage Keepers Policy	~~31~~ <u>30</u>
B) Garage Keepers Liability	~~31~~ <u>30</u>
C) Road Service Liability	~~31~~ <u>30</u>
D) Policy Requirements	~~31~~ <u>30</u>
II. REGULATIONS	~~32~~ <u>30</u>
III. SOLICITATION OF BUSINESS	~~32~~ <u>31</u>
IV. REMOVAL FROM THE SCARBOROUGH POLICE ROTATION LIST	~~32~~ <u>31</u>
V. RATE SCHEDULE	~~33~~ <u>32</u>

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 Statutes 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.

~~Notwithstanding 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 area known as Prouts Neck area. For the purpose of this Ordinance, the Prouts Neck area is defined as including the area generally South of the property at 364 Black Point 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 miles. 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 southwest 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 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 ~~3430~~(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 ~~3430~~(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 lose 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 dickets 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

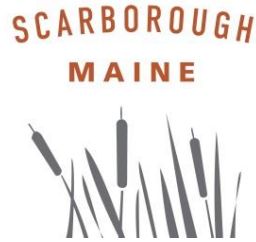
impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section 1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-66. Move approval on the names of Philip Christy, Troy Hendrickson and Susan Wilder to the Senior Program Advisory Board.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-67. Move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses and schedule the public hearing after the filing of the Planning Board's recommendation.



To: Town Council Members
cc: Tom Hall, Town Manager & Bryan Shumway, Chair of the Housing Alliance
From: Dan Bacon, Planning Director
Date: July 10, 2014

Subject: Zoning Amendment for an Affordable Housing In-Lieu Fee

Dear Town Councilors,

This zoning amendment has been forwarded to you at the request of the Town's Housing Alliance and proposes to add an additional residential density bonus option in the town's zoning districts that allow density bonuses, through the payment of an in-lieu fee to be put toward affordable housing efforts.

This provision was proposed through a collaborative effort between the Long Range Planning Committee and the Housing Alliance last year and was approved by the Town Council last fall for inclusion in the Traditional Neighborhood Development District (TND).

This type of density bonus allows additional residential density within a development project in exchange for the payment of an in-lieu fee of \$20,000 per bonus unit/dwelling to be used to create affordable housing in Town. More specifically, any in-lieu fee collected will be placed in a dedicated account to be used in a variety of ways to further affordable housing, such as buying land for affordable housing; funding infrastructure and construction of affordable housing; funding soft costs for affordable housing; and enabling the establishment of a revolving loan program for affordable housing buyers.

After this bonus option was created for use in the TND District, the Housing Alliance felt it should be made available as an option for use in the other residential and mixed use zones in Town that already allow for density bonuses. So these amendments will do that, by adding it to the VR2, VR4, RPO, TVCs, and B3 Districts.

Thank you.

Proposed Amendments to the Zoning Ordinance to Add an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses

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 Section XV.B VILLAGE RESIDENTIAL 2 – VR2, subsection F.2. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection e. to read (additions are underlined; deletions are struck through):

e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

2. Amend Section XV.C. VILLAGE RESIDENTIAL 4 – VR4, subsection F.2. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection e. to read (additions are underlined; deletions are struck through):

e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per net residential acre beyond the maximum base residential density. ~~If subsections F.2. and F.3. are both used, the additional dwelling units permitted under F.3. shall not also be subject to the development transfer provisions under F.2.~~

3. Amend Section XVIIA. RESIDENCE AND PROFESSIONAL OFFICE DISTRICT RPO, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to

utilize additional residential density under subsection E.3., a development may incorporate additional dwelling units beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance if such a bonus is provided for in the abutting residential district.

4. Amend Section XVIII.A. TOWN AND VILLAGE CENTER DISTRICT TVC, subsection F. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. ~~If subsections F(2) and F(3) are both used, the additional dwelling units permitted under F(3) shall not also be subject to the development transfer provisions under F(2).~~

5. Amend Section XVIII.C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT TVC2, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. ~~If subsections (E)(2) and E(3) are both used, the additional dwelling units permitted under (E)(3) shall not also be subject to the development transfer provisions under (E)(2).~~

6. Amend Section XVIII.D. TOWN AND VILLAGE CENTERS FRINGE DISTRICT TVC3, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

~~1. The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. If subsections (E)(2) and (E)(3) are both used, the additional dwelling units permitted under (E)(3) shall not also be subject to the development transfer provisions under (E)(2).~~

7. Amend Section XIX.A. GENERAL BUSINESS DISTRICT B3, subsection H. RESIDENTIAL DENSITY REGULATIONS FOR PLANNED DEVELOPMENTS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection H.3, a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

~~The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections H(2) and H(3) are both used, the additional dwelling units permitted under H(3) shall not also be subject to the development transfer provisions under H(2).~~

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-68. Move approval on the request to approve the Terfloth Settlement Agreement, authorize the Town Manager to execute it on behalf of the Town and grant the 2011 and 2012 abatements.

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into between the Town of Scarborough, a municipal corporation under the laws of the State of Maine (“Town”), and Marc B. Terfloth (“Taxpayer”), collectively, the “Parties” and singly a “Party.”

WHEREAS, the Taxpayer filed an abatement request for real property taxes assessed by the Town for the tax year 2010 (the “Abatement Request”) with respect to the real property located at 2 Sanctuary Lane, Scarborough, which is identified as Town of Scarborough Tax Map U20, Lot 21 (the “Property”); and

WHEREAS, the Maine Supreme Judicial Court has determined in *Marc B. Terfloth v. Town of Scarborough*, 2014 ME 57, that the Town substantially overvalued the Property, vacated the Superior Court’s judgment in favor of the Town and remanded the matter to the Town’s Board of Assessment Review; and

WHEREAS, to avoid the uncertainty and expense of further litigation, the Parties wish to settle the Abatement Request and to establish a valuation for the Property going forward as provided herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein made by each Party to the other, the Parties for themselves, their successors and assigns, agree as follows:

1. Agreement to Abate Taxes.

a. For the tax year 2010, the Town Council agrees to compromise the ongoing litigation by abating the property taxes paid by the Taxpayer for the Property in the total amount of \$17,176.70 which results from a \$1,068,800 reduction of the April 1, 2010 assessed valuation of the Property from \$3,503,800 to \$2,435,000 (the “2010 Abatement”).

b. For the tax year 2011, the Town Council, as the municipal officers, under authority of 36 M.R.S.A. § 841(1), agrees to abate the property taxes paid by the Taxpayer for the Property in the total amount of \$11,255.30, which results from a \$718,300 reduction of the April 1, 2011 assessed valuation of the Property (representing a 25% reduction of the current \$2,873,200 land value of the Property) from \$3,503,800 to \$2,785,500 (the “2011 Abatement”).

c. For the tax year 2012, the Town Council, as the municipal officers, under authority of 36 M.R.S.A. § 841(1), agrees to abate the property taxes paid by the Taxpayer for the Property in the total amount of \$6,740.03, which results from a \$431,200 reduction of the April 1, 2012 assessed valuation of the Property (representing a 15% reduction of the current \$2,873,200 land value of the Property) from \$3,503,800 to \$3,072,600 (the “2012 Abatement”).

d. For the tax year 2013, the Town Assessor, under authority of 36 M.R.S.A. § 841(1), agrees to abate the property taxes paid by the Taxpayer for the Property in the total amount of \$6,771.13, which results from a \$431,200 reduction of the April 1, 2013 assessed

valuation of the Property (representing a 15% reduction of the current \$2,873,200 land value of the Property) from \$3,503,800 to \$3,072,600 (the “2013 Abatement”).

2. Parties; Responsibilities.

The Town Council approved this Settlement Agreement at its meeting on July 16, 2014; the Town Council agrees to grant the 2011 Abatement and the 2012 Abatement and the Town Assessor agrees to grant the 2013 Abatements under this Settlement Agreement within twenty-one days of the Superior Court’s entry of a Consent Judgment incorporating this Settlement Agreement, and the Town agrees to pay all amounts owed to Taxpayer under Paragraph 1 of this Settlement Agreement, the total of which amounts is \$ 41,943.17, within seven days of the granting of said 2011, 2012, and 2013 Abatements.

Taxpayer agrees not to file any appeal or further appeal for the tax years 2010, 2011, 2012 and 2013.

Attorneys for the Parties will promptly file this Agreement with the Maine Superior Court as part of a proposed Consent Judgment or alternative suitable order if necessary in Cumberland County Docket No. AP-12-19.

3. Prospective Reduction in Assessed Valuation.

For tax years based upon the April 1, 2014, April 1, 2015 and April 1, 2016 assessed valuation (the 2014, 2015 and 2016 tax years, respectively, or the “Prospective Settlement Period”), the Town hereby agrees to reduce the assessed valuation of the Property by reducing the land value by 15%, or \$431,200, resulting in an assessed value of \$3,072,600 for the Property plus the reasonable fair market value of any added improvements present on each such April 1; provided, however, that if the Town conducts a townwide revaluation and that townwide revaluation is complete by April 1, 2016, then notwithstanding the above, the Property shall be assessed on April 1, 2016 and taxed thereon in accordance with that revaluation methodology, subject to the ordinary and usual rights of discussion and appeal that accompany the revaluation process and that are provided for by State law.

Absent an event that causes substantial physical damage or destruction to the Property, the Taxpayer, for himself and his successors and assigns, agrees not to seek an abatement of real property taxes assessed by the Town on the Property during the Prospective Settlement Period.

4. Parties Bear Own Costs and Expenses.

The Parties agree to bear their own costs and expenses, including but not limited to legal fees and expert fees and costs, of bringing, maintaining, defending and litigating the Abatement Request and proceedings at the municipal and State court levels.

5. Choice of Law.

This Agreement has been negotiated and executed in the State of Maine, and shall be construed and governed under the laws of the State of Maine. The Parties agree that the State of Maine has a natural and substantial connection and relationship to the parties and transactions contemplated by this Agreement.

6. Entire Understanding.

This Agreement constitutes the entire agreement between the Parties with respect to the Abatement Request and the 2010, 2011, 2012, and 2013 Abatements. The Agreement contains the essential terms of the agreement, and supersedes any and all other agreements, understandings, negotiations, or discussions, either oral or in writing, express or implied, between the Parties with respect to the Abatement Request and the 2010, 2011, 2012, and 2013 Abatements. The Parties each acknowledge that: (a) no representations, inducements, promises, agreements, or warranties, oral or otherwise, have been made by them, or anyone acting on their behalf with respect to the Abatement Request and the 2010, 2011, 2012, and 2013 Abatements, which are not expressed in writing in this Agreement; (b) they have not executed this Agreement in reliance on any such representation, inducement, promise, agreement, or warranty; and (c) no representation, inducement, promise, agreement, or warranty with respect to the Abatement Requests that is not contained in this Agreement, including, without limitation, any purported supplements, modifications, waivers, or terminations of this Agreement, shall be valid or binding, unless executed in writing by the Parties.

7. Manner of Construction.

The Parties acknowledge that: (a) this Agreement and its reduction to final written form is the result of good faith negotiations between the Parties; (b) said Parties and their respective counsel have carefully reviewed and examined this Agreement before execution on behalf of said Parties; and (c) any statute or rule of construction that ambiguities are to be resolved against the drafting Party shall not be employed in the interpretation of this Agreement.

8. Further Actions.

Each of the Parties hereto agrees to take any and all actions reasonably necessary in order to effectuate the intent, and to carry out the provisions, of this Agreement.

9. Enforcement/Waiver of any Right to Trial by Jury.

The Parties agree that any lawsuit or motion to enforce the terms of this Agreement shall be brought without request for a jury in the Maine Superior Court.

10. Effective Date.

The effective date of this Agreement is the last date on which it was executed by a signatory to the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Settlement Agreement to be executed by their duly authorized municipal official or attorney as of the date set forth before each signature.

TOWN OF SCARBOROUGH

Dated: July __, 2014

By: _____
Thomas Hall
Town Manager for the Town of Scarborough

MARC B. TERFLOTH

Dated: July __, 2014

Marc B. Terfloth

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-69. Move approval on the request to appoint Council Jean-Marie to MMA's Legislative Policy Committee and to authorize the Town Manager to sign the nomination papers.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 2014
REGULAR MEETING – 6:00 P.M.

Order No. 14-70. Move approval to authorize the Town Manager, and after consultation with the Council Chair, to sign future Council nomination/appointment papers for outside committees/boards [e.g. MMA, PACTS & GPCOG, etc.].