

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 17, 2014
TOWN COUNCIL GOALS WORKSHOP – 6:00 P.M.
REGULAR MEETING – 7:00 P.M.**

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

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: December 3, 2014 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.
- Item 8.** Non Action Items.
 - a. Update on the Benjamin Farm.

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

Order No. 14-101, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

OLD BUSINESS:

Order No. 14-102. Act on the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee at the Town Council meeting of December 3, 2014.

NEW BUSINESS:

Order No. 14-103. First reading and refer to the Planning Board on the proposed first amendment to Contact Zone III - Maine Life Care Retirement Community, Inc., located at 15 Piper Road.

Order No. 14-104. Act on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 10 David Drive – Map T003/Lot 010, 407 Topaz Drive – Map T002/Lot 407, 29 Matthews Way – Map T003/Lot 029, 20 Crystal Lane – Map T003/Lot 020 and 62 Trotwood Street – Map T001/Lot 062 and authorize the Town Manager to sign the necessary documentation.

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Order No. 14-105. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's Evaluation.

Item 12. Adjournment.

Item 8. Non Action Items - Update on the Benjamin Farm.



SCARBOROUGH LAND TRUST

December 12, 2014

Tom Hall, Manager
Town of Scarborough
P.O. Box 360
Scarborough ME 04070

Dear Tom,

I am writing on behalf of our Board of Directors, regarding Benjamin Farm. We are thrilled by the amount of community support for the protection of this 135-acre property. This letter outlines why the Scarborough Land Trust (SLT) is opting not to pursue the current configuration of a possible state funding program.

Board of Directors

Paul Austin
President

Elizabeth Peoples
Vice President

Patrick O'Reilly
Treasurer

Rick Shinay
Clerk

Melissa Anson

Betts Armstrong

Mark Follansbee

Gil Paquette

Alex Timpson

Jeremy Wintersteen

Executive Director
Kathy Mills

As you know, Scarborough Land Trust has been working for many months with Maine Department of Inland Fisheries and Wildlife (IF&W) on a possible New England Cottontail habitat protection project at Benjamin Farm. I discussed parts of this program with the Town Council during the Council's earlier deliberation on the Parks & Conservation Land Bond Board's funding recommendation.

The IF&W program is offering \$380,000 to acquire a 20-year management agreement on 30 acres. SLT would be expected to oversee the program and there would be additional management and stewardship funds for this work. I've included a planning map (draft) that shows the location of the proposed wildlife area.

The program's requirements are onerous and would have significant impact on trails, public access, scenic views, and management of invasive species. These include a prohibition on trails and dogs within the 30 acres and on trails within 250 feet of this area. Parts of the woods would be cut for new habitat, which would have impacts on scenic views and invasive plant species. There is also uncertainty as to what happens at the end of the 20-year time frame as IF&W would have renewal rights. One of SLT's long-term goals is to connect the Willey Recreation Area to Benjamin Farm with trails, and this would be prohibited by the restrictions.

We support New England Cottontail efforts and have habitat programs at other properties. We do not take lightly passing on this funding program. There may still exist a possibility for cottontail funding in the future but we cannot accept the restrictions that are presently proposed. We hope that something might be structured that could work better for Scarborough. Should this be possible, cottontail funds would reimburse the Land Bond. The current program cedes too much local control over the property and we believe that local priorities need to be our primary focus. We have received overwhelming community support for this project and want Scarborough residents to be proud of Benjamin Farm.

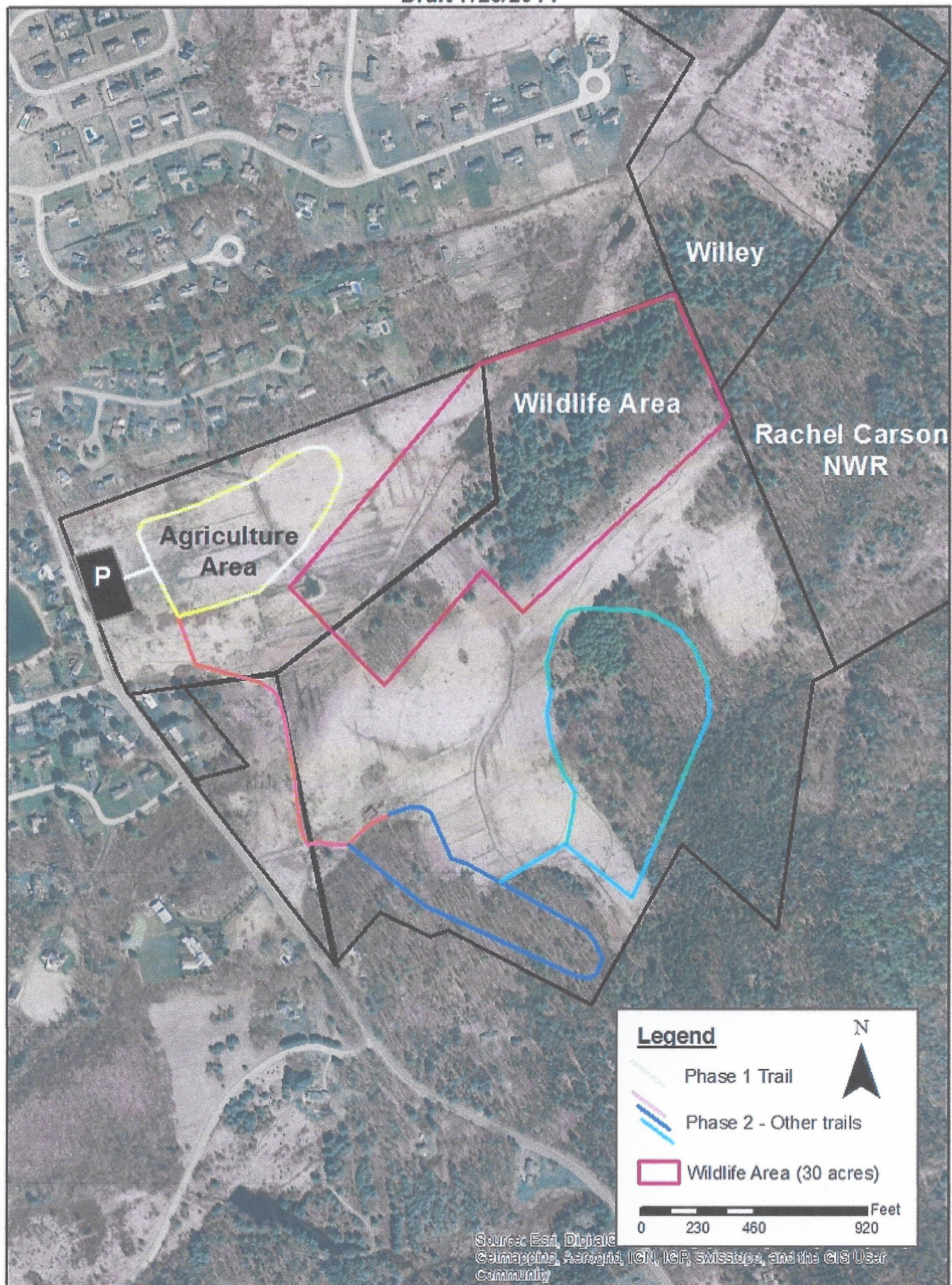
Thank you and please let me know if you have any questions or need more information. On behalf of SLT, thank you to the Town Council, staff, and the Parks & Conservation Land Bond Board. The protection of Benjamin Farm would not have been possible without the Land Bond that voters have passed three times.

Sincerely,

Jeremy Wintersteen
Chair, Acquisition Committee

Benjamin Farm Land Planning Map

Draft 7/23/2014



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 17, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-101. Move approval on the following applicants who have applied for renewal of their Manufactured Housing Communities License:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

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: December 12, 2014

**RE: Renewal Requests for Manufactured Housing Community
and/or Mobile Home Park License**

The following applicants have applied for renewal for Manufactured Housing Communities:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Per Brian Longstaff, Zoning Administrator, all three Communities have been inspected and are all in compliance with the Code Office. It is recommended that the licenses be approved for Pinecrest Manufactured Housing Community, Hillcrest Manufactured Housing, and Crystal Springs Manufactured Housing Community.

The applications are kept on file in the Clerk's Office.

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WEDNESDAY – DECEMBER 17, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-102. Move approval on the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee at the Town Council meeting of December 3, 2014, as follows:

Board of Assessment Review:

Re-appoint Alan Peoples and Chris Herrick - terms would expire in 2017.

Coastal Waters & Harbor Committee:

Re-appoint Mark Coulston and David Green - terms would expire in 2017.

Community Services Recreation Advisory Board:

Re-appoint Iver Carlson and Leroy Crocket - terms would expire in 2017.

Conservation Commission:

Re-appoint Iver Carlson and Suzan Nixon - terms would expire in 2017.

Energy Committee:

Re-appoint J. Anton Bodor - term would expire in 2017.

Housing Alliance Committee:

Re-appoint Mike Bunting – term would expire in 2017.

Parks and Conservation Land Board:

Re-appoint Richard Murphy and Sean Flaherty - terms would expire in 2017.

Personnel Appeals Board:

Re-appoint Jennifer Beedy, Daniel Dwyer and Emily Ward - terms would expire in 2017.

Planning Board:

Appointment Mike Wood as a full voting member – term to expire in 2017 and move Nicholas McGee from 1st Alternate to a full voting member – term to expire in 2016 and move Susan Auglis from 2nd Alternate to 1st Alternate. – term to expire in 2016.

Senior Advisory Board:

Re-appoint Emilie Estes as a full voting member - term would expire in 2017. Move Susan DeWitt Wilder from 1st Alternate to full voting member – term to expire in 2016 and appointed Nicole Fish as 1st Alternate – term to expire in 2016.

Shellfish Conservation Commission:

Re-appoint David Green - term would expire in 2017.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 17, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-103. Move approval of the first reading and refer to the Planning Board the proposed first amendment to Contact Zone III - Maine Life Care Retirement Community, Inc., located at 15 Piper Road and schedule a public hearing following the filing of the recommendations of the Planning Board.



Piper Shores

December 10, 2014

Town Council, Town of Scarborough
c/o Thomas Hall, Town Manager
Town of Scarborough
259 U.S. Route 1
P.O. Box 360
Scarborough, ME 04070-0360

Dear Town Council Members:

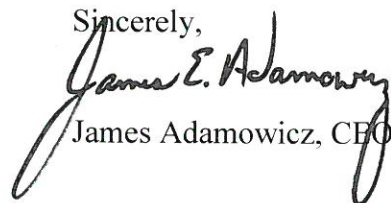
Piper Shores, owned by Maine Life Care Retirement Community, Inc., a Maine nonprofit organization, is Maine's first lifecare retirement community that promotes residents' long-term wellbeing and health within a continuum of lifecare services. Since opening in 2001, Piper Shores has endeavored to be a leading life care community, offering residents an independent lifestyle, a comfortable, secure environment with an oceanfront setting, a friendly community of like-minded neighbors, and onsite access to assisted living and skilled nursing care at the Holbrook all for one predictable monthly fee.

However, the needs of residents and the evolution of life care communities have resulted in a desire to provide additional facilities at Piper Shores. In the near term, there is a real need for the addition of memory care units for those with Alzheimer's and other forms of dementia. Piper Shores has also identified a need for additional assisted living units and an Arts Building. Our proposed request is to add a total of 28 assisted living units in a new addition to the existing Holbrook Health Center and a new Arts Building adjacent to current independent living.

Accordingly, following several preliminary meetings with your Town Manager and Town Planner, Piper Shores is submitting this application, requesting an amendment to the Contract Zone Agreement, dated November 6, 1997 and November 17, 1997 and recorded in the Cumberland County Registry of Deeds, Book 13437, Page 19 and Book 13449, Page 171. A proposed amendment is enclosed herewith together with a check for the application fee.

We look forward to discussing this matter with the Town Council at the meeting scheduled for December 17th. Thank you.

Sincerely,


James Adamowicz, CEO

FIRST AMENDMENT TO CONTRACT ZONING AGREEMENT

This First Amendment to Contract Zoning Agreement made as of the ___ day of _____, 2014, by and between the Town of Scarborough, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town"), and Maine Life Care Retirement Community, Inc., a Maine non-profit corporation, with an address of 15 Piper Road, Scarborough, ME 04074 ("Maine Life Care"), pursuant to the Contract Zoning provisions of the Scarborough Zoning Ordinance.

WHEREAS, the Town and Maine Life Care entered a Contract Zoning Agreement, dated November 6, 1997 and November 17, 1997 and recorded in the Cumberland County Registry of Deeds, Book 13437, Page 19 and Book 13449, Page 171 (the "Agreement"); and

WHEREAS, the Town of Scarborough, by and through its Town Council has determined that the amendments set forth herein to said rezoning would be pursuant to and consistent with the Town's local growth program and Comprehensive Plan adopted pursuant to Title 30-A, Maine Revised Statutes, Chapter 187, Sub-part 6-A, and consistent with the existing and permitted uses within the original zoning district classification and has authorized the execution of this First Amendment to Contract Zoning Agreement.

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

1. The provisions of Section 2(a), 2(e) and 2(f) of the Agreement are hereby amended in their entirety to provide:

(a) Building Footprint and Height: The maximum allowable building footprint for the buildings (including the main building, the cottages and garage structures) shall be ~~257,600~~288,000 square feet and the maximum building height shall be three (3) stories and as shown on the Site Plan approved by the Town of Scarborough Planning Board. The main buildings shall be a maximum height of 39 feet to the mid-point of the sloped or hip roofs and 45 feet to the ridge of the roof. The maximum number of stories for the cottages will be 1 story.

(e) Density: The maximum net residential density of the Continuing Care Retirement Community shall be:

160 Independent Living apartments, being dwelling units ranging in size from 500 square feet to 1800 square feet;

40 Independent Living Cottage Units, being one story, semi-attached in up to four plex buildings with each unit ranging in size from 700 square feet to 2000 square feet;

~~20-48~~ Assisted Living Units, as regulated by Department of Human Services rules relating to residential care or assisted living units; and

40 Skilled Nursing Rooms, as regulated by Department of Human Services Nursing Home licensing requirements.

(f) Residents: Occupancy of the Continuing Care Retirement Community shall be limited to persons 62 years of age or older or households with at least one resident who is 62 years of age or older; provided, however, that in the case of any dwelling occupied by a person age 62 or older and by a person older than age 21 and younger than age 62, in the event that the person age 62 or older moves out of the dwelling unit or dies, the younger person may continue to reside the dwelling unit.

3. Maine Life Care shall record this First Amendment to Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its execution by the Town.

4. Unless extended by the Town by further amendment of this Agreement, construction of the additional improvements to the Property authorized by this Amendment may commence within five (5) years after execution of this Amendment and shall be substantially completed within ten (10) years from the date of this Amendment.

5. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

WITNESS:

Town of Scarborough

By: _____
Thomas Hall, Its Town Manager

Maine Life Care Retirement Community, Inc.

By: _____
James E. Adamowicz, Its Chief Executive Officer

STATE OF MAINE
CUMBERLAND, ss.

_____, 2014

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

Before me,

Formatted: Indent: First line: 0.5"

Notary Public

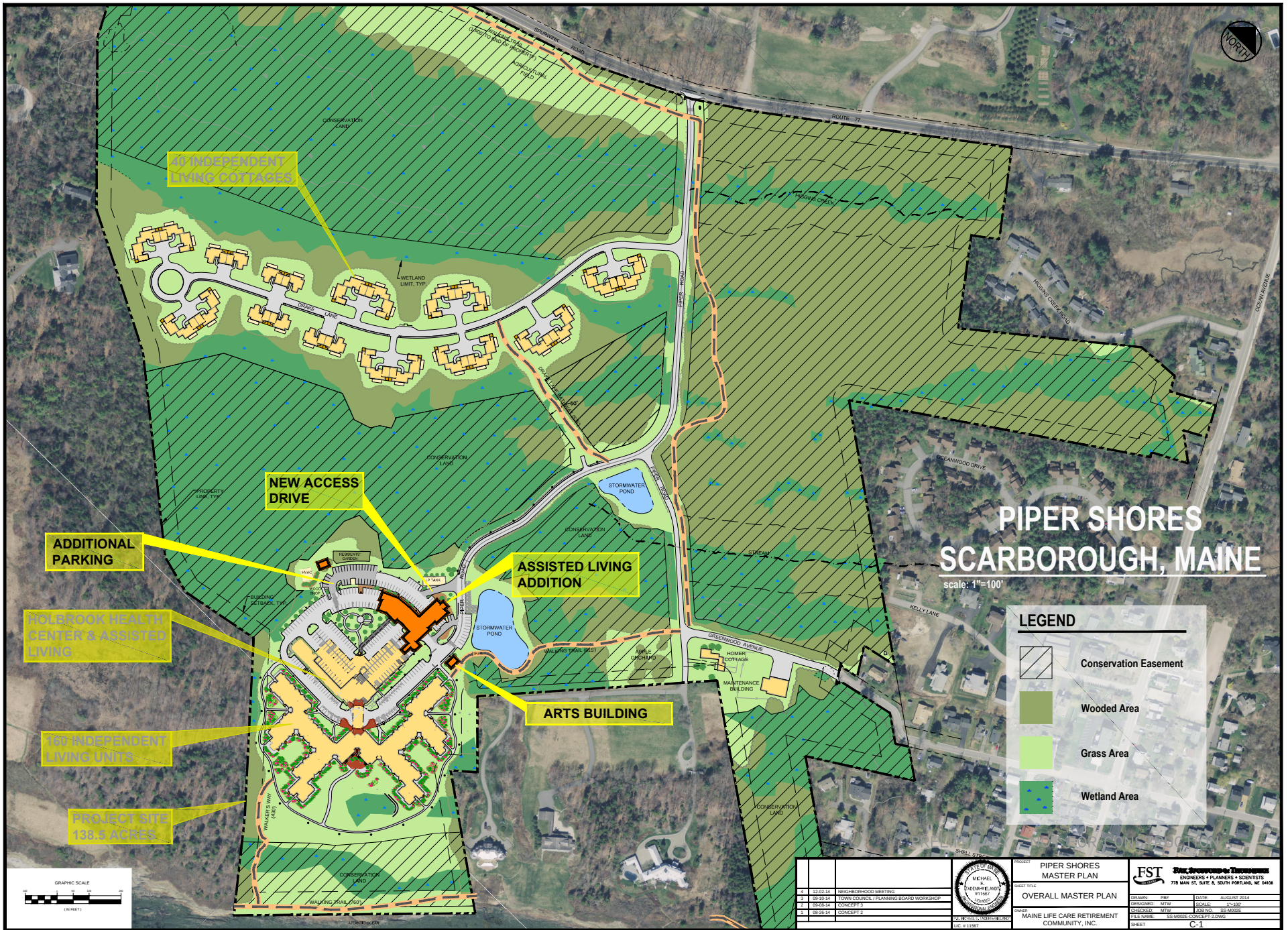
STATE OF MAINE
CUMBERLAND, ss.

_____, 2014

Personally appeared the above-named James E. Adamowicz, Chief Executive Officer of said Maine Life Care Retirement Community, Inc., and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Maine Life Care Retirement Community, Inc.

Before me,

Notary Public



PIPER SHORES SCARBOROUGH, MAINE

scale: 1"=100'

LEGEND

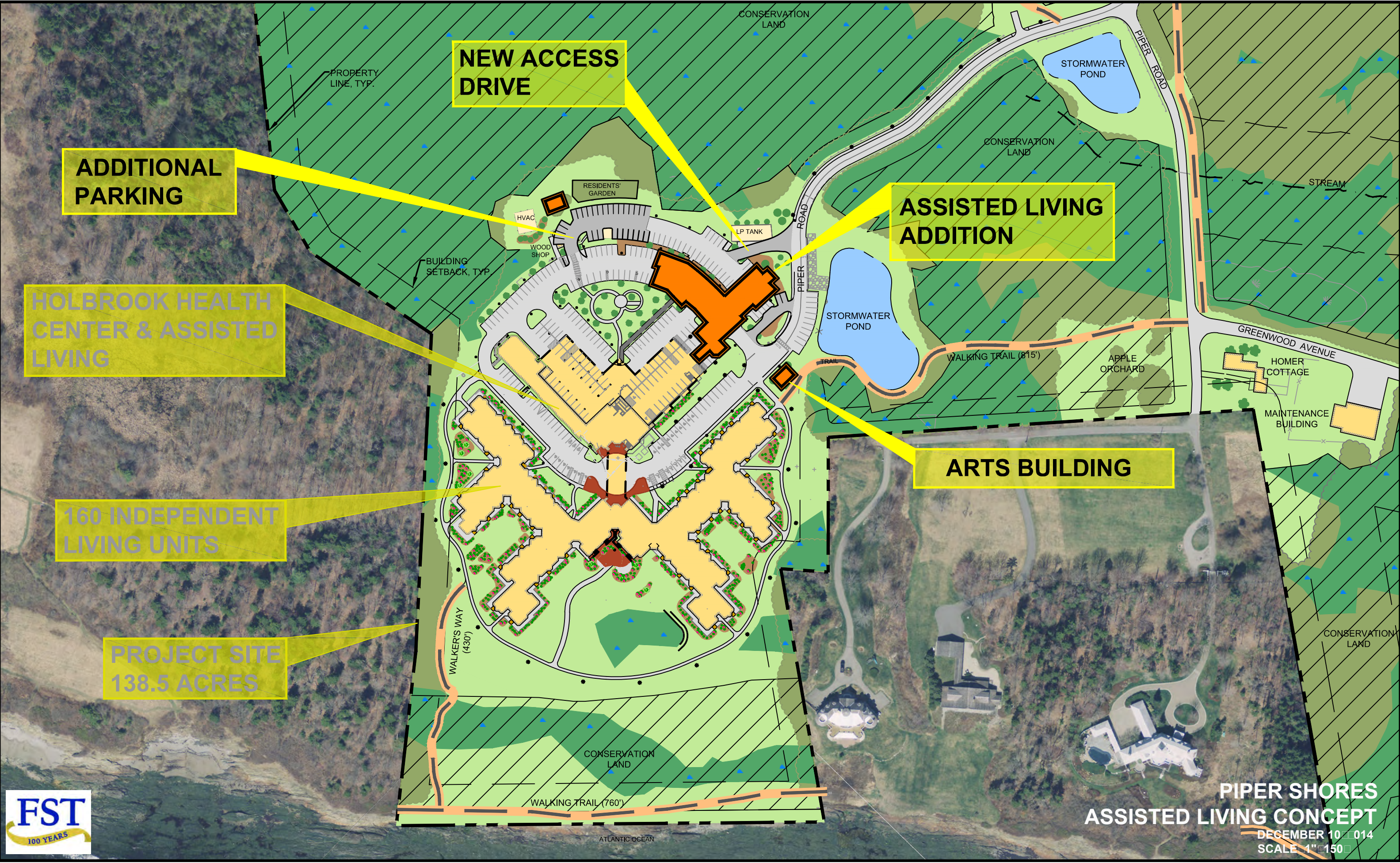
-  Conservation Easement
-  Wooded Area
-  Grass Area
-  Wetland Area

1	23-03-14	NEIGHBORHOOD MEETING
2	03-22-14	TOWN COUNCIL PLANNING BOARD WORKSHOP
3	09-08-14	CONCEPT 1
4	08-26-15	CONCEPT 2



PROJECT	PIPER SHORES MASTER PLAN
DRAWN BY	MP
DESIGNED BY	MP
CHECKED BY	MP
FILE NAME	SL-MSC-CONCEPT 2.DWG
SHEET	C-1

FST FENNELL STANTON & THOMPSON ENGINEERS • PLANNERS • SCIENTISTS 770 MAIN ST., SUITE 8, SOUTH PORTLAND, ME 04106	DATE: AUGUST 2014 SCALE: 1"=100' PROJECT: PIPER SHORES SHEET: C-1
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NEW ACCESS DRIVE

ADDITIONAL PARKING

ASSISTED LIVING ADDITION

HOLBROOK HEALTH CENTER & ASSISTED LIVING

160 INDEPENDENT LIVING UNITS

PROJECT SITE 138.5 ACRES

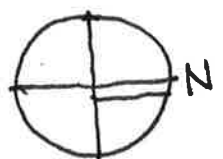
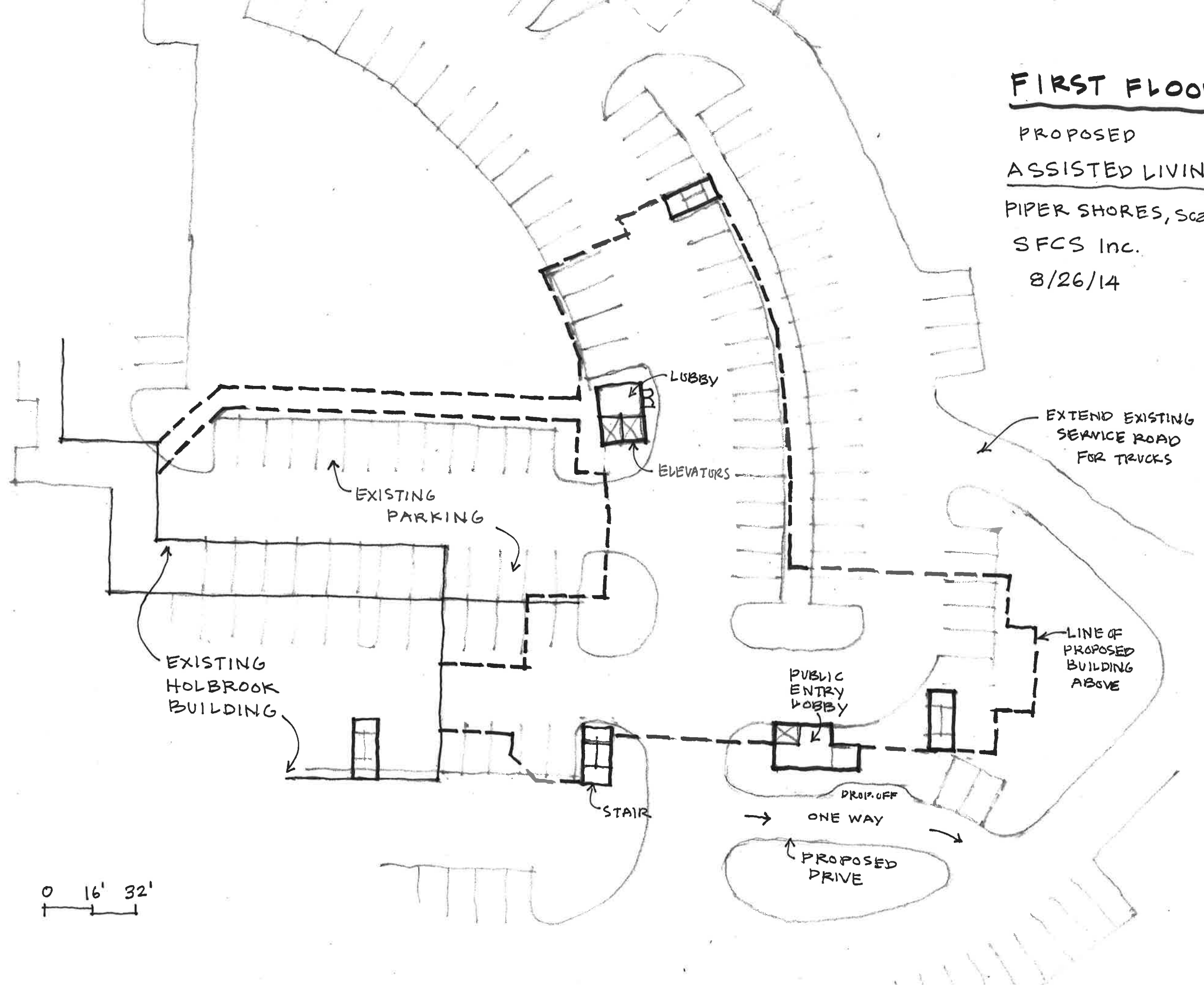
ARTS BUILDING



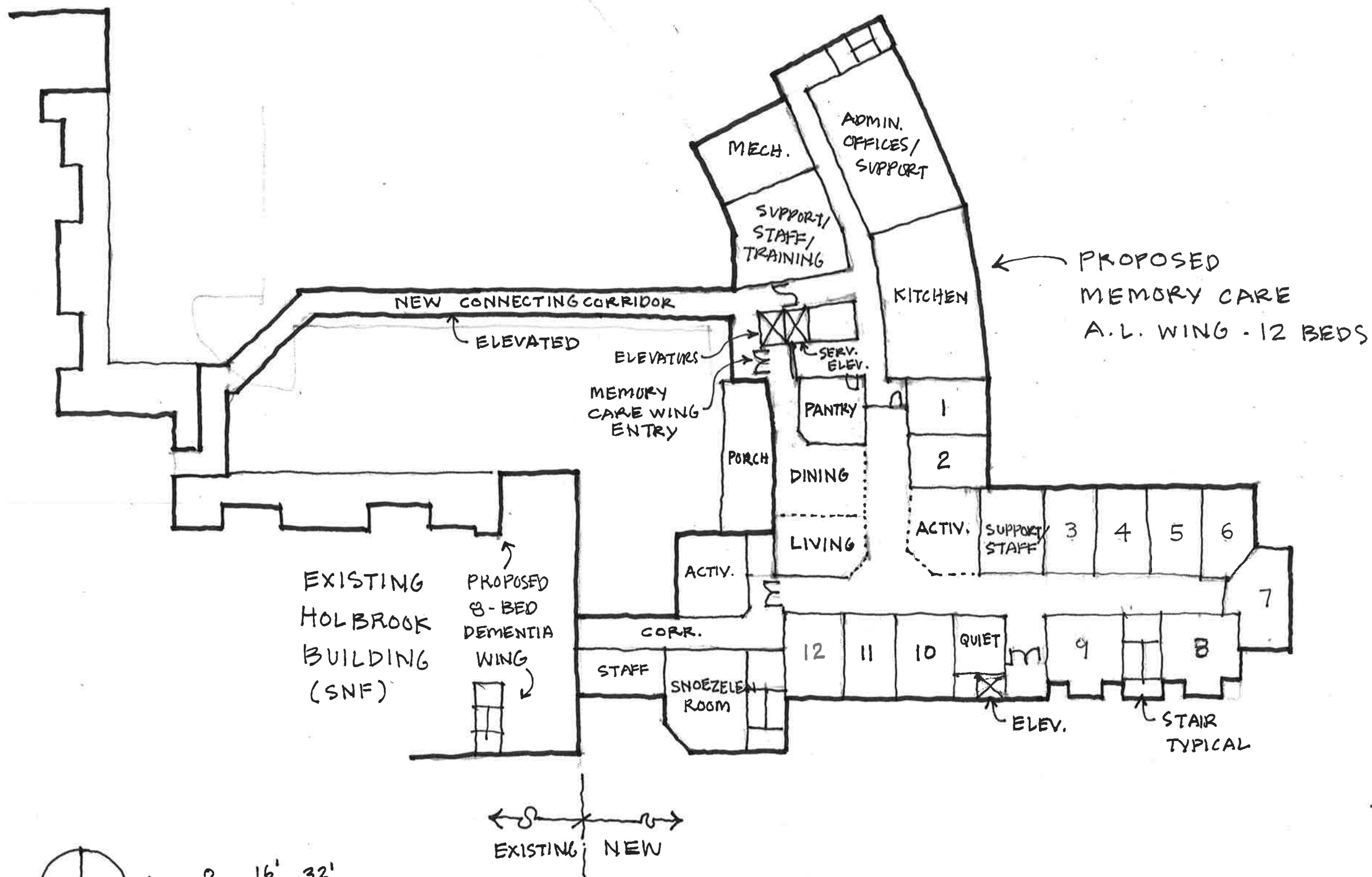
**PIPER SHORES
ASSISTED LIVING CONCEPT**
DECEMBER 10, 2014
SCALE 1" = 150'

FIRST FLOOR

PROPOSED
ASSISTED LIVING BUILDING
PIPER SHORES, Scarborough, ME
SFCS Inc.
8/26/14



0 16' 32'



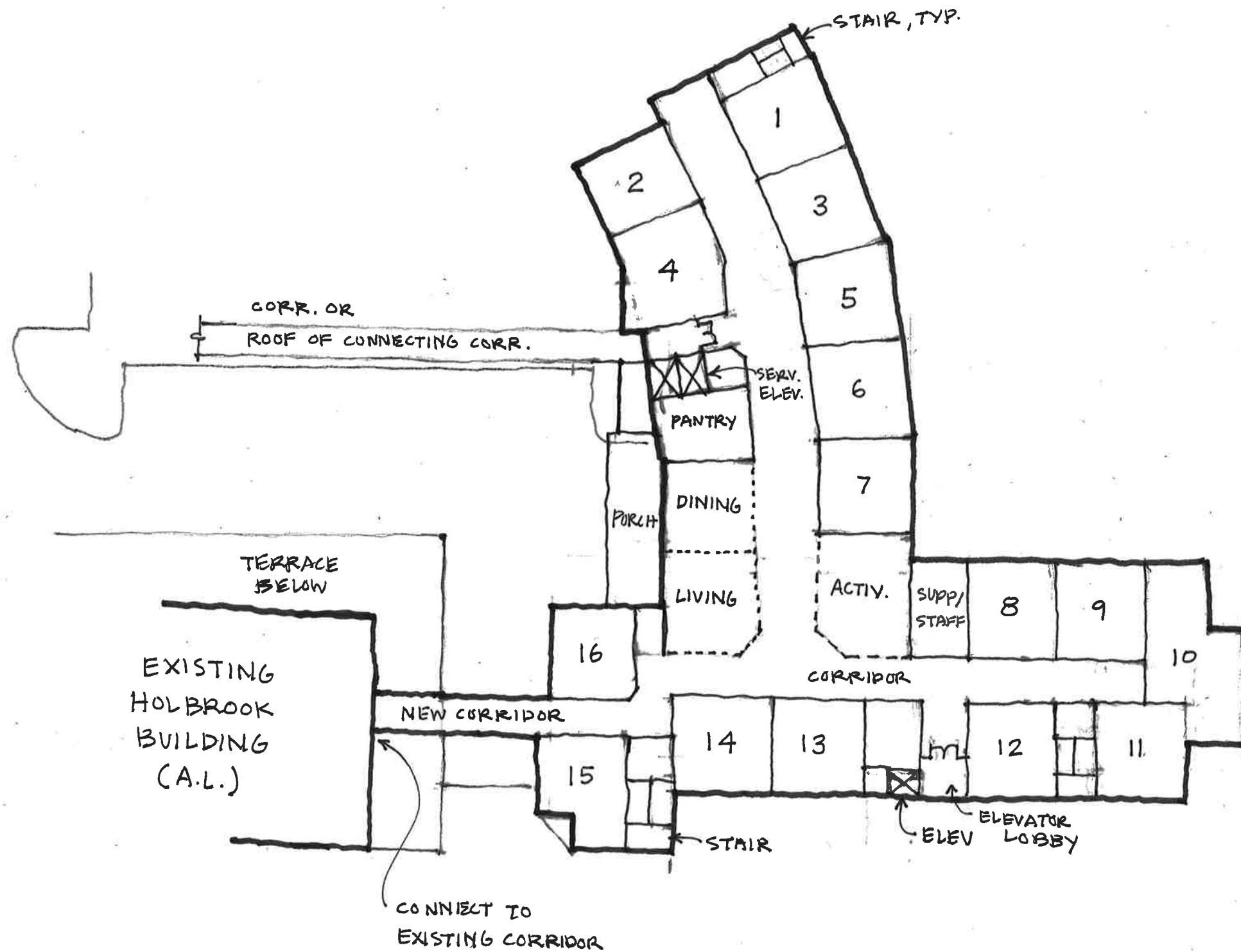
SECOND FLOOR

PROPOSED
ASSISTED LIVING BUILDING

PIPER SHORES, Scarborough, ME

SFCS Inc.

8/26/14



THIRD FLOOR

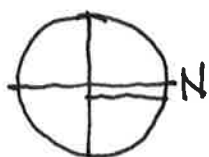
PROPOSED

ASSISTED LIVING BUILDING

PIPER SHORES, Scarborough, ME

SFCS Inc.

8/26/14



0 16' 32'

Floor Two

Piper Shores: 14116.00

SFCS 09.08.2014

12 Bed Assisted Living and Memory Care Wing



16 Unit Assisted Living Wing



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 17, 2014
REGULAR MEETING – 7:00 P.M.

Order No. 14-104. Move approval on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 10 David Drive – Map T003/Lot 010, 407 Topaz Drive – Map T002/Lot 407, 29 Matthews Way – Map T003/Lot 029, 20 Crystal Lane – Map T003/Lot 020 and 62 Trotwood Street – Map T001/Lot 062 and authorize the Town Manager to sign the necessary documentation.

Memorandum

order #

To: Tom Hall
CC: Ruth Porter
From: Lisa Saulle
Date: 12/9/2014
Re: Waiver of Foreclosures

Tom,

This is a request to the Council to waive automatic foreclosure on the following properties located at:

4 David Drive Map T003/ Lot 004
10 David Drive Map T003/Lot 010
407 Topaz Drive Map T002/Lot 407
29 Matthews Way Map T003/Lot 029
20 Crystal Lane Map T003/Lot 020
62 Trotwood Street Map T001/Lot 062

These properties have outstanding taxes from 2012 and are due to foreclose on 12/19/2014.

Thank you,

Lisa

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Order No. 14-105. Move approval on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's Evaluation.