

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
TOWN COUNCIL WORKSHOP ON GOALS – 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 2, 2015 – 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. 15-097, 7:00 p.m. Public hearing and act to determine whether the residential structure located on land owned by Douglas S. Brown at 9 Partridge Lane, Scarborough, Maine and identified as Map U008, Lot 087 of the current Scarborough Tax Map is dangerous or a nuisance within the meaning of Title 17, M.R.S.A. §2851 and order any appropriate corrective action.

Order No. 15-098, 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

Order No. 15-099, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from Suzie Snowflake’s Edibles, d/b/a Beal’s Old Fashioned Ice Cream, located at 29 Gorham Road.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-100. First reading and refer to the Planning Board for a public hearing, the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards. Subsection O. Solar Energy Systems.

Order No. 15-101. Act on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2016.

Order No. 15-102. 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, 20 Crystal Lane – Map T003/Lot 020, and 332 Garnet Drive – Map T002/Lot 332, 29 Matthews Way – Map T003/Lot 029 and authorize the Town Manager to sign the necessary documentation.

Order No. 15-103. Act on the request to accept the following donations: to the Police Department in the amount of \$17,750.00 and to the Fire Department in the amount of \$15,000.00.

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 – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-097. Move approval to determine whether the residential structure located on land, owned by Douglas S. Brown at 9 Partridge Lane, Scarborough, Maine and identified as Map U008, Lot 087 of the current Scarborough Tax Map, is dangerous or a nuisance within the meaning of Title 17, M.R.S.A. §2851 and order any appropriate corrective action.

Town of Scarborough, Maine
Planning and Code Enforcement

Memo

From: Brian Longstaff, Zoning Administrator
To: Town Council, Town Manager
Date: December 9, 2015
Subject: Dangerous Building Enforcement, 9 Partridge Lane

Order No. 15-097, is a public hearing and act to determine whether the residential structure located on land owned by Douglas S. Brown at 9 Partridge Lane, Scarborough, Maine and identified as Map U008, Lot 087 of the current Scarborough Tax Map is dangerous or a nuisance within the meaning of Title 17, M.R.S.A. §2851 and order any appropriate corrective action. The following background information is provided to give the Council context on this issue.

The subject property owned by Douglas Brown has fallen into disrepair. The Code Office has made numerous attempts to discuss the condition of the property with Mr. Brown, which he has ignored.

In response to neighborhood complaints about the condition of the property, and in cooperation with SPD and the local health officer Dr. Kirsch, the Code Enforcement Department was granted an administrative warrant to inspect the property. The inspection took place on August 13, 2015 and a return of warrant (copy in your packets) was filed with the court on August 18, 2015, and describes the conditions/violations found at the property, which were deplorable. The utilities were been disconnected and "Condemned" placards were placed on the structure August 13. Notice of violation/condemnation (copy in your packets) was sent via first class certified mail to Mr. Brown at his place of work along with the Return of Warrant. Mr. Brown failed to contact the department as requested. It did not appear that Mr. Brown currently resides at the dwelling. Mr. Brown has also been served with a Notice of Hearing as required by statute (copy in your packets).

###

12/11/15

STATE OF MAINE

County of Cumberland, ss.

On 11-23 ^{3:19 PM} 2015, I served upon Douglas S. Brown at 2 Stonewall Dr., Freeport, Maine a Notice of Hearing from Thomas Hall, Scarborough Town Manager, regarding property located at 9 Partridge Lane, Scarborough, Maine.

Document served:

- Notice of Hearing – Town Council of Scarborough, Maine (to be held December 16, 2015).

☒ To Douglas S. Brown, in hand.

☐ To _____ a person of suitable age and discretion who was then residing at _____'s usual address;
☐ To _____, who is authorized to receive service for _____;
☐ Other (Describe other manner of service): _____

Costs of Service:

Service	\$ 16.00
Travel	\$ 12.65
Postage	\$.60
Other	\$ 16.20
Total	\$ 45.45

Phone, Fica Admin

Deputy

Steven G. Roberts
Signature

CCSO
Agency

He could not give me a current address, instead gave me his personal phone.

NOTICE OF HEARING

Pursuant to 17 M.R.S.A. § § 2851-2859 (Dangerous Buildings)

TO: Douglas S. Brown
9 Partridge Lane
Scarborough, ME 04074

PARTIES IN INTEREST: Mortgage Electronic Registration Systems, Inc.
P.O. Box 2026 and 1901 E. Voorhees St., Suite C
Flint, MI 48501 Danville, IL 61834

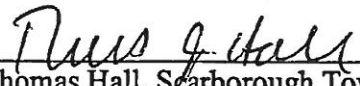
Olde Millbrook Homeowner's Association
c/o Aubrey A. Russell, Esq. Dirigo Management Co.
Shankman and Associates and One City Center
472 Main Street Portland, ME 04101-4009
Lewiston, ME 04240

Ocwen Loan Servicing, LLC
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409

You are hereby notified that the Town Council of Scarborough, Maine will hold a hearing on December 16, 2015 at 7:00pm in Council Chambers at the Scarborough Municipal Building to determine whether the residential structure owned by you and located on land at 9 Partridge Lane, Scarborough, Maine and identified as Map U008, Lot 087 of the current Scarborough Tax Map is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851.

If the Town Councilors find that the building is dangerous or a nuisance, they may order appropriate corrective action, including but not limited to demolition and removal of the building. If their order is not complied with by the deadline stated in their order and no appeal is taken, the Town Councilors may take the corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action. This hearing is your opportunity to present evidence as to why the building is not dangerous and to oppose any corrective action ordered by the Town Councilors.

Dated: 11/16/15

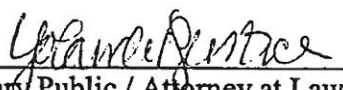

Thomas Hall, Scarborough Town Manager
(duly authorized by vote of the Scarborough Town
Council on November 4, 2015)

STATE OF MAINE

Cumberland County, ss

Date: 11/16/15

Personally appeared before me the above-named Thomas Hall and acknowledged the foregoing instrument to be his free act and deed.


Notary Public / Attorney at Law

YOLANDE P. JUSTICE
Notary Public, Maine
My Commission Expires October 31, 2022

Town of Scarborough, Maine
Planning and Code Enforcement

VIA FIRST CLASS AND CERTIFIED MAIL

August 21, 2015

Mr. Douglas Brown
C/O L.L. Bean
Double L Building
LL Street
Freeport, ME 04033

Subject: Condemned Building, Parcel Map U0080087, 9 Partridge Lane

Dear Mr. Brown,

As you are now aware, the Town conducted an inspection of the subject premises on August 13, 2015, at 3:15 PM and has determined the dwelling is uninhabitable. We have posted the building as condemned and it may not be occupied in its current condition.

I have enclosed a copy of the Return of Administrative Inspection Warrant which cites the specific violations that were found during the inspection. The District Court has received this document as required by law.

As the owner of the property, you are responsible for correcting the conditions that make the building uninhabitable, or to have the building demolished. To avoid the maximum penalties that may be imposed, please contact me within 7 days upon receipt of this notice of condemnation.

Please do not ignore this request. If you do not contact me, the matter will be referred to Town Council for action pursuant to the Maine Dangerous Building statutes, 17 M.R.S.A. §§ 2851-2859.

I can be reached at 207.730.4050 or by email at blongstaff@ci.scarborough.me.us between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Sincerely,



Brian Longstaff
Zoning Administrator

Cc: Phil Saucier, Attorney via email
Tom Hall, Town Manager via email
Mike Thurlow, Fire Chief via email
Robert Moulton, Chief of Police via email
Dan Bacon, Town Planner via email



STATE OF MAINE
Cumberland, ss.

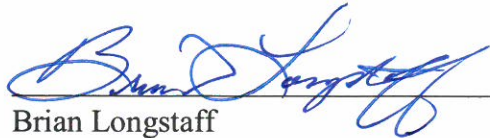
DISTRICT COURT
Location: Portland
Docket No. CV-15-350

TOWN OF SCARBOROUGH,	)	
Plaintiff,	)	RETURN OF ADMINISTRATIVE
	)	INSPECTION WARRANT
v.	)	
	)	
DOUGLAS BROWN,	)	
Defendant.	)	

Pursuant to M.R. Civ. P. 80E(f) and the Administrative Inspection Warrant issued in the above-captioned matter on August 5, 2015 by the Maine District Court, (9th Div. So. Cumb.), I, Brian Longstaff, Zoning Administrator for the Town of Scarborough, County of Cumberland, in the State of Maine, along with other agents of the Town, executed the above referenced Warrant by leaving a copy of the same in a conspicuous place at the premises known as 9 Partridge Road, Scarborough, Maine (the "Premises"), and following execution and inspection of the premises, found the following violations of 17 M.R.S. § 2851; 22 §§ M.R.S. § 461, 1561 and other related statutes:

- i) Failing floor framing adjacent to second story sliding door;
- ii) Collapsed second story deck;
- iii) Water damaged ceiling in danger of collapse;
- iv) Non-functioning plumbing;
- v) Non-weather tight building shell;
- vi) Filth, insect, rodent, and animal infestation;
- vii) Unsanitary conditions; and
- viii) Stored human waste.

Dated this 18th day of August, 2015.



Brian Longstaff
Zoning Administrator
Town of Scarborough

Maine Revised Statutes

Title 17: CRIMES

Chapter 91: NUISANCES

§2851. DANGEROUS BUILDINGS

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [1997, c. 6, §1 (AMD) .]

1. Notice. The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

2. Notice; how published. When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

[1997, c. 6, §1 (AMD) .]

3. Order. The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[1997, c. 6, §1 (AMD) .]

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §1 (AMD). 1973, c. 143, §1 (AMD). 1979, c. 27, §§1-3 (AMD). 1997, c. 6, §1 (AMD).

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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--

FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859
(Dangerous Buildings)

TO: (owner's name) _____
(address) _____

On _____ (date) at _____ (time) at Town Hall, the Municipal Officers of the Town of Scarborough, Maine held a hearing to determine whether the building owned by you and located on land shown on Map ____, Lot ____ of the current Tax maps of the Town of Scarborough, Maine on file at _____ (place) is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of this hearing was duly served on you as the owner and on all parties in interest.

The following persons were present and testified:

_____. Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

_____.

Based on the foregoing findings, the Municipal Officers conclude that the building/structure is dangerous or a nuisance because (specify applicable conditions as described in 17 M.R.S.A. § 2851 as appropriate, i.e. structurally unsafe, unstable, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put, constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment, or is otherwise dangerous to life or property):

_____.

THEREFORE IT IS ORDERED that said building (specify action, i.e. demolition/abatement of conditions):

_____.

to be completed within ____ days of service of this order.

AND BE IT FURTHER ORDERED that the Town Clerk record this Order and cause attested copies of this Order to be served upon the persons as required by law.

AND BE IT FURTHER ORDERED that, if this Order is not complied with, the Town Manager is hereby authorized and directed to ask for bids for the (demolition/abatement of conditions) of said building.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: _____

MUNICIPAL OFFICERS OF THE
TOWN OF SCARBOROUGH

STATE OF MAINE
Cumberland County, ss.

Dated: _____

Personally appeared before me the above-named _____,
_____, and _____ and each
acknowledged the foregoing instrument to be his/her free act and deed.

Notary Public / Attorney at Law

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.**

Order No. 15-098. Move approve on the following applicants who have applied for renewal of their Manufactured Housing Communities License, pursuant to the recommendations of the Zoning Administrator:

<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
Planning and Code Enforcement

Memorandum

To: Scarborough Town Council, Town Manager Hall, and Town Clerk Justice

From: Zoning Administrator Brian Longstaff

Date: December 10, 2015

Subject: Annual Manufactured Home Park License Renewals

The Codes Office has conducted its annual review and inspection of the three manufactured home parks in Scarborough and submits the following findings and recommendations.

1. **Hillcrest Manufactured Housing Community, 126 US Route 1** – no issues; recommend license renewal
2. **Pinecrest Manufactured Housing Community, 126 US Route 1** – no issues; recommend license renewal
3. **Crystal Springs Manufactured Housing Community, 389 County Road** – 2 issues; recommend renewal with conditions:
 - a. Require licensed electrician to inspect and provide affidavit to the Codes Office within 60 days, verifying the electrical problems found at sewage pump station at the corner of Crystal Lane and David Drive have been corrected and the system is functioning properly.
 - b. Require that the park owner provide the Codes Office written verification within 60 days that the Maine Manufactured Housing Board's listed violations resulting from their 2015 inspection have been satisfactorily corrected.

The Codes Office will work with the park owner and manager on compliance with these conditions of renewal and will update Council at or before March 2nd meeting, 2016.

Please let me know if you have any questions or concerns.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-099. Move approval on the new request for a Food Handlers License from Suzie Snowflake's Edibles, d/b/a Beal's Old Fashioned Ice Cream, located at 29 Gorham 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: December 10, 2015

RE: Request for a Food Handlers License

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

Suzie Snowflake's Edibles, d/b/a Beal's Old Fashioned Ice Cream, located at 29 Gorham Road.

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-100. Move approval of the first reading and refer to the Planning Board for a public hearing, the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards. Subsection O. Solar Energy Systems and schedule a public hearing upon the filing of the Planning Board's recommendation.



To: Town Councilors and Tom Hall, Town Manager
From: Long Range Planning Committee and Dan Bacon, Planning Director
CC: Scarborough Energy Committee
Date: December 9, 2015

Zoning Amendments to enable Solar Panels in Common Space

As the use of renewable energy gained momentum in '08 and '09, the Town of Scarborough passed comprehensive allowances in our Zoning Ordinance to enable the use of solar and wind power technologies within both residential and commercial zones. The amendments at the time were intended to make it clear that homes and businesses are permitted to generate their own electricity, hot water or heating with solar panels or wind turbines. As part of these allowances and standards, wind turbines were permitted both on individual properties as well as in "common open space" within residential subdivisions to enable the turbines to be sited on common land and provide energy for use by the homes within the subdivision. Both roof and ground mounted solar panels were permitted on individual properties, but unlike wind power, locating them on common open space wasn't included.

Now, as solar power is seemingly become a preferred, and cost effective and reliable source of energy, there is more interest in installing solar arrays within common open space to generate energy for the homes within a subdivision. In fact, the Habitat for Humanity project on Broadturn Rd. is planning such an arrangement. Given this interest, the Long Range Planning Committee has worked to craft the attached zoning amendment.

As drafted, solar panels would be allowed within common open space of residential subdivisions, subject to the following expectations:

- The solar panels need to meet some basic size limitations;
- The location of the panels shall be reviewed by the Planning Board and shall avoid impacting wetlands and other open space goals;
- The number of panels shall be based on the forecasted energy needs of the subdivision (i.e. the energy generation needs to be geared for the neighborhood use and consumption and not result in a commercial solar farm)

The Long Range Planning Committee believes these amendments are beneficial and can play a role in further enabling renewable, alternative energy sources as well as energy independence.

Proposed Amendment to the Zoning Ordinance Regarding Solar Energy Systems in Common Open Space

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:

Amend SECTION IX. PERFORMANCE STANDARDS subsection O. as follows
(additions are underlined; deletions are struck through):

O. PERFORMANCE STANDARDS – SOLAR ENERGY SYSTEMS

Solar energy systems are considered accessory uses and structures in all residential, mixed use, commercial and industrial districts in the Town of Scarborough. The Code Enforcement Officer may issue a building permit for the installation of a solar energy system provided the following performance standards are met. Solar energy systems include photovoltaic, solar hot water, and solar space heating.

1. Roof and Building Mounted Solar Energy Systems -

- a. Roof mounted solar energy systems shall conform to the maximum building height restrictions within the district in which it is located;
- b. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water, or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.
- c. Electrical, plumbing and/or building permits from Code Enforcement shall be required.

2. Ground Mounted Solar Energy Systems (Solar Arrays) -

- a. The maximum height of a ground mounted solar energy systems shall be a twenty (20) feet. The height of a ground mounted solar energy system shall be measured from the ground level at the base of the solar energy system to ~~the~~its highest point, ~~of the solar energy system or including~~ the system's pedestal.
- b. Ground mounted solar energy systems shall conform to the yard requirements of the applicable zoning district or be setback a distance equal to the total height of the system, whichever is greater.
- c. Electrical wiring and connections from the solar energy system to the building(s) they serve shall be underground.
- d. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.
- e. Electrical, plumbing, and/or building permits from Code Enforcement shall be required.

3. Solar Energy Systems within Common Open Space – To the extent permitted by applicable state and/or federal laws, solar energy systems may be allowed by the Planning

Dated December 10, 2015

Board within the common open space of a residential subdivision subject to the following requirements:

- a. The solar energy systems within common open space shall comply with the performance standards 2.a., 2.c., and 2.e. of the subsection above.
- b. If proposed within a conservation subdivision required under Section VII.A. of this Ordinance, the installation of solar energy systems, and any necessary associated improvements, shall avoid impacting wetlands within the subdivision open space areas.
- c. The location and number of solar energy systems shall be determined by the Planning Board and shall be based on the forecasted energy consumption of the dwellings and uses within the subdivision as well as the site's ability to accommodate these systems without impacting the other purposes of the common open space.

Amend SECTION VIIA.CONSERVATION SUBDIVISION DESIGN subsection F.7.as follows (additions are underlined; deletions are struck through):

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 or solar or wind energy systems as allowed for under Section IX. 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).

Amend SECTION VII. subsection B.10.as follows (additions are underlined; deletions are struck through):

10. Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be usable for active or passive recreation, neighborhood gathering places, or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. In addition, open space can be used for solar or wind energy systems as allowed for under Section IX. The use of any open space may be further limited or controlled at the time of final plat approval where necessary to protect adjacent properties or uses.

Amend SECTION XVC, subsection B.6.as follows (additions are underlined; deletions are struck through):

6. At least 10% of the net residential acreage of a development shall be allocated as village green space for active and passive recreation. This village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The village green space shall be integral to the development and shall be sited in a central

Dated December 10, 2015

location available and desirable for use by the residents of the development. In addition, green space or common land can be used for solar or wind energy systems as allowed for under Section IX.

Amend SECTION XVB, subsection B.5.as follows (additions are underlined; deletions are struck through):

5. Between 10 - 20% of the net residential area of a subdivision shall be allocated as designated open space accessible to all residential units. The open space shall consist of both village green space and surrounding open space for conservation. The village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The surrounding open space shall be connected and contiguous where feasible, and shall be restricted for conservation and recreation in perpetuity. This open space may contain recreation areas, ball fields, recreation trails, and the like. It shall function as protection for natural resources, buffers to adjacent incompatible uses, forested, natural distinctions between this zoning district and adjacent less dense zoning districts, and linkages to neighboring green spaces or recreational amenities. . In addition, this common green space or open pace can be used for solar or wind energy systems as allowed for under Section IX. The final open space percentage within the 10 - 20% range shall be determined by the Planning Board.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-101. Move approval on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2016, as follows:

TOWN OF SCARBOROUGH

***Office of the Town Clerk
P.O. Box 360
Scarborough, ME 04070-0360
207-730-4020
Fax: 207-730-4033***

TO: Town Council

FROM: Scarborough Shellfish Commission

RE: 2016 Shellfish Allocations

DATE: December 10, 2015

At the Shellfish Conservation Commission meeting held on Tuesday, December 8, 2015, the Commission approved the following Shellfish Allocations for 2016. The proposed allocation are as follows:

	<u>2016 Proposed Allocations</u>	<u>2015 Allocations</u>
• Resident Commercial License:	30	30
• Non – Resident Commercial Licenses:	3	3
• Over 60 Commercial Bushel Licenses:	1	1
• Resident Student Commercial License:	10	10
• Non- Resident Student Commercial License:	1	1
• Resident Recreational Licenses:	200	200
• Non- Resident Recreational License:	20	20
• Day Permits:	10 per day	10 per day

This request has been submitted to the Department of Marine Resources for approval as well. Once the Town Council takes action, the recommendation will be forwarded to DMR.

If you have any questions, please contact me at 730-4020. Thank you.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-102. 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, 20 Crystal Lane – Map T003/Lot 020, and 332 Garnet Drive – Map T002/Lot 332, 29 Matthews Way – Map T003/Lot 029 and authorize the Town Manager to sign the necessary documentation.

Memorandum

To: Tom Hall
CC: Ruth Porter
From: Lisa Saulle
Date: 12/11/2015
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

20 Crystal Lane Map T003/Lot 020

332 Garnet Drive Map T002/Lot 332

29 Matthews Way Map T003/Lot 029

These properties have outstanding tax liens from 2013 and are due to foreclose on 12/23/2015.

Thank you,

Lisa

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-103. Move approval on the request to accept the following donations:
\$17,750.00 to the Police Department and \$15,000.00 to the Fire Department.

CPB Foundation

3550 Lander Road
Pepper Pike, OH 44124

December 1, 2015

Mr. Robert A. Moulton, Chief of Police
Scarborough Police Department
246 US Route #1
Scarborough, ME 04074

Re: 2015 Gift from CPB Foundation

Dear Chief Moulton,

Mr. James Konkel, as a Trustee of CPB Foundation, has directed the Foundation to make a gift to the Scarborough Police Department. Enclosed, please find a check in the amount of \$17,750.00. This gift is designated for the following;

- \$1,750.00 - 5 Push to Talk Wireless Headsets
- \$5,000.00 - Video Retrieval/Enhancement equipment
- \$8,000.00 - Patrol Segway
- \$3,000.00 - Surveillance/S&R Drone

In order to evidence your receipt of this check, please sign this letter and return it to me in the enclosed post-paid envelope.

This gift comes with all of our best wishes for continued success in your most worthwhile endeavors.

Very truly yours,



Georgia A. Froelich, J.D.
Senior Vice President

I hereby acknowledge receipt of this gift.

Signature

Date

Cc: Mr. James Konkel, Trustee – CPB Foundation



Scarborough Fire Department

B. Michael Thurlow, Fire Chief

11/5/2015

The CPB Foundation
6 Hackmatack Drive
Scarborough, ME 04074

Dear Jim & Sue:

Deputy Chief Sandler passed along your inquiry as to how your foundation may be able to continue to financially support our organization. We appreciate all you have done previously particularly the donation of the property next door that is being used for invaluable firefighter and police training.

One of our unmet needs that may be a fit for consideration of your foundation's funding is to replace our Rapid Intervention Packs. Over ten years ago the National Fire Protection Association developed new standards to improve firefighter safety. One of the components involves establishing a Rapid Intervention Team (RIT) equipped and ready to respond to a firefighter down or Mayday situation where we need to rescue one of our own.

One of the essential tools in RIT work is the emergency air supply system which allows the RIT to bring an additional high capacity bottle of life saving breathing air and other tools to the victim while they are being extricated. We currently have three of the first generation of these RIT Paks that are over ten years old and are in need of replacement. The newest version of this system that is compatible with our air packs is the SCOTT RIT-PAK III and I've attached a brochure that provides details and explains some of the new capabilities this system provides.

The cost of these updated RIT-PAK III's including the required 60 minute air supply bottle is \$3,685.00 each or a total of \$11,055.00 to replace all three. I'm not sure how much funding the foundation might be able to allocate to this project, but we would certainly be very appreciative if you were able to support one or more of these life safety tools.

Thanks in advance for your consideration of this request and for your past support of Scarborough Public Safety.

Sincerely,

B. Michael Thurlow, Fire Chief