

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
TOWN COUNCIL TRAINING – 5:00 P.M.
TOWN COUNCIL WORKSHOP RE RUNNING HILL ROAD – 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: May 17, 2017 – 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. 17-049, 7:00 p.m. Public hearing and schedule a second reading on the proposed amendments to Chapter 608 – Town of Scarborough Fireworks Display Ordinance, Section II. Definitions; Section III Regulations & Codes; Section IV Permit Required; Section V. Application Procedure and Section XII Consumer Fireworks. *[Ordinance Committee]*

Order No. 17-050, 7:00 p.m. Public hearing and schedule a second reading on the proposed amendments to Chapter 608A – Town of Scarborough Consumer Fireworks Ordinance Section IV, Use of Consumer Firework Restricted; Section V. Violation and Enforcement and Section VIII: Notice. *[Ordinance Committee]*

Order No. 17-051, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 313A – the Town of Scarborough Property Tax Relief - Section 5. Determination of eligibility and amount of eligibility. *[Ordinance Committee]*

Order No. 17-052, 7:00 p.m. Public hearing and schedule a second reading on the request for discontinuance of a portion of Beech Ridge Road. *[Town Engineer]*

Order No. 17-054, 7:00 p.m. Public Hearing and action on the new requests for a Food Handlers License: a. Melissa Carr, d/b/a Aurora Provisions at the Beach, located at 4 Seal Rock Drive and b. BHM17, LLC, d/b/a Beach House Market, located at 27 East Grand Avenue. *[Town Clerk]*

Resolution 17-003. Act on Resolution 17-003, requesting the Town Council’s support on the Transportation Improvement Program Project to PACTS. *[Town Engineer]*

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 17-055. First reading and refer to the Planning Board on the proposed fourth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One. *[Planning Department]*

Order No. 17-056. First reading and refer to the Planning Board on the proposed amendment to Chapter 405, the Scarborough zoning Ordinance - definition of a Golf Course. *[Planning Department]*

Order No. 17-057. Act on the request to appoint Larissa Crockett as the Acting Town Manager, in accordance with Chapter 200, the Scarborough Town Charter, Article III, Section 305, Absence of Town Manager. *[Town Manager]*

Order No. 17-058. Act on the request to renew the Town Manager's contract. *[Council Chair]*

Item 8. Non Action Items

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-049. The second reading on the proposed amendments to Chapter 608 – Town of Scarborough Fireworks Display Ordinance, Section II. Definitions; Section III Regulations & Codes; Section IV Permit Required; Section V. Application Procedure and Section XII Consumer Fireworks, will be scheduled for Wednesday, June 21, 2017.
[Ordinance Committee]

Ordinance Committee

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/21/17

Second Reading/Final Approval/Vote

CHAPTER 608
TOWN OF SCARBOROUGH
FIREWORKS DISPLAY ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608 – Fireworks Display Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section II: Definitions – Display Fireworks, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

SECTION II Definitions

Display Fireworks - Any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including any device containing any explosive substance or flammable compound. Display fireworks are classed as Explosives, 1.3G and described as Fireworks, UN0335 by the U. S. Department of Transportation. For the purpose of this ordinance Display ~~f~~Fireworks ~~do not~~ may include consumer fireworks as defined in 8 M.R.S.A§221-A. [amended 03/07/2012]

Consumer Fireworks – “Consumer Fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer Fireworks” does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Proximate Audience – An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays.

Pyrotechnic Device – Any device containing pyrotechnic materials and capable of producing visual or audible effects by combustion, deflagration, or detonation.

SECTION III Regulations & Codes

Fireworks storage, transportation, and displays are regulated through laws, codes and standards including:

- a) State of Maine Laws for the Fire Service, 1997 edition, Title 8, section 222-227
- b) NFPA 1123 Code for Fireworks Displays
- c) NFPA 1126 Use of Pyrotechnics before a proximate audience
- d) Title 49 CFR, Federal Regulation for Transport
- e) Title 27 CFR, Part 181 Commerce in Explosives

All display fireworks ~~display operators~~ shows permitted under this ordinance shall be technicians licensed by the State of Maine Fire Marshal's Office.

Amend Section IV: Permit Required, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

SECTION IV Permit Required

No person shall possess, store, arrange, or detonate Display Fireworks or pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department ~~and a valid permit from the State of Maine Fire Marshal's office.~~

~~No person shall possess, store, arrange, or detonate pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department and a valid permit from the State of Maine Fire Marshal's office.~~

The Scarborough Fire Department may issue a seasonal permit for outdoor pyrotechnic displays before a proximate audience that are regularly scheduled, are detonated from an approved location, and are similar in size and effect.

Any person applying for a Scarborough Fireworks Permit for a show containing display explosives (1.3G) must first possess a valid permit from the Maine State Fire Marshal's Office.

Amend Section V Application Procedure, by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION V Application Procedure

Application for a fireworks display permit shall be made to the Scarborough Fire Department by the responsible party for the display at least ten (10) days prior to the event as outlined below:

- a) Prior to applying for a Scarborough Fire Department Fireworks Permit the applicant must have a valid State of Maine permit issued by the State Fire Marshal's office when required.
- b) A copy of the State Fire Marshal's permit application and written State Fire Marshal's permit shall accompany the local permit application form when required.
- c) Written permission from the local landowner of the property from where the fireworks will be detonated shall accompany the local permit application form.
- d) The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees shall be paid prior to the issuance of a local fireworks display permit.

Amend Section XII Consumer Fireworks, by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION XII Consumer Fireworks.

The regulation of consumer fireworks used without a licensed technician is as enumerated in the Town of Scarborough Consumer Fireworks Ordinance, Chapter 608A, and any other applicable state or federal law or regulation. [adopted 03/07/2012]

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-050. The second reading on the proposed amendments to Chapter 608A – Town of Scarborough Consumer Fireworks Ordinance Section IV, Use of Consumer Firework Restricted; Section V. Violation and Enforcement and Section VIII: Notice, will be scheduled for Wednesday, June 21, 2017. [*Ordinance Committee*]

Ordinance Committee

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/21/17

Second Reading/Final Approval/Vote

**CHAPTER 608A
TOWN OF SCARBOROUGH
CONSUMER FIREWORKS ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608A- Consumer Fireworks of the Town of Scarborough, Maine is amended as follows:

Amend Section IV: Use of Consumer Fireworks Restricted by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION IV: Use of Consumer Fireworks Restricted

A person shall not use, display, fire, or cause to be exploded (collectively, “Setting Off”) consumer fireworks within the Town of Scarborough or in or from any watercraft within waters of the Town except upon the following conditions: ~~on the following days and during the following times:~~

- a) Upon receipt of, and in compliance with, a permit issued by Scarborough Fire Department in the form appended hereto as Appendix A.
- b) Only during the following days and times:
 - i. July 3rd and 4th and December 31st and January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m. July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
- ~~e) July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd and July 5th fall on a weekend, and beginning at 9:00 a.m. and ending at 10:00 p.m. when July 3rd and July 5th fall on a weekday;~~
- ~~d) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day; and~~
- ~~e) January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m.~~

Amend Section V: Violation and Enforcement by adding the underlined text, as shown below.

SECTION V: Violation and Enforcement

- a) PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance and the owner of any property upon which any violation of the ordinance occurs, shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Scarborough for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) ENFORCEMENT: This Ordinance shall be enforced by the Town of Scarborough Police Department.
- c) INJUNCTION: In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- d) SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Add New Section VIII: Notice, as shown below:

SECTION VIII: Notice

Any authorized retailer for the sale of Consumer Fireworks in the Town of Scarborough shall provide written notice at the time of sale to all purchasers of Consumer Fireworks at their Scarborough retail stores that a Permit is required for use in the Town of Scarborough as set forth in SECTION IV above.

Add New Appendix A, as shown below:

Appendix A

Consumer Fireworks Permit and Application

-

Name_____

Date_____

Address_____

Phone_____

Location Requested_____

Dates Requested_____

I understand that this Permit applies only to the dates listed and may be revoked by the Scarborough Fire Department if weather conditions so warrant.

If the location is other than property owned by me, I have permission of the owner of the property.

I have liability insurance for any bodily injury or property damage that may result from fireworks use allowed by this permit.

I have read the Respect Your Neighbors Guidelines of the Town of Scarborough, attached hereto, and agree to follow its terms.

Applicant's Signature

Official Use Only

Permit Issuance

Date

Authorized Signature

Town of Scarborough
Respect Your Neighbors Consumer Fireworks Guidelines

Use fireworks strictly in accordance with the submitted notification.

Do not use fireworks after 10:00 p.m. on the days allowed.

Do not use fireworks in any way that could unreasonably disturb your neighbors' comfort and repose or infringe upon your neighbors' safety or peaceful enjoyment of their property.

Inform your neighbors in advance where and when you are planning to use fireworks.

Do not use fireworks near animals or livestock that may become frightened.

Only set off fireworks in areas where no fireworks debris will fall on your neighbors' property or any environmentally sensitive areas (e.g., beaches, marshes, or wetlands)

Do not permit anyone under the age of 21 to use fireworks.

Carefully follow the safety instructions provided by the Seller of the fireworks.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-051. Move approval of the second reading on the proposed amendments to Chapter 313A – the Town of Scarborough Property Tax Relief - Section 5. Determination of eligibility and amount of eligibility. [*Ordinance Committee*]

Ordinance Committee

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/07/17

Second Reading/Final Approval/Vote

**CHAPTER 313-A
TOWN OF SCARBOROUGH
PROPERTY TAX ASSISTANCE ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 313-A the Town of Scarborough Property Tax Assistance Ordinance, is amended as follows:

Section 5. Determination of eligibility and amount of eligibility

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the the applicant (plus that of any other adult members of the applicant's household); or
- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. ~~\$500.00.~~ \$600.00

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-052. The second reading on the request for discontinuance of a portion of Beech Ridge Road will be scheduled for Wednesday, June 21, 2017. [*Town Engineer*]

Town Engineer

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/21/17

Second Reading/Final Approval/Vote

Addendum B

ORDER OF DISCONTINUANCE

The Municipal Officers of the Town of Scarborough having filed with the Town Clerk this Order of Discontinuance for the purpose of discontinuing a portion of the way known as Beech Ridge Road hereinafter described pursuant to the provisions of Section 3026 of Title 23 of the Maine Revised Statutes, and the Municipal Officers having given notice of said discontinuance to Pamela Dillion and Maine Turnpike Authority, being all abutters to said portion of said way, and to the municipal planning board, it is hereby:

ORDERED, that pursuant to the provisions of Section 3026 of Title 23 of the Maine Revised Statutes, the Town of Scarborough, Maine does hereby discontinue and terminate all its interests in that portion of the way known as Beech Ridge Road which is bounded and described as follows:

Beginning at a point on the northerly sideline of Beech Ridge Road as described in Vol 1 Page 215, at the common line of land between Pamela J. Dillion as described in Deed Book 21540 page 183 and Stephanie Williams as described in Deed Book 13113 Page 189;

Thence, S 45°22'21" E along said northerly sideline of Beech Ridge Road 77.88 feet;

Thence, S 33°55'21" E along said northerly sideline of Beech Ridge Road 191.58 feet to the northerly sidelines of said Beech Ridge Road as shown on "Maine Turnpike Authority, Maine Turnpike Section 1-Kittery to Portland Property Plan, Town of Scarborough, Cumberland County" Supplemental Sheet 6, October 1946 by Howard, Needles, Tammen, and Bergendoff;

Thence, N 47°36'38" W along the northerly sideline of said Beech Ridge Road as shown on said Supplemental Sheet 6 a distance of 34.86 feet to a capped iron rod to be set;

Thence, the following courses and distances through the current Beech Ridge Road Right of Way:

N 44°56'19" W 69.52 feet;

N 50°29'58" 155.68 feet to a mag. nail to be set;

N 37°53'39" E 44.84 feet to a capped iron rod to be set at the northerly line of said Beech Ridge Road as shown on said Supplemental Sheet 6;

Thence continuing N 37°53'39" E a distance of 8.31 feet to the northerly sideline of Beech Ridge Road as described in Volume 1 Page 215 and the point of beginning, containing approximately 7,768 sf.

FURTHER ORDERED, that no damages are awarded to any person by reason of this discontinuance of said portion of said way;

FURTHER ORDERED, that no public easement shall remain in said portion of said way after its discontinuance with the exception and reserving right to maintain any and all highway slopes and drainage structures that may be located upon or within the above-described section of road.

Dated: _____

MUNICIPAL OFFICERS OF THE TOWN OF
SCARBOROUGH

Town of Scarborough, Maine

Planning and Code Enforcement

MEMORANDUM

TO: Scarborough Town Council

FROM: Angela Blanchette, PE, Town Engineer

DATE: May 17, 2017

RE: Discontinuance of a portion of a public right-of-way
Beech Ridge Road

Pursuant to Title 23 MRSA 3026, Stephanie Williams has submitted a petition for discontinuance of a portion of the Beech Ridge Road right-of-way.

The portion of the Beech Ridge Road right-of-way in the area abutting the property of Stephanie Williams, Tax Map R41, Lot 17 was originally laid out over 200 years ago. Subsequently, the right-of-way has been expanded multiple times (1940's and in 2000) to accommodate the realignment of the roadway associated with the Maine Turnpike overpass. As such, the right-of-way in the area of the subject property is in excess of 150 feet in overall width. The Williams are now facing a hardship associated with their primary structure on the parcel being non-conforming, as it does not meet setback requirements and now is in need of reconstruction after a recent fire. Because of the non-conforming status of the structure, the owners are not able to rebuild the structure on the existing foundation, therefore has requested the discontinuance of a 7,768 sf portion of the Beech Ridge Road right-of-way. This discontinuance will allow the Williams to meet the minimum zoning setbacks.

The Public Works Department has been a part of the discussion and has no concerns with vacating this small section of land to the abutting property, since the remaining right-of-way will remain 105 feet in overall width and due to the elevation change over this portion of land, it has little value to the operation of the roadway.

PETITION FOR DISCONTINUANCE

To the Municipal Officers of the Town/City of Scarborough : The undersigned respectfully represent(s) that a section of a Town Way, being the former location of Beech Ridge Road is no longer of public use and necessity and it is requested that the same be discontinued as provided in Title 23 M.R.S. Section 3026, et. seq.

Dated this 11 day of May, 2017.

Karen Patterson
Witness

Stephanie Williams

Witness

Description of the section to be discontinued:

That section of Beech Ridge Road as shown on "Proposed Discontinuance of a Portion of Beech Ridge Road at Beech Ridge Road, Scarborough, Maine made for record owner Stephanie Williams" dated March 16, 2017 revised 4-17-17 by Owen Haskell, Inc. and being more fully described as follows:

Beginning at a point on the northerly sideline of Beech Ridge Road as described in Vol 1 Page 215, at the common line of land between Pamela J. Dillon as described in Deed Book 21540 page 183 and Stephanie Williams as described in Deed Book 13113 Page 189;

Thence, S 45°22'21" E along said northerly sideline of Beech Ridge Road 77.88 feet;

Thence, S 33°55'21" E along said northerly sideline of Beech Ridge Road 191.58 feet to the northerly sideline of said Beech Ridge Road as shown on "Maine Turnpike Authority, Maine Turnpike Section 1-Kittery to Portland Property Plan, Town of Scarboro, Cumberland County" Supplemental Sheet 6, October 1946 by Howard, Needles, Tammen & Bergendoff;

Thence, N 47°36'38" W along the northerly sideline of said Beech Ridge Road as shown on said Supplemental Sheet 6 a distance of 34.86 feet to a capped iron rod to be set;

Thence, the following courses and distances through the current Beech Ridge Road Right of Way:

N 44°56'19" W 69.52 feet:

N 50°29'58" W 155.68 feet to a mag. nail to be set;

N 37°53'39" E 44.84 feet to a capped iron road to be set at the northerly line of said Beech Ridge Road as shown on said Supplemental Sheet 6;

Thence continuing N 37°53'39" E a distance of 8.31 feet to the northerly sideline of Beech Ridge Road as described in Volume 1 Page 215 and the point of beginning

Containing approximately 7,768 square feet/acres.

Excepting and reserving to the State of Maine the perpetual right to maintain any and all highway slopes and drainage structures that may be located upon or within the above-described section of road.

[It is requested that the Town/City of Scarborough not retain a public easement over the above-described discontinued area, as provided in Title 23 M.R.S. 3026.*]

***Note:** If the above paragraph is not used, the public's right to travel over the road is retained.

Note to Municipal Officers: Upon completion of the discontinuance procedure please forward a copy of the town clerk's Certificate of Discontinuance to the Maine Department of Transportation, Property Office, 16 State House Station, Augusta, ME 04333-0016.

EXHIBIT C

WAIVER AND INDEMNITY

RECITALS

WHEREAS, Stephanie Williams has requested the Town of Scarborough to discontinue a portion of Beech Ridge Road, so called, pursuant to 23 M.R.S.A. § 3026;

WHEREAS, the Town of Scarborough as a condition precedent to any discontinuance of the town way requires a waiver of any claims which Stephanie Williams may have against the Town of Scarborough for such discontinuance and, further, requires indemnity against any claim of abutters or other third persons arising out of or resulting from the discontinuance of said town way;

1. Stephanie Williams hereby waives any claims for damages which he/she may have against the Town of Scarborough arising out of or resulting from the discontinuance of such town way by the Town pursuant to 23 M.R.S.A. § 3026;
2. Stephanie Williams hereby agrees to indemnify and hold harmless the Town of Scarborough against any claims arising from abutting property owners or any other third persons against the Town of Scarborough for damages arising out of or resulting from the discontinuance of such town way by the Town of Scarborough pursuant to said statute.

Dated: 5/11/2017

Williams

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Stephanie Williams and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Karen Patterson

Notary

Public

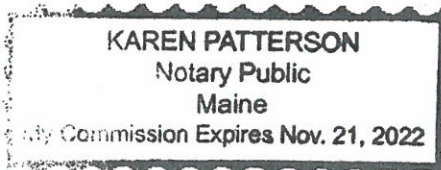


EXHIBIT D

NOTICE OF PUBLIC HEARING

Please be advised that the Scarborough Town Council will hold a public hearing on June 7, 2017, for the purposes of deciding whether or not to discontinue, pursuant to the provisions of 23 M.R.S.A. § 3026, the public way known as Beech Ridge Road, described on Schedule A attached, and to determine what damages, if any, should be paid to property owners abutting such way if it is discontinued. A copy of the proposed Order of Discontinuance is attached hereto as Addendum B.

The hearing will be held in the Town Council Chambers at 7 P.M. on the date above-referenced.

MUNICIPAL OFFICERS OF THE TOWN OF
SCARBOROUGH



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

PROPERTY OFFICE Tel: (207)624-3034 Fax: (207)624-3545
TTY Users Dial Maine Relay 711
April 6, 2017

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

Dear Mr. Hall:

This letter is to advise the Town of Scarborough that the Maine Department of Transportation no longer has any property interest in, or jurisdiction over, that portion of Beech Ridge Road adjacent to property owned by Stephanie Williams. Ms. Williams' property is identified on Tax Map R041, Lot 17 and described in a deed recorded in Book 13113, Page 189 in the Cumberland County Registry of Deeds.

The portion of Beech Ridge Road that abuts the subject property was laid out by the Cumberland County Commissioners well over 200 years ago. The road has been moved southerly away from its original location twice since then, once in the late 1940's to accommodate an overpass over the newly built Maine Turnpike, and again around 2000 when the Turnpike overpass was moved. When the road was relocated, the State's jurisdiction moved southerly as well, and by operation of statute, responsibility for old section of road reverted back to the County. Further changes to the statutes moved jurisdiction over the old road to the Town. Accordingly, MaineDOT makes no claim to any residual interest in the section of the old county road in front of Ms. Williams' property.

I understand that Stephanie Williams will submit a Petition for Discontinuance for the Town's consideration in the near future. If you should have any questions, please contact me at the number above.

Sincerely,

Amy E. Hughes
Legal Administrator

cc: Stephanie Williams ✓
John W. Swan, PLS, Owen Haskell, Inc.
Kyle Hall, P.E., MaineDOT Southern Region Engineer
Christopher Knight, PLS MaineDOT Southern Region



PRINTED ON RECYCLED PAPER



41 BEECH RIDGE RD



Legend

- Parcels with Owner Information
- Roads
 - MTA
 - MTA
 - MDOT
 - PUBLIC
 - PENDING PUBLIC; PRIVATE; P
 - CEMETERY; NOT YET BUILT; P
- Railroad
- High Resolution 30cm Imagery
- Building Footprints
- Driveways
 - Paved Driveway
 - Unpaved Driveway
- Road Surfaces
 - Paved Road
 - Unpaved Road
- Parking Lots
 - Paved Parking
 - Unpaved Parking
- Coastline
- Treeline
- Town_Townline_Polygons_cc
 - Surrounding Towns
 - Scarborough

1: 1,680



203 0 101 203 Feet

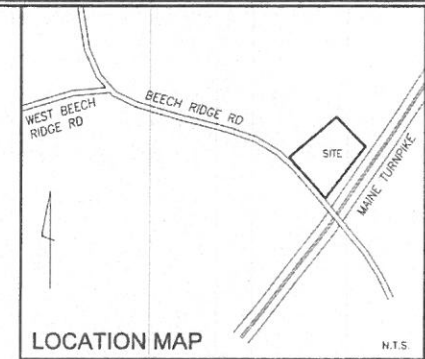
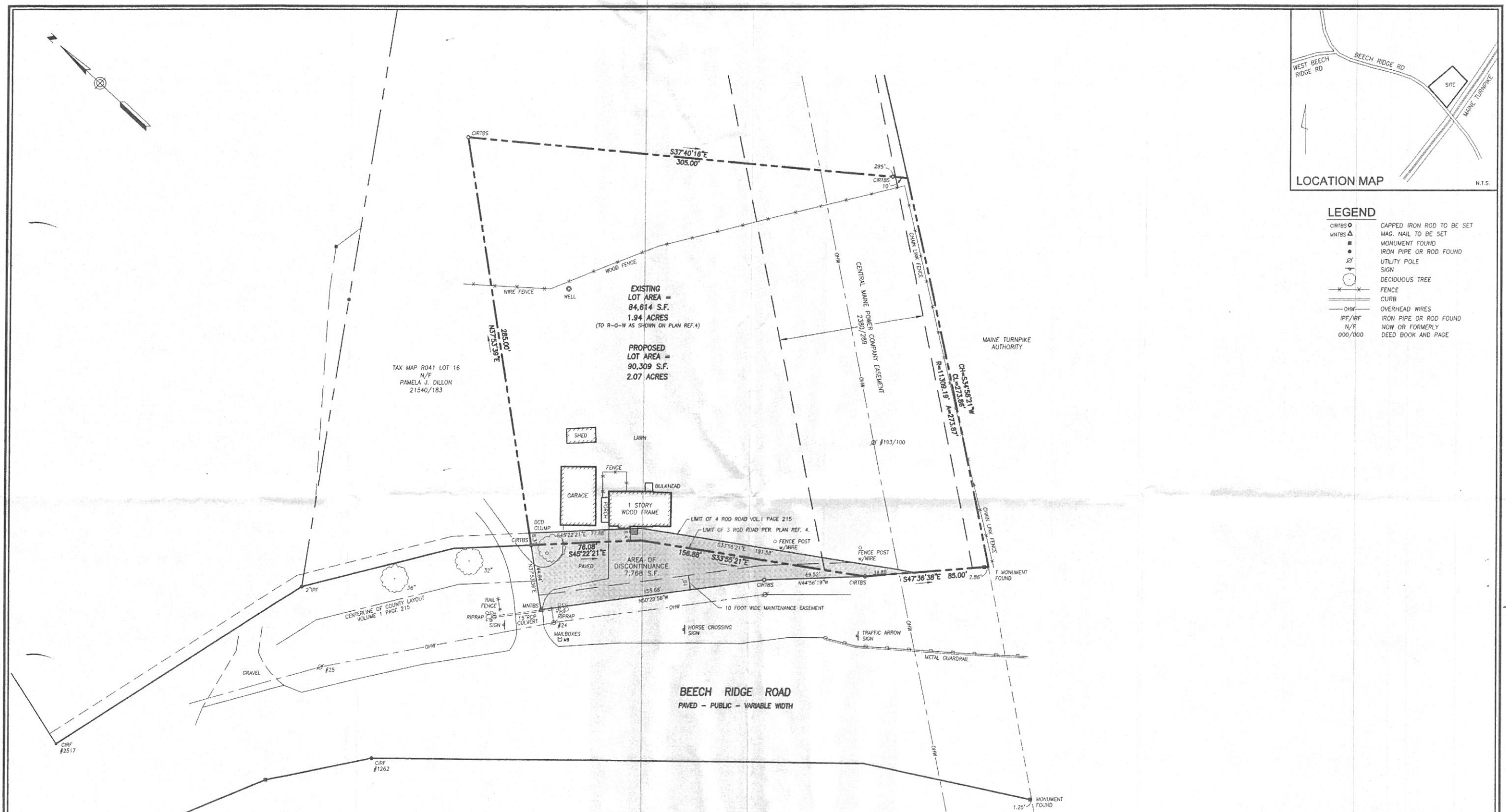
WGS_1984_Web_Mercator_Auxiliary_Sphere
Town of Scarborough, Maine

Disclaimer

This map is a user generated static output from the Town of Scarborough internet mapping site (WebGIS) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

5/12/2017



LEGEND	
CIRTS	CAPPED IRON ROD TO BE SET
INTBS	MAG. NAIL TO BE SET
MON	MONUMENT FOUND
IP	IRON PIPE OR ROD FOUND
UP	UTILITY POLE
DT	DECIDUOUS TREE
F	FENCE
C	CURB
OHW	OVERHEAD WIRES
IPF/IRF	IRON PIPE OR ROD FOUND
N/F	NOW OR FORMERLY
000/000	DEED BOOK AND PAGE

PLAN REFERENCES

1. "PLAN OF LAND OF: WATERHOUSE CONSERVATION EASEMENT, 51 BEECH RIDGE RD, SCARBOROUGH, MAINE, FOR: MARINE FARMLAND TRUST, RECORD OWNER: RICHARD S. WATERHOUSE" AUGUST 23, 2016 BY SEBAGO TECHINCS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 216, PAGE 236.
2. "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE PROPERTY AND RIGHT-OF-WAY PLAN, SECTION 1 - KITTERY TO PORTLAND, MODERNIZATION & WIDENING PROJECT, BEECH RIDGE ROAD UNDERPASS, SCARBOROUGH, MAINE" DECEMBER 1999 BY HNTB.
3. "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE PROPERTY AND RIGHT-OF-WAY PLAN, SECTION 1 - KITTERY TO PORTLAND, STA. 2038+00 TO STA. 2098+00, SCARBOROUGH, MAINE" REVISED THROUGH JAN. 1982.
4. "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE SECTION 1 - KITTERY TO PORTLAND PROPERTY PLAN, TOWN OF SCARBORO, CUMBERLAND COUNTY" SUPPLEMENTAL SHEET 6, OCTOBER 1946 BY HOWARD, NEEDLES, TAMMEN & BERGENDOFF.

GENERAL NOTES

1. OWNER OF RECORD: STEPHANIE WILLIAMS
41 BEECH RIDGE ROAD, SCARBOROUGH, MAINE
TAX MAP R041 LOT 17
C.C.R.D. BOOK 13113 PAGE 189
2. BEARINGS ARE BASED ON GRID NORTH, PER PLAN REFERENCE 1.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

4-17-17
DATE

JOHN W. SWAN, PLS NO. 1038



REV.2	4-24-17	ADD MAINTENANCE EASEMENT
REV.1	4-17-17	REVISED AREA OF DISCONTINUANCE
PROPOSED DISCONTINUANCE OF A PORTION OF BEECH RIDGE ROAD		
AT		
41 BEECH RIDGE ROAD, SCARBOROUGH, MAINE		
MADE FOR RECORD OWNER		
STEPHANIE WILLIAMS		
41 BEECH RIDGE ROAD, SCARBOROUGH, MAINE		
OWEN HASKELL, INC.		
PROFESSIONAL LAND SURVEYORS		
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424		
Drawn By	EB	Date
Trace By	JLW	MARCH 22, 2017
Check By	JWS	Scale
Book No.	FILE	1" = 30'
Job No.	2017-020	Drwg. No.
SC		2

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-054. Move approval on the new requests for a Food Handlers License: a. Melissa Carr, d/b/a Aurora Provisions at the Beach, located at 4 Seal Rock Drive and b. BHM17, LLC, d/b/a Beach House Market, located at 27 East Grand Avenue. *[Town Clerk]*

Town Clerk

Sponsor

06/07/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

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: June 2, 2017
RE: **Requests for a Food Handlers License**

The following applicants are seeking approval on the new request for a Food Handlers License:

- Melissa Carr, d/b/a Aurora Provisions at the Beach, located at 4 Seal Rock Drive; and,
- BHM17, LLC, d/b/a Beach House Market, located at 27 East Grand Avenue.

The completed applications are on file with Clerk's Office and there are no outstanding issues. It is recommended that these licenses be approved. Licenses will be issued when applicant receives their Occupancy Permit.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Resolution 17-003. Move approval of Resolution 17-003, requesting the Town Council's support on the Transportation Improvement Program Project to PACTS.
[Town Engineer]

Town Engineer

Sponsor

06/07/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

U S R O U T E O N E , P O B O X 3 6 0
S C A R B O R O U G H , M A I N E • 0 4 0 7 0 - 0 3 6 0

RESOLUTION 17-003

**PACTS TRANSPORTATION IMPROVEMENT PROGRAM
PROJECT ENDORSEMENT**

BE IT RESOLVED by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

WHEREAS, the Town of Scarborough does hereby support the Portland Area Comprehensive Transportation System (PACTS) 2020 & 2021 Complex Project application for work associated with the East Grand Avenue Complete Street Redesign and,

WHEREAS, the submission of the 2020 & 2021 Complex Projects application referred to in Exhibit A, cover letter to John Duncan, PACTS Executive Director, have been made to PACTS for review and consideration for inclusion in the 2020 & 2021 Transportation Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council, in Town Council assembled, that we do hereby support the submission of this roadway improvement project application.

Signed and sealed this the 7th day of June 2017, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by:

Shawn Babine
Council Chair

Attested by:

Yolande P. Justice
Town Clerk



Town of Scarborough, Maine

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

February 3, 2017

John Duncan, Director
Portland Area Comprehensive Transportation System (PACTS)
970 Baxter Boulevard, Suite 201
Portland, ME 04103

RE: Application for PACTS 2020 and 2021 Complex Projects
East Grand Avenue (Route 9) - Scarborough, Maine

Dear John,

On behalf of the Town of Scarborough, I am pleased to submit our application for the 2020/2021 Complex Projects, which includes roadway reconstruction, preservation, modernization, and expansion of the East Grand Avenue corridor in Scarborough, Maine. This is a "Complete Streets" project that is part of a larger effort by the Town and Maine DOT to transform and modernize the transportation infrastructure at Pine Point in a coordinated, phased manner.

This project will provide significant bicycle and pedestrian improvements within this area while also enhancing corridor for motorists and transit service. In addition, stormwater management and coastal resiliency measures are a primary focus in how this infrastructure will be modernized.



This project has been designed to a Preliminary Design Report level through local funding and with Maine DOT oversight, and we now seeking approval of PACTS construction funding for this \$2,014,600 project. Given the nature of the project, we are recommending the following funding breakdown under the preservation, modernization, and expansion targets, but are open to working with PACTS to adjust these percentages as needed:

Preservation:	\$1,723,900	(86%)
Modernization:	\$ 162,200	(8%)
Expansion:	\$ 128,500	(6%)

As noted above, this corridor project is part of a comprehensive effort to rebuild and modernize the infrastructure at Pine Point from the Pine Point Rd. bridge that was recently completed by MDOT through and including East Grand Avenue, the intersection of Pine Point Rd/East Grand/Jones Creek Dr. as well as many of the side streets and local roads in the area (to be funded separately).

We appreciate the opportunity to submit this Complex Project application to PACTS and we look forward to discussing it further with PACTS Staff and the Technical, Planning, and Policy Committees.

Sincerely,
Town of Scarborough

Thomas Hall
Town Manager

Attachments: Complex Project Application (including supporting documentation)
Preliminary Design Report (PDR)
Preliminary Design Plans

copy: Carl Eppich, Senior Transportation Planner
Paul Niehoff, Senior Transportation Planner

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-055. Move approval of the first reading and refer to the Planning Board on the proposed fourth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One to come back to the Town Council for a public hearing, upon receipt of the Planning Board’s recommendations. *[Planning Department]*

Planning Department

Sponsor

06/07/17

First Reading/Vote

Ought to Pass

Recommendation

Second Reading/Final Approval/Vote

PLANNING DEPARTMENT & CODE ENFORCEMENT

To: Town Council & Town Manager

From: Jay Chace, Senior Planner

Date: June 1, 2017

RE: Jaguar/Land Rover proposed 4th Amended Contract Zone

On June 7th the Town Council will consider first reading of the proposed 4th amendment to the Contract Zone of E&F Limited Liability Company for the expansion of the existing Jaguar/Land Rover car dealership on Route 1. The current Contract Zone language is Exhibit 1 of the Zoning Ordinance.

Process:

The process for considering an amendment to a Contract Zone is described in section II. (I.5.c) of the Zoning Ordinance. The process begins with the Council first reading on the proposal. If the proposed amendment does not receive an affirmative vote by a majority of the Council upon first reading, the request is deemed denied. If the proposed amendment receives an affirmative vote by a majority of the Council at first reading, the proposal is forwarded to the Planning Board for review. The Planning Board conducts a public hearing and preliminary site plan review, at the conclusion the Planning Board forwards its recommendation to the Council. Upon receipt of the Planning Board recommendations the Council holds a public hearing and the second reading under the procedures set forth by the Charter. Final passage of the Contract Zone amendment requires an affirmative vote of at least two thirds of Council members present and voting, but in no event less than four affirmative votes.

Brief Jaguar/Land Rover Contract Zone History:

1996- Initial Contract Zone Agreement Adopted. Enables development of a car dealership building of 8,075SF maximum and associated outdoor sales and display.

2000- First Amendment. Enables building increase up to 9,325 SF.

2004- Second Amendment. Enables building increase up to 13,730 SF. The current site and building design are developed per this agreement.

2016- Third Amendment. Enables building increase up to 14,730 SF and approved a redesign of the structure. Plans not executed to date.

2017- Proposed Fourth Amendment. Enables building increase up to 16,500 SF with a building design compatible to the 2016 approval.



April 25, 2017
03401

Thomas Hall, Town Manager
Members of the Scarborough Town Council
Town of Scarborough
259 U.S. Route One
Scarborough, Maine 04070

Request for Contract Zoning Agreement Amendment
Scarborough Jaguar / Land Rover dba E&F Limited Liability Company

Dear Mr. Hall and Council Members,

On behalf of E&F Limited Liability Company (E&F), we are pleased to submit this request for your consideration. This request pertains to a proposed building renovation and minor expansion of the Jaguar / Land Rover automobile dealership located at 371 U.S. Route One. The purpose of the proposed project is to renovate the existing building to comply with the current branding of these international automobile manufacturers, who periodically require the dealerships to comply with current company standards.

This project proposes a new building façade facing U.S. Route One and a renovation of the showroom, sales and customer services spaces within the building. In addition, this proposal includes removal of a portion of the existing stone drive track on the site in order to add parking spaces near the front of the building as well as installation of several pole mounted lights, which will replace the existing building mounted lights to be removed.

This site was initially developed in 1996 under a contract zoning agreement with the Town. Since that time, the Town has agreed to three amendments in 2000, 2004, and 2016 respectively.

This request would be the Fourth Amended Contract Zoning Agreement. Currently in force, the Third Amended Contract Zoning Agreement allows a building area of 14,730 square feet and 115 total parking spaces. This current request would increase the allowable building area to 16,500 square feet with no change to the overall number of parking spaces within the site.

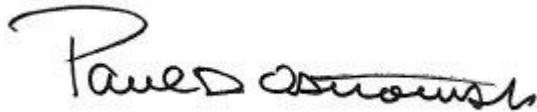
To assist you in your consideration of this request, we enclose the following exhibits for your review:

- Photograph of Existing Building
- Proposed Building Elevation
- Proposed Conceptual Site Plan
- Draft Fourth Amendment to the Contract Agreement

We look forward to meeting with the Council at the May 3, 2017 meeting to discuss this request in greater detail. Thank you for your time and consideration.

Sincerely,

SEBAGO TECHNICS, Inc.

A handwritten signature in black ink, appearing to read "Paul D. Ostrowski". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Paul D. Ostrowski
Project Manger

cc: Christopher Goodwin
Ryan Senatore

PDO/Ilg
Enc.

**FOURTH AMENDMENT TO EXHIBIT I
CONTRACT ZONING AGREEMENT
BETWEEN THE TOWN OF SCARBOROUGH AND
FRANK R. GOODWIN, E & F LIMITED LIABILITY COMPANY
AND RAYMOND C. FIELD**

WHEREAS, E & F Limited Liability Company ("E & F") entered into a Contract Zoning Agreement with the Town of Scarborough on the 15th day of July 1996 (the "Contract"), a copy of which is attached hereto as Schedule A; and,

WHEREAS, E & F acquired certain real estate from Raymond C. Field by two deeds dated June 21, 1996 and recorded in the Cumberland County Registry of Deeds at Book 12576 Page 54 and by Corrective Warranty Deed dated October 27, 1997, recorded in the Cumberland County Registry of Deeds at Book 13402, Page 45; and,

WHEREAS, E & F built a 3,826 square foot addition to its existing building on the north side of the building away from U.S. Route One, which addition is used for the purposes of automobile sales and service pursuant to a First Amendment to the Contract, dated October 2, 2000, a copy of which is attached hereto as Schedule B; and,

WHEREAS, in order to have the proper set backs, E & F acquired an approximate additional 17,070 square feet by deed of KDA LLC (successor to Raymond Field), which deed was dated April 10, 2000 and recorded in the Cumberland County Registry of Deeds at Book 15410, Page 322; and,

WHEREAS, the Amended Contract, Schedule B, at paragraph 3(a), states that E & F was authorized to have an automobile dealership with the structure of 13,730 square feet; and,

WHEREAS, the current initial structure is 13,730 square feet and the anticipated additions to the structure will be 2,270 square feet for a total building footprint of 16,500 square feet; and,

WHEREAS, the addition to the automobile dealership will also involve an increase in the square footage of the area utilized for outdoor display, storage or parking of vehicles. An additional 7 parking spaces, 5 new spaces being visible from the road will bring the total number of parking spaces to 115, 23 of which will be visible from the road. The relocation of outdoor vehicle storage and display or parking areas to parts of the site closer to the property boundaries or road sidelines than shown on the originally approved site plan is contemplated; and,

WHEREAS, the size, location, configuration and topography of this site permit a level of buffering, landscaping and site design which will mitigate what might otherwise be adverse impacts of outdoor displays, storage and sales, because the additional square footage of the building is away from U.S. Route One.

WHEREAS, the Amendment to the Contract Zoning Agreement would be consistent with the policies and future land use plan of part three of the Scarborough Comprehensive Plan and is permitted pursuant to the Zoning Ordinance and Maine Law and is consistent with the existing and permitted uses within the original zoning classification.

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

1. The Town will amend the Zoning Map of the Town of Scarborough by adopting the map change shown on Schedule C hereto.

2. All references in the original Contract Zoning Agreement, the First Amendment to the Contract, the Second Amendment to the Contract, the Third Amendment to the Contract, and the Fourth Amendment to the contract and to the "site plan" shall hereafter mean the amended site plan approved by the Scarborough Planning Board on (TBD), 2017, attached hereto as Schedule D.
3. Upon approval of an amended site plan by the Scarborough Planning Board, E & F Limited Liability Company is authorized to construct the addition to the automobile dealership as portrayed on the Attached Schedule C. The additional construction will be completed within 12 months after execution of this Agreement. Construction of the addition shall be subject to the following conditions:
 - a. The maximum allowable building footprint for the building shall be 16,500 square feet and the maximum building height shall be two stories.
 - b. Building design, style and materials for the addition shall be substantially as depicted on the building elevation plans as prepared by Ryan Senatore Architecture dated TBD 2017, submitted during Site Plan Review.
 - c. No trees or other vegetation existing on the date of this Agreement shall be removed except as indicated in the approved addition site plan.
4. Except as amended hereby, E & F Limited Liability Company reaffirms each and every provision of the Contract Zoning Agreement, Schedule A and the First Amendment, Schedule B.
5. E & F Limited Liability Company shall record this Amendment to Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to Contract Zoning Agreement this _____ day of _____, 2017.

WITNESS:

TOWN OF SCARBOROUGH

By: _____

Its: Town Manager (duly authorized by a vote of the Scarborough Town Council on (TBD), 2017)

E & F LIMITED LIABILITY COMPANY

By: _____

Frank R. Goodwin

Its: Managing Member

STATE OF MAINE

COUNTY OF CUMBERLAND

_____, 2017

Personally appeared the above named _____, in his/her capacity as Scarborough Town Manager and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE

COUNTY OF _____

_____, 2017

Personally appeared the above named Frank R. Goodwin in his capacity as Managing Member of E & F Limited Liability Company and acknowledged the foregoing instrument to be his free act and deed.

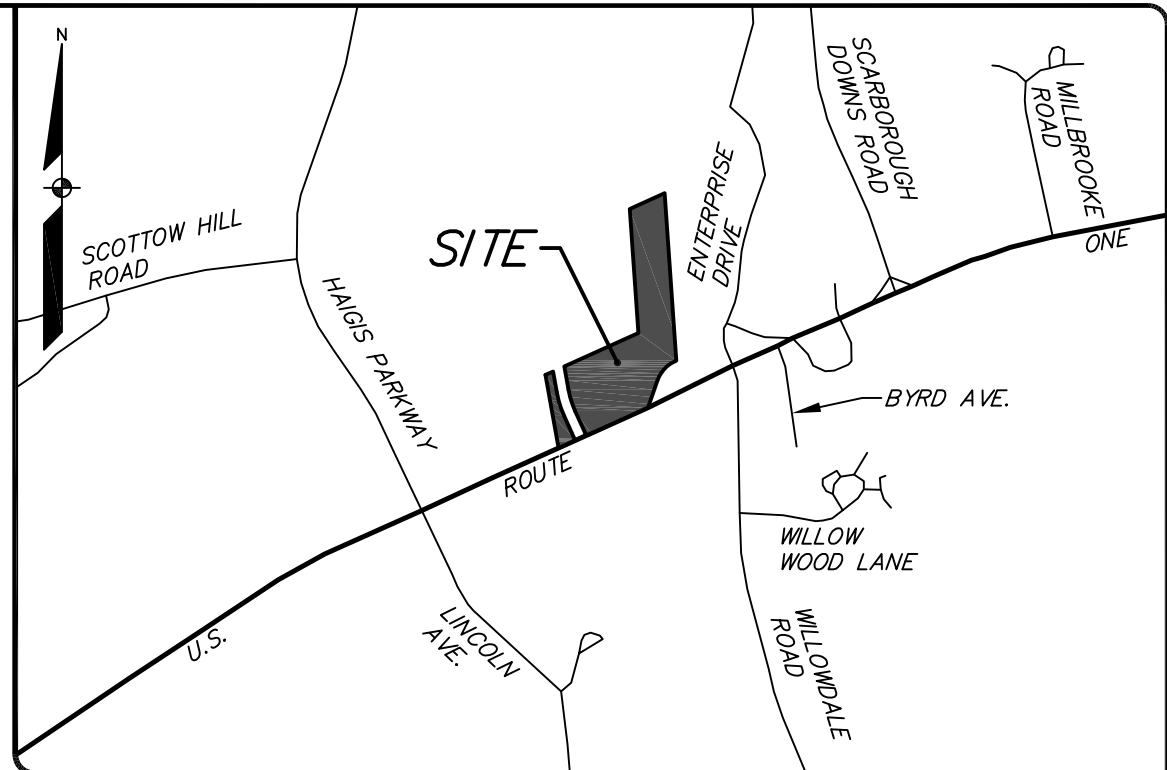
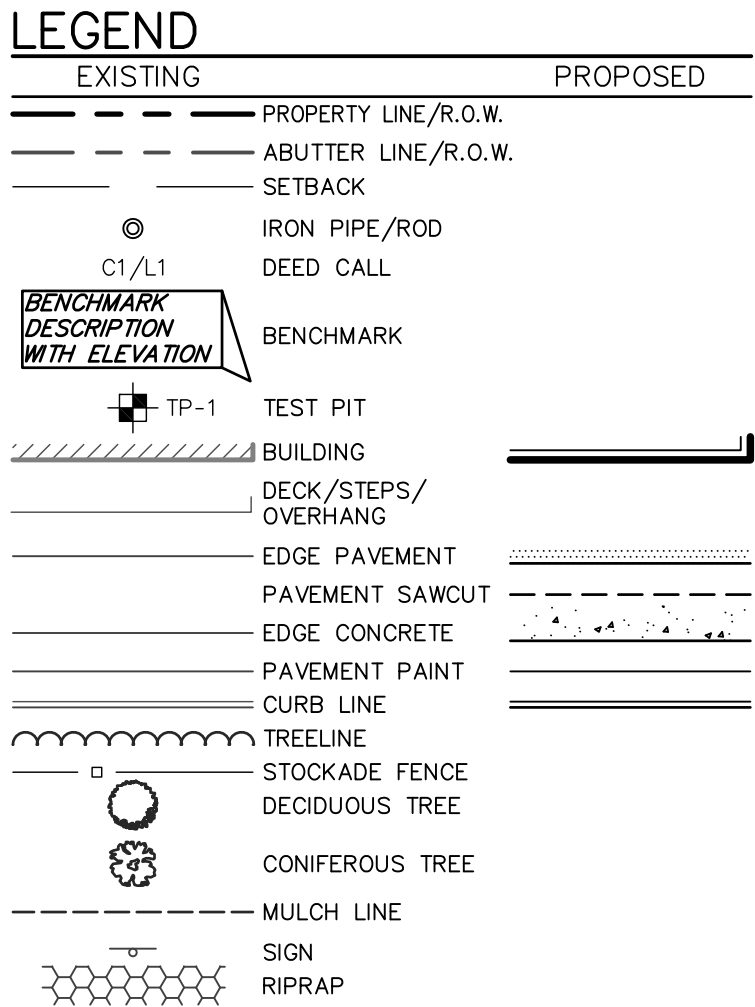
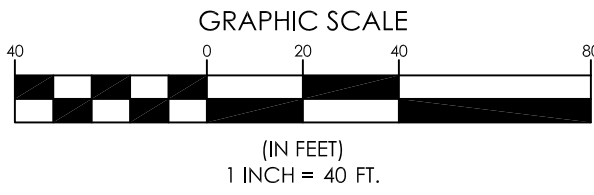
Before me,

Notary Public/Attorney at Law

DRAFT

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C1	15.71'	10.00'	S 69°46'08" E	14.14'
C2	92.02'	375.00'	S 17°44'42" E	91.79'
C3	117.45'	137.82'	S 43°08'47" W	113.93'

U.S. ROUTE ONE



LOCATION MAP

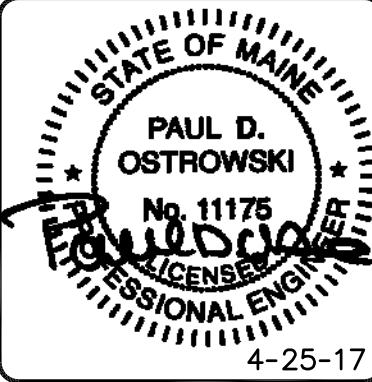
N.T.S.

GENERAL NOTES:

1. THE RECORD OWNER OF THE PARCEL IS E & F LIMITED LIABILITY COMPANY BY DEED DATED OCTOBER 27, 1997 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAIN BOOK 1454, PAGE 473. THIS PARCEL IS 10,000 SQ. FT. AND IS LOCATED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15410, PAGE 322.
2. THE PROPERTY IS SHOWN AS LOT 46A ON THE TOWN OF SCARBOROUGH TAX MAP U39 AND IS LOCATED IN THE B3 - GENERAL BUSINESS DISTRICT.
3. SPACE AND BULK CRITERIA FOR THE B3 GENERAL BUSINESS DISTRICT ARE AS FOLLOWS:
MINIMUM LOT SIZE: 10,000 SQ. FT.
MINIMUM STREET FRONTAGE: 200 FEET
MINIMUM FRONT YARD: 35 FEET
MINIMUM SIDE YARD: 15 FEET
MINIMUM REAR YARD: 15 FEET
MAXIMUM BUILDING HEIGHT: 45 FEET
MAXIMUM INDIVIDUAL BUILDING FOOTPRINT: DETERMINED BY PLANNING BOARD
* SEE NOTE 13 FOR PROPOSED SPACE AND BULK.
4. TOTAL AREA OF THE TWO (2) PARCELS DEPICTED HEREON IS APPROXIMATELY 5.04 ACRES AS DEPICTED ON PLAN REFERENCE 6A.
5. BOUNDARY INFORMATION IS BASED ON THE LOCATION OF EXISTING MONUMENTS AND AS DEPICTED ON PLAN REFERENCE 6A AND THE DEEDS REFERENCED HEREON. SEBAGO TECHINCS, INC. HAS NOT PERFORMED AN INDEPENDENT BOUNDARY RETRACEMENT SURVEY IN THIS CASE. THIS CASE IS BASED UPON THE INFORMATION HEREON. INFORMATION IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHINCS, INC. IN APRIL & MAY OF 2016.
6. PLAN REFERENCES:
A. "STANDARD BOUNDARY SURVEY LAND ROVER OF SCARBOROUGH, E & F LIMITED LIABILITY COMPANY, ROUTE 1, SCARBOROUGH, MAINE RECORD OWNER - RAYMOND C. FIELD, 371 U.S. RTE. 1, SCARBOROUGH, MAINE" DATED FEBRUARY 14, 1996 AND REVISED THROUGH OCTOBER 21, 1997 BY PAUL P. GADBOIS. THIS PLAN IS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAIN BOOK 197, PAGE 473.
B. "STANDARD BOUNDARY SURVEY LAND ROVER OF SCARBOROUGH, E & F LIMITED LIABILITY COMPANY, ROUTE 1, SCARBOROUGH, MAINE RECORD OWNER - RAYMOND C. FIELD, 371 U.S. RTE. 1, SCARBOROUGH, MAINE" DATED FEBRUARY 14, 1996 AND REVISED THROUGH MAY 11, 1996 BY PAUL P. GADBOIS. THIS PLAN IS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAIN BOOK 196, PAGE 234.
7. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
8. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.
9. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS INDICATED ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF SCARBOROUGH, MAINE. CUMBERLAND COUNTY COMMUNITY-PLAN NUMBER 230052 0020 D, HAVING AN EFFECTIVE DATE OF JUNE 19, 1985. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING, NO SHADING.
10. THIS IS A PORTION OF THE LOCUS PARCEL AND IT IS WHOLLY UNDEVELOPED.
11. THE 50' WIDE RIGHT-OF-WAY DEPICTED HEREON IS SUBJECT TO A ROAD MAINTENANCE AGREEMENT BETWEEN RAYMOND C. FIELD AND E & F LIMITED LIABILITY COMPANY AS DESCRIBED ON A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12628, PAGE 140 DATED JULY 24, 1996.
12. REFERENCE IS MADE TO DEED OF E & F LIMITED LIABILITY COMPANY TO SCARBOROUGH SANITARY DISTRICT DATED NOVEMBER 21, 2003 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 20783, PAGE 358 REGARDING SEWER EASEMENT OVER LAND OWNED BY E & F LIMITED LIABILITY COMPANY.
13. THIS PLAN SET DEPICTS A PROPOSED AMENDMENT TO THE CURRENTLY APPROVED SITE PLAN FOR THIS PROPERTY. THE AMENDED SITE PLAN IS GOVERNED BY A CONTRACT ZONE MUTUALLY AGREED TO BY THE APPLICANT AND THE TOWN OF SCARBOROUGH. THE PURPOSE OF THIS AMENDMENT IS TO MODIFY THE DESIGN OF THE BUILDING TO MEET CURRENT NATIONAL BRAND STANDARDS, TO REMOVE (1) EXISTING ROCK TRACK/VEHICLE DISPLAY AREA, AND TO ADD (7) PARKING SPACES TO THE SITE. ELEMENTS OF THIS AMENDMENT INCLUDE THE FOLLOWING:
EXISTING BUILDING AREA 13,434 S.F.
PROPOSED BUILDING AREA 15,579 S.F.
PROPOSED BUILDING HEIGHT 37 FT.
EXISTING PARKING 91 SPACES
PROPOSED PARKING 93 SPACES
14. PARKING CALCULATIONS
REQUIRED :
15,579 S.F. BUILDING AREA / 1 SPACE PER 250 SF = 63 SPACES

PROPOSED :
(15) EMPLOYEE SPACES @ MAXIMUM SHIFT
(8) CUSTOMER SPACES
(70) SALES/ DISPLAY SPACES

(93) TOTAL SPACES
15. THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICTED ON THIS APPROVED PLAN, ALL ELEMENTS AND FEATURES OF THIS PLAN AND ALL REPRESENTATIONS MADE BY THE APPLICANT CONCERNING THE DEVELOPMENT AND USE OF THE PROPERTY ARE CONDITIONS OF THE APPROVAL. NO CHANGE FROM THE CONDITIONS OF APPROVAL IS PERMITTED WITHOUT AN AMENDED SITE PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.



DESIGNED	CHECKED
PDO	PDO
	A PDO 04-25-17 TOWN COUNCIL FIRST READING REV: BY: DATE: STATUS:
	THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHINCS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHINCS, INC.



OVERALL AMENDED SITE PLAN
OF:
LAND ROVER JAGUAR OF SCARBOROUGH
371 U.S. ROUTE ONE
SCARBOROUGH, MAINE 04074
FOR:
E & F LIMITED LIABILITY COMPANY
P.O. BOX 160
BRUNSWICK, MAINE 04011

PROJECT NO.	SCALE
03401	1" = 40'

SHEET 1 OF 7

03401S.dwg, TAB: 03401OAS

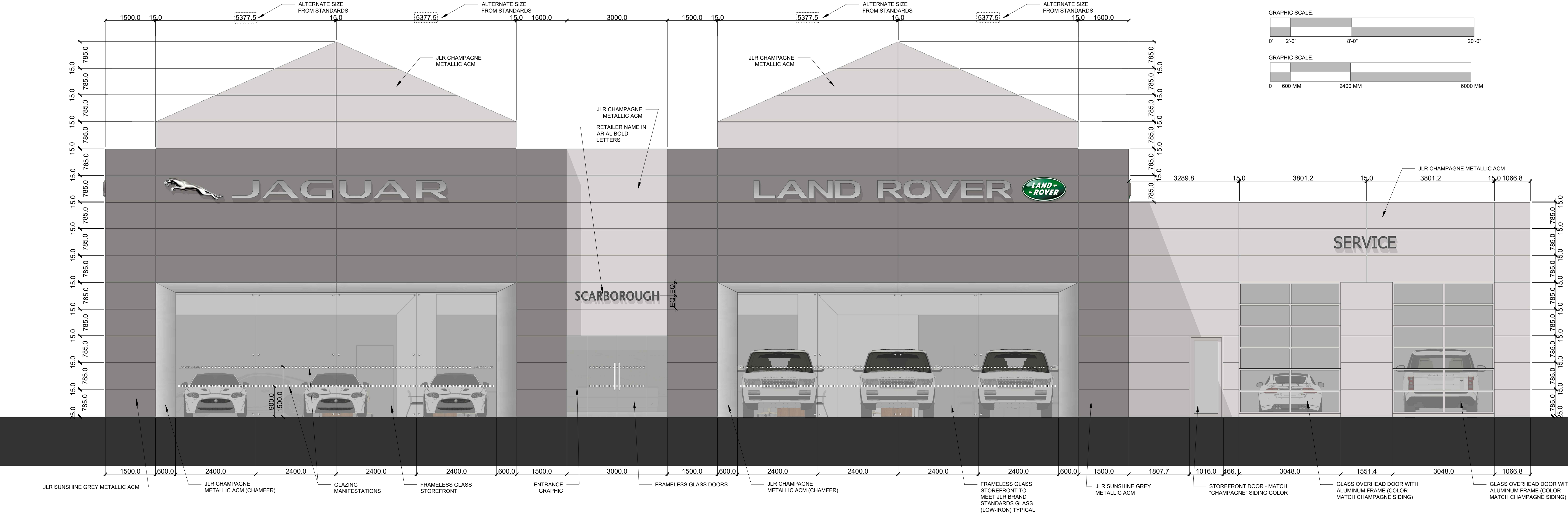




SCARBOROUGH, MAINE

ELEVATION MATERIALS KEY:	
MAIN FACADE COLOR	PRISMA JLR SUNSHINE GREY METALLIC
CHAMFER, ABOVE ENTRANCE COLOR AND DRIVE-IN SERVICE	PRISMA JLR CHAMPAGNE METALLIC
CLEAR GLASS DOORS	12 mm TOUGHENED GLASS WITH METAL SECURITY LOCKING BAR AT THE BASE (LOCK COLOR = STAINLESS STEEL)
WORKSHOP AND BACK OF HOUSE CLADDING	HORIZONTAL TRAPEZOIDAL CLADDING R32 / 1000 - RAL 9006 (TATA TRISOMET 333 OR SIMILAR)
EXISTING CMU	PAINT TO MATCH RAL 9006 COLOR

- ELEVATION NOTES:
- 1.) FACADE DESIGN AND MATERIALS PER JLR STANDARDS (PANEL LENGTH IS LONGER THAN 4800mm) (MAIN ENTRANCE IS 3000mm)
 - 2.) FACADE SIGNAGE TO BE PROVIDED BY APPROVED VENDOR AND MEET JLR STANDARDS (**CUSTOM SIZE)
 - 3.) ALL CLADDING SYSTEMS TO MEET JLR STANDARDS
 - 4.) ALL FRAMELESS GLAZING TO MEET JLR STANDARDS (**CUSTOM SIZE)
 - 5.) SHOWROOM LOADING TO MEET JLR STANDARDS
 - 6.) PYLON SIGN TO MEET JLR STANDARDS
 - 7.) FACADE SIGNS TO MEET JLR STANDARDS (**CUSTOM SIZE)
 - 8.) RETAILER NAME SIGN TO MEET JLR STANDARDS
 - 9.) WELCOME SIGN TO MEET JLR STANDARDS
 - 10.) APPROVED VEHICLES CUSTOMER PROMISE SIGNS TO MEET JLR STANDARDS
 - 11.) APPROVED VEHICLES FACADE SIGN TO MEET JLR STANDARDS
 - 12.) ENTRANCE GRAPHICS TO MEET JLR STANDARDS
 - 13.) GLAZING MANIFESTATIONS TO MEET JLR STANDARDS
 - 14.) DIRECTIONAL SIGNS TO MEET JLR STANDARDS
 - 15.) GENERAL LIGHTING TO MEET JLR STANDARDS
 - 16.) VEHICLE PARKING AREA LIGHTING TO MEET JLR STANDARDS
 - 17.) APPROVED VEHICLES DISPLAY LIGHTING TO MEET JLR STANDARDS
 - 18.) DRIVE-IN SERVICE TO MEET JLR STANDARDS



1 ELEVATION

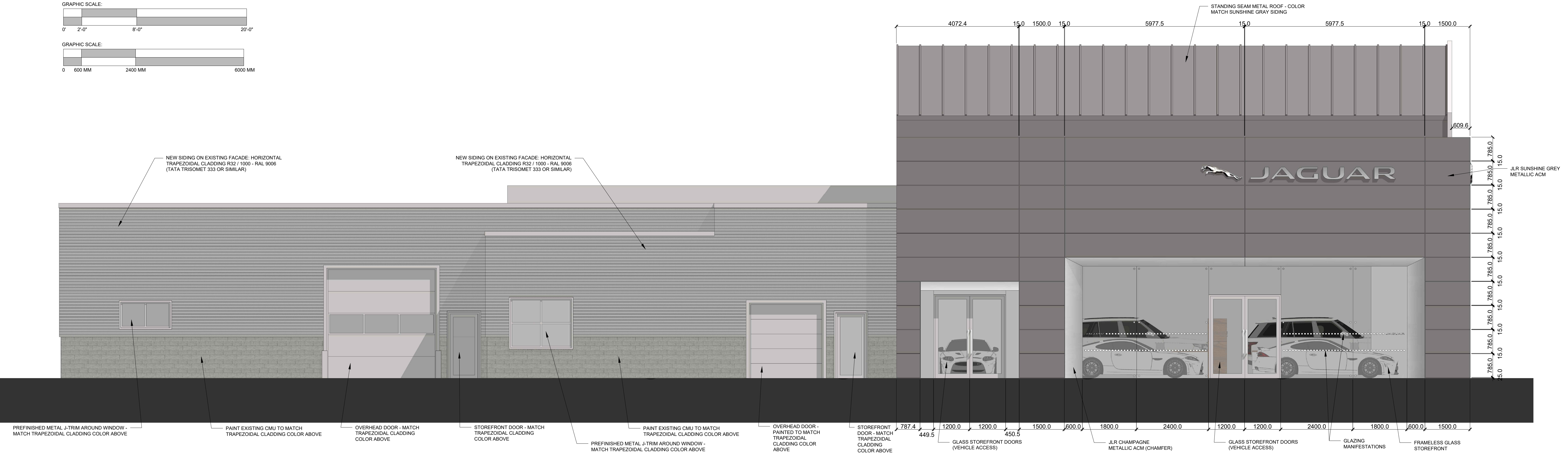
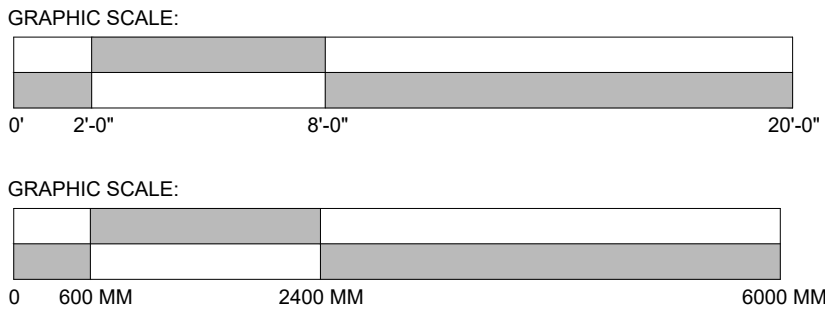
[illegible]

2 ELEVATION



SCARBOROUGH, MAINE

MARCH 30, 2017

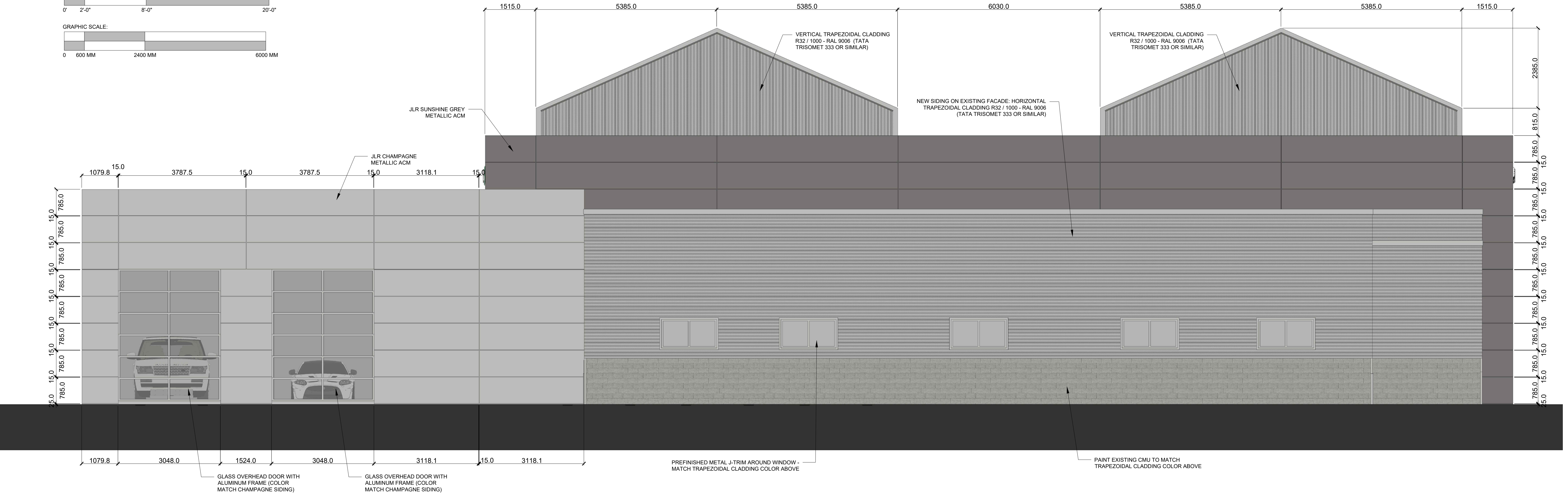
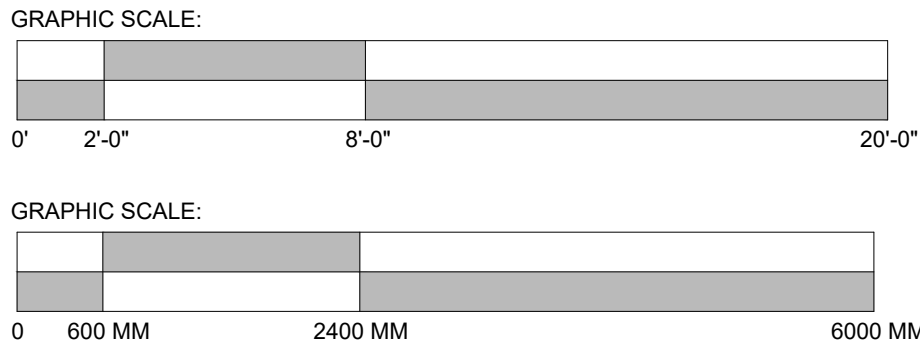


3 ELEVATION



PROGRESS PRINT ONLY
Not for Construction

SCARBOROUGH, MAINE



4 ELEVATION

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-056. Move approval of the first reading and refer to the Planning Board on the proposed amendment to Chapter 405, the Scarborough zoning Ordinance - definition of a Golf Course to come back to the Town Council for a public hearing, upon receipt of the Planning Board's recommendations. [*Planning Department*]

Planning Department

Sponsor

06/07/17

First Reading/Vote

Ought to Pass

Recommendation

Second Reading/Final Approval/Vote



TO: Scarborough Town Council
FROM: Karen Martin, SEDCO Executive Director
DATE: May 31, 2017
SUBJECT: Golf Course Zoning Definition Amendment

Bob Whiting, the owner of Willowdale Golf Course, is requesting a change in the Zoning Ordinance that would allow for an accessory dwelling unit for an on-site facility manager.

Located at 52 Willowdale Road, the 111-acre Golf Course falls into both the R3 Zone and the RP zone. While the current zone would allow for an accessory dwelling unit in a single-family home, it does not provide for an accessory unit in a mixed-use building. Mr. Whiting would like to add the accessory dwelling unit in a building that stores golf carts, which would become a mixed use structure with the addition of a unit.

In evaluating the possibilities for the unit, we looked at how the current zoning ordinance addresses a similar situation for mini storage facilities. The zoning ordinance has the following provision for mini storage units as one of several performance standards:

Notwithstanding anything to the contrary in this Ordinance, the lot on which a Mini-Warehouse/Storage Facility is located may contain one dwelling unit as an accessory structure and accessory use to the mini-warehouse/storage facility, provided the dwelling is occupied only by a resident facility manager or by on-duty employees of the facility.

The situation described by Mr. Whiting seemed similar in nature. Our proposed solution is to amend the definition of "Golf Course" in the zoning ordinance to the following (new language is highlighted):

Golf Course:

An area of land laid out for playing the game of golf or disc golf, with a series of 9 or 18 holes or targets, each including tee, fairway and putting green and often one or more natural or artificial hazards. A golf course may include a clubhouse, shelter for players and other accessory structures, including *one dwelling unit in an accessory structure and as an accessory use to the golf course, provided the dwelling is occupied by a resident facility manager or by on-duty employees of the facility.* A miniature golf facility or a golf driving range is not a golf course.

Please note that no map change is required. The change will occur in the text of the definition for "Golf Course".

Long Range Planning Committee Review

The Long Range Planning Committee reviewed the suggested change at their May 12, 2017 meeting. The committee concurred that the request to have an accessory dwelling unit in an accessory structure is reasonable. New language, to be included in the definition of Golf Course, was reviewed and a minor edit was suggested and incorporated in the above language.

**AMENDMENT TO CHAPTER 405 THE ZONING ORDINANCE
REGARDING DEFINITION OF GOLF COURSE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section VI (Definitions) of the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend the definition of Golf Course by adding the underlined text as shown below.

Section VI Definitions.

A golf course may include a clubhouse, shelter for players and other accessory structures, including one dwelling unit in an accessory structure and accessory use to the golf course, provided the dwelling unit is occupied by a resident facility manager or by on-duty employees of the facility.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-057. Move approval on the request to appoint Larissa Crockett as the Acting Town Manager, in accordance with Chapter 200, the Scarborough Town Charter, Article III, Section 305, Absence of Town Manager. *[Town Manager]*

Town Manager

Sponsor

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Ought to Pass

Recommendation

N/A

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Town of Scarborough, Maine

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

May 24, 2017

Yolande Justice, Town Clerk
Town Of Scarborough
259 U.S. Route One
Scarborough, ME 04074

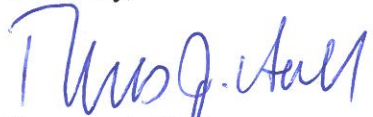
RE: Appointment of Larissa Crockett as Acting Town Manager

Tody:

In accordance with Article III, Section 305 of the Town Charter, please accept this letter as official notification of my appointment of Larissa Crockett, Assistant Town Manager to serve as Acting Town Manager in the event of my temporary absence or disability. I deem Larissa a qualified administrative officer of the Town and this appointment is consistent with the requirements of her job description. This appointment shall replace the previous appointment of Robert A. Moulton who acted in this capacity.

Please seek the consent of the Town Council of this appointment as per the requirements of Section 305 of the Town Charter. Please do hesitate to contact me if you have any questions regarding this matter.

Sincerely,


Thomas J. Hall,
Town Manager

CC: Larissa Crockett
Robert Moulton
Personnel File

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-058. Move approval on the request to renew the Town Manager's contract. *[Council Chair]*

Council Chair

Sponsor

06/07/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote