

AMENDED
AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
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: July 19, 2017 – Regular Meeting.
August 2, 2017 – Special Meeting.
August 8, 2017 - Special 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. 17-055, 7:00 p.m. Public hearing 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. 17-064, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from James Morande d/b/a Fairhaven Dunes, located at 3 East Grand Avenue. Tabled from the July 19, 2017, Town Council Meeting. *[Town Clerk]*

Order No. 17-065, 7:00 p.m. Public hearing on the proposed amendments to the Higgins Beach Character-Based Zoning Districts. *[Planning Department]*

Order No. 17-066, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations. *[Ordinance Committee]*

Order No. 17-067, 7:00 p.m. Public hearing on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions. *[Ordinance Committee]*

Order No. 17-068, 7:00 p.m. Public hearing on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach. *[Ordinance Committee]*

Order No. 17-073, 7:00 p.m. Public hearing and action on the new request for a Special Amusement Permit from D.J. Ingersoll, Jr., d/b/a Salty Bay Seafood Take Out and Tavern, located at 66 Jones Creek Drive. *[Town Clerk]*

Order No. 17-074, 7:00 p.m. Public hearing and action on the new request for a Food Handlers Permit from P & E Fitness, d/b/a Lifestyles Fitness Center, located at 29 Pleasant Hill Road. *[Town Clerk]*

OLD BUSINESS:

Order No. 17-071. Second reading on the FY2018 School Budget. *[Town Manager]*

NEW BUSINESS:

Order No. 17-075. First reading and refer to the Planning Board on the proposed Amendment to the second Contract Zoning Agreement between the Town of Scarborough and Robert Tgettis and Lucinda P. Malbon. *[Planning Department]*

Order No. 17-076. Act on the request, pursuant to Title 23 MRSA §3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance to accept the right-of-way on Honan Road associated with the Carrier Woods Development, as depicted in Planning Board approval documents dated, July 17, 2017 and to authorize the Town Manager to sign any necessary document. *[Town Engineer]*

Order No. 17-077. Act on the request to authorize the Town Manager to enter into a Service Agreement with the Town of Kennebunk for vehicle maintenance and to sign any and all documents. *[Town Manager]*

Order No. 17-078. Act to submit the referendum question to construct and equip a new Public Safety Building to the November 7, 2017, Election. *[Town Manager]*

Order No. 17-079. Act regarding tax commitment if third School Budget Validation Vote fails. *[Town Manager]*

Order No. 17-080. Act to create an Ad-hoc Budget Advisory Committee. *[Councilor Foley]*

Order No. 17-081. Act to approve the Town Manager's recommendations for the Implementation of metered parking fees. *[Town Manager]*

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 – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-055. The second reading 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 has been scheduled for Wednesday, September 6, 2017. *[Planning Department]*

Planning Department

Sponsor

06/07/17 7 Yeas.

First Reading/Vote

Ought to Pass

Recommendation

09/06/17

Second Reading/Final Approval/Vote



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.

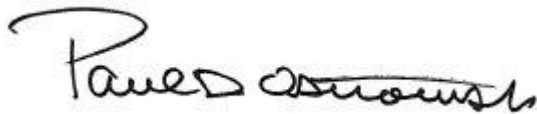
To assist you in your consideration of this request, we enclose the following exhibits for your review:

- 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/llg
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.

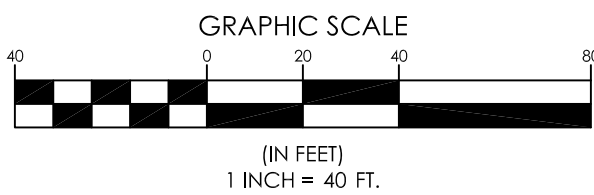
Before me,

Notary Public/Attorney at Law

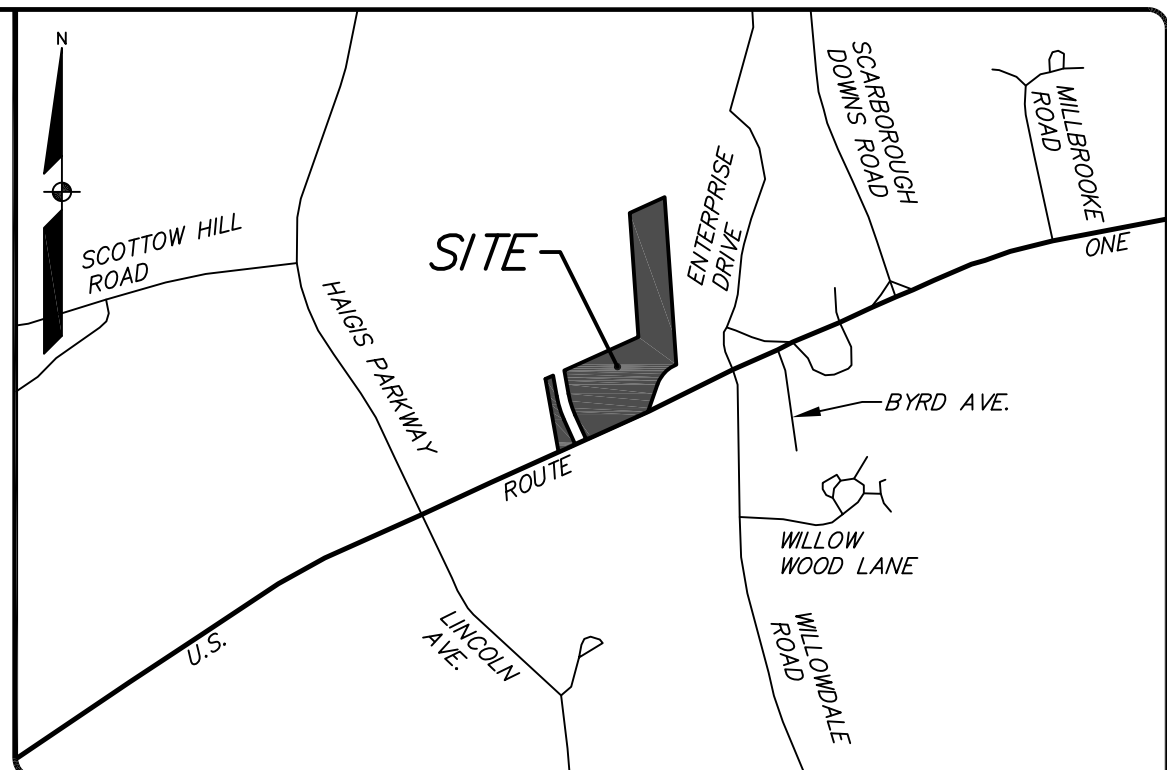
DRAFT

PROPERTY CURVE TABLE				
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	112.45'	137.82'	S 43°08'47" W	113.93'

U.S. ROUTE ONE



LEGEND		
EXISTING		PROPOSED
_____		PROPERTY LINE/R.O.W.
_____		ABUTTER LINE/R.O.W.
_____		SETBACK
⊙		IRON PIPE/ROD
C1/L1		DEED CALL
BENCHMARK DESCRIPTION WITH ELEVATION		BENCHMARK
 TP-1		TEST PIT
		BUILDING
		DECK/STEPS/ OVERHANG
_____		EDGE PAVEMENT
_____		PAVEMENT SAWCUT
_____		EDGE CONCRETE
_____		PAVEMENT PAINT
_____		CURB LINE
		TREELINE
		STOCKADE FENCE
		DECIDUOUS TREE
		CONIFEROUS TREE
_____		MULCH LINE
		SIGN
		RIPRAP



LOCATION MAP

N.T.S.

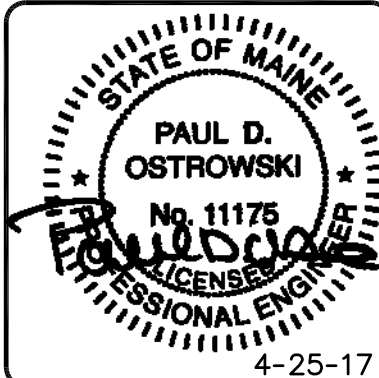
GENERAL NOTES:

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 BOOK 1340, PAGE 45, AND DEED DATED APRIL 10, 2000 AND RECORDED AT 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
4. MAXIMUM INDIVIDUAL BUILDING FOOTPRINT: DETERMINED BY PLANNING BOARD.
5. * SEE NOTE 13 FOR PROPOSED SPACE AND BULK.
6. TOTAL AREA OF THE TWO (2) PARCELS DEPICTED HEREON IS APPROXIMATELY 5.04 ACRES AS DEPICTED ON PLAN REFERENCED 6A.
7. 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 PREPARING THIS PLAN. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON INFORMATION PERFORMED BY SEBAGO TECHINCS, INC. IN APRIL & MAY OF 2016.
8. 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 PLAN 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 PLAN BOOK 196, PAGE 234.
9. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD83, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
10. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITY DEPICTED HEREON DOES NOT NECESSARILY REPRESENT ALL EXISTING UTILITY LINES. 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.
11. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF SCARBOROUGH, MAINE, CUMBERLAND COUNTY, COMMUNITY-PANEL 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.
12. THIS IS A PORTION OF THE LOCUS PARCEL AND IT IS WHOLLY UNDEVELOPED.
13. 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 IN A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12628, PAGE 140 DATED JULY 24, 1996.
14. 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 20793, PAGE 338 REGARDING SEWER EASEMENT OVER LOTS OWNED BY E & F LIMITED LIABILITY COMPANY.
15. 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 AMENDED SITE PLAN IS TO UPGRADE THE DESIGN OF THE BUILDING TO MEET CURRENTLY MINIMUM 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
16. PARKING CALCULATIONS

REQUIRED :	
15,579 S.F. BUILDING AREA / 1 SPACE PER 250 SF =	63 SPACES
17. PROPOSED :
 - (15) EMPLOYEE SPACES @ MAXIMUM SHIFT
 - (8) CUSTOMER SPACES
 - (70) SALES/ DISPLAY SPACES
18. (93) TOTAL SPACES
19. 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 THE APPROVAL IS PERMITTED UNLESS AN AMENDED SITE PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.

[illegible]

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: 034010AS

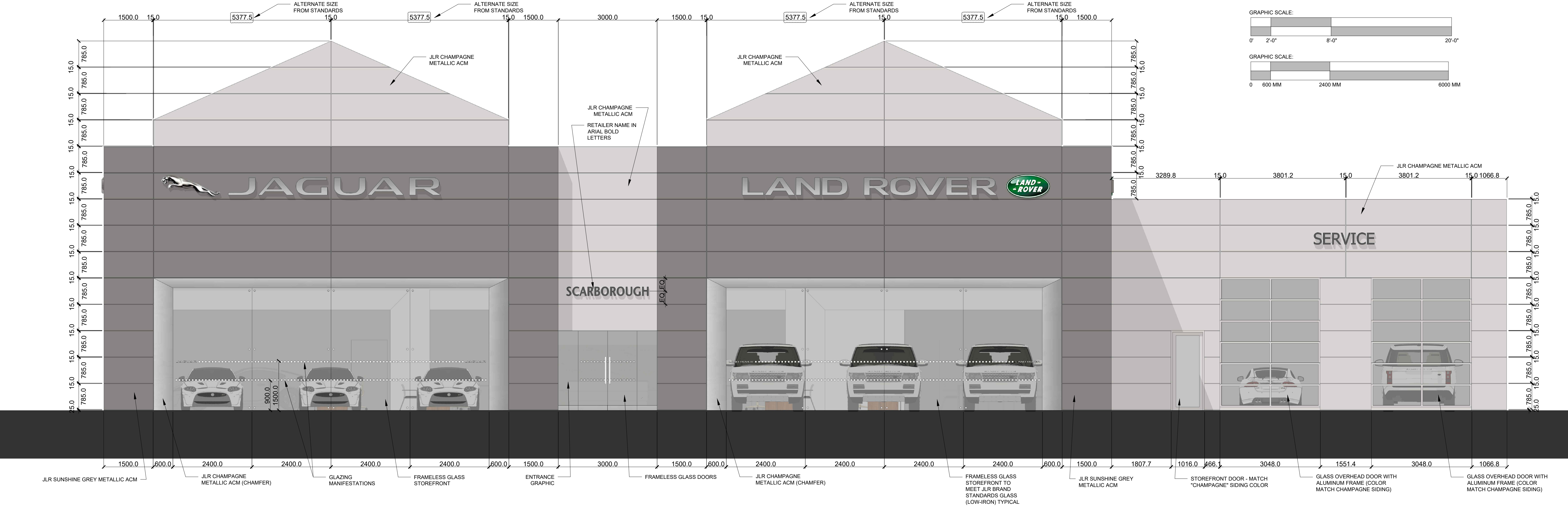




SCARBOROUGH, MAINE

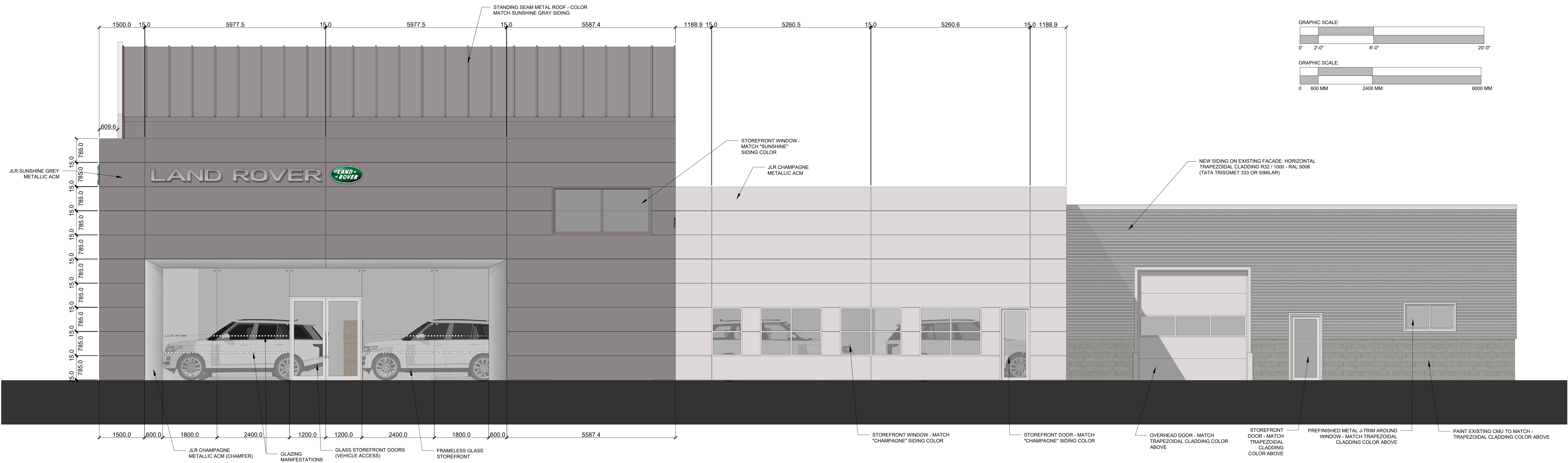
ELEVATION MATERIALS KEY:	
MAIN FACADE COLOR	PRISMA JLR SUNSHINE GREY METALLIC
CHAMFER, ABOVE ENTRANCE COLOR AND DRIVE-IN SERVICE	PRISMA JLR CHAMPAGNE METALLIC
CLEAR GLASS DOORS	12 mm TOUGHENED GLASS WITH METAL SECURITY LOCKING BAR AT THE BASE (LOCK COLOR = STAINLESS STEEL)
WORKSHOP AND BACK OF HOUSE 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

SCARBOROUGH, MAINE



2 ELEVATION

GRAPHIC SCALE:

0' 2'-0" 8'-0" 20'-0"

GRAPHIC SCALE:

0 600 MM 2400 MM 6000 MM

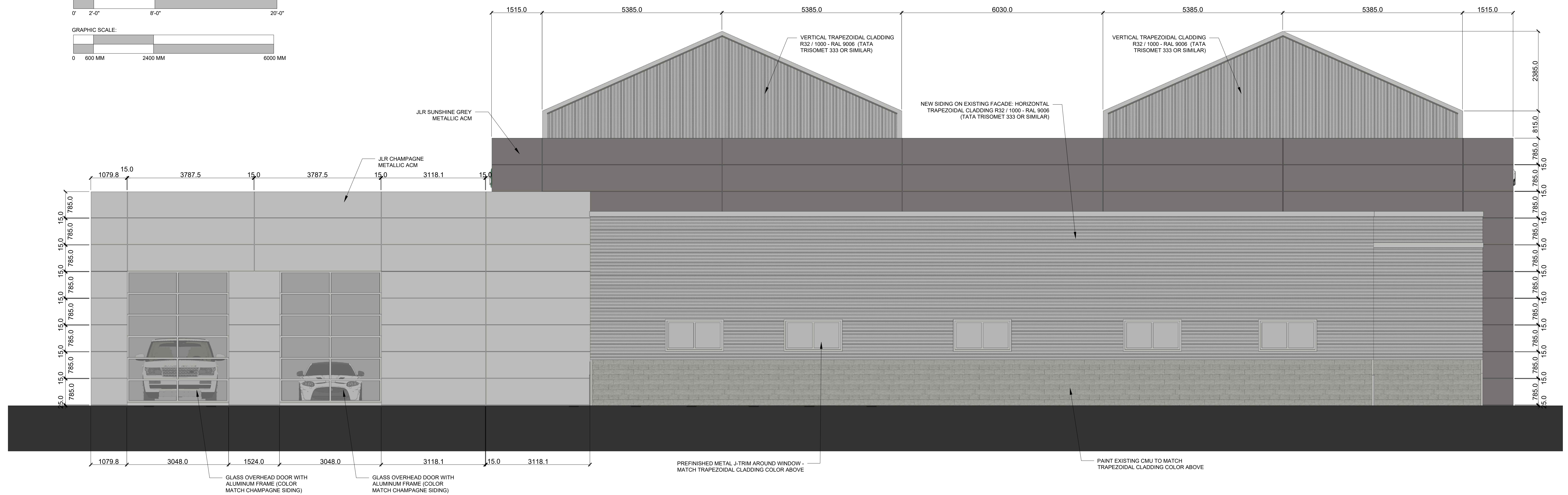


GRAPHIC SCALE:

0' 2'-0" 8'-0" 20'-0"

GRAPHIC SCALE:

0 600 MM 2400 MM 6000 MM



4 ELEVATION

PORTION OF THE PLANNING BOARD MINUTES FROM THE JULY 17TH MEETING

“9. E & F Limited Liability Company, requests an amended site plan review for Land Rover Jaguar, 371 US Route 1, Assessor’s Map U39, Lot 46A*”

Mr. Chace informed the Board the applicant is requesting to amend the Contract Zone for the site. Mr. Chace reminded the Board that the site received a contract zone amendment in 2016 to increase the building size from 13,600 sf to 14,370 sf and is now seeking to increase the total to 15, 579 sf. Mr. Chace stated that the applicant is seeking preliminary approval subject to the Town Council amending the contract zone.

Paul Ostrowski with Sebago Technics is representing the applicant. Mr. Ostrowski explained that the proposed project is to renovate and expand the existing dealership to comply with the current branding. Mr. Ostrowski stated that the expansion will include an additional service bay.

Ryan Senatore stated the type of materials use for the project and provided samples for the Board to review.

Ms. Hendrickson asked what would be on the second floor. Mr. Ostrowski stated a break room and mezzanine.

Board members add no further issues with the proposal.

Mr. Fellows took a Board vote and it was unanimous. Mr. Fellows stated that a positive recommendation would be made to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-064. Move approval on the new request for a Food Handlers License from James Morande d/b/a Fairhaven Dunes, located at 3 East Grand Avenue. Tabled from the July 19, 2017, Town Council Meeting. *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

08/16/17

N/A

First Reading/Vote

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: Tracy Cole, Deputy Town Clerk

DATE: August 3, 2017

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

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

- James Morande d/b/a Fairhaven Dunes, located at 3 East Grand Avenue

The completed application is on file with Clerk's Office and there are no outstanding issues. It is recommended that this license be approved. The license will be issued when applicant receives its Occupancy Permit.

This item had been tabled from the July 19th meeting due to legal notice not being posted properly.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-065. The second reading on the proposed amendments to the Higgins Beach Character-Based Zoning Districts has been scheduled for Wednesday, September 6, 2017. *[Planning Department]*

Planning Department

Sponsor

07/19/17 7 Yeas.

First Reading/Vote

Ought to Pass

Recommendation

09/06/17

Second Reading/Final Approval/Vote

To: Town Council and Tom Hall

From: Jay Chace, Planning Director

CC: Brian Longstaff, Zoning Administrator

Date: August 11, 2017

RE: Higgins Beach Character Code Audit- Amendments for Consideration at 2nd Reading

As a follow-up to our Department's July 12 memo related to the Higgins Beach Audit process I offer this memo to address updates for consideration that have come to our attention as part of the on-going review process. Staff will be prepared to introduce the amendments at public hearing.

➤ Non-Conforming Structures

As identified during 1st reading, the non-conforming language proposed at 1st reading remained under review. The language in the current amendments, dated 7/18/17, adequately addresses the addition of *components* to non-conforming structures, but is insufficient to enable expansions of non-conforming *principal buildings* within the allowable building envelope without the need for Zoning Board of Appeals review. The proposed additional language below is aimed at addressing this issue.

1. **NON-CONFORMING USES STRUCTURES**

a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.

- i. Any such building may be expanded, enlarged, or increased in height provided that any such expansion or addition is within the principal building placement identified in Article 2 and the addition meets all other building standards of Article 4. A building that is nonconforming as to the maximum front setback may be expanded pursuant to the requirements in this subsection.

Without this language only components could be added to non-conforming structures (see proposed Article 5.C.2.d) in conforming areas of a given lot, but expansions of principal buildings within the conforming areas would not otherwise be allowed.

Recommended language, as stated above, would be added to proposed Article 5.C.2, "Non-Conforming Uses Structures" (page 53)

Recommend adding the word and to the title of Article 5.C.2, "No-Conforming Uses and Structures"



➤ Porch Encroachment

Porch Encroachment is another item that was identified for additional attention. As adopted in 2015, projecting and integral porches were only allowed at the principal entrance of a building. The proposed language seeks to enable greater allowances for the use of the porch component; however the permissible encroachment of a porch was not duly considered. After deliberation, the Long Range Planning Committee felt it was appropriate to reconsider and offer the following for consideration:

1. Maintain the 10' encroachment for the primary frontage.
2. Enable encroachment on the rear setback, which is consistent with the allowance for decks in the rear yard.
3. Allow encroachment on secondary frontage yards, which would maintain the same overall setback as primary front yards (i.e. setback from a street).
4. No allowance of encroachment into side yards. Side yard setback are already reduced to 8'. The Committee felt further encroachment would not be consistent.

Recommended language is further demonstrated on below, Article 4.E. 1 & 2, "Permitted Encroachment" (page 38).

➤ Administrative Adjustment

Under Article 4.A.8.b the standard states that fire rating must be met if a building is less than 15' from a property line. The Building Code and NFPA Standards actually requires fire rating when less than 5' from a property line.

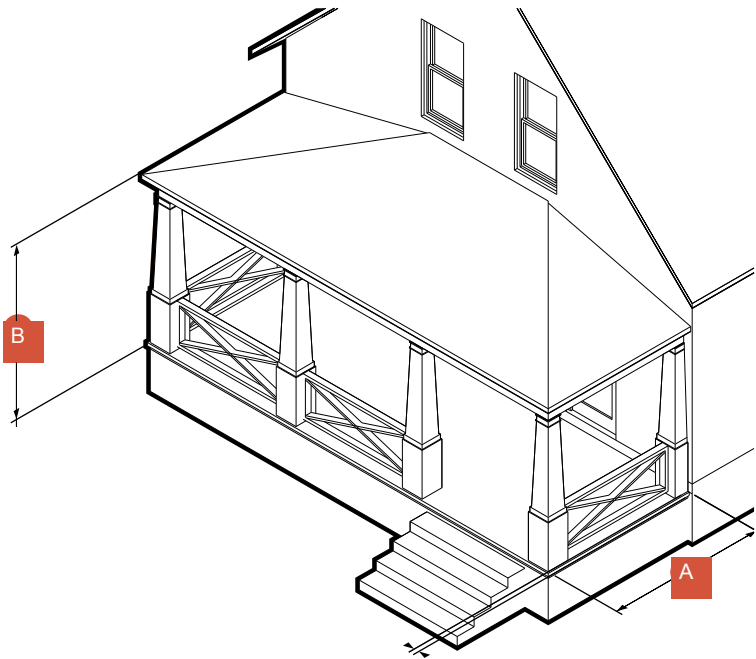
Recommendation is to strike the ~~15'~~ and replace with 5' under Article 4.A.8.b (page 18).

Article 4: Building Standards

E. BUILDING COMPONENTS & STANDARDS

1. PORCH - PROJECTING

A wide, raised platform with stairs that leads to an the principal entrance of a building and has a roof supported by columns or piers.



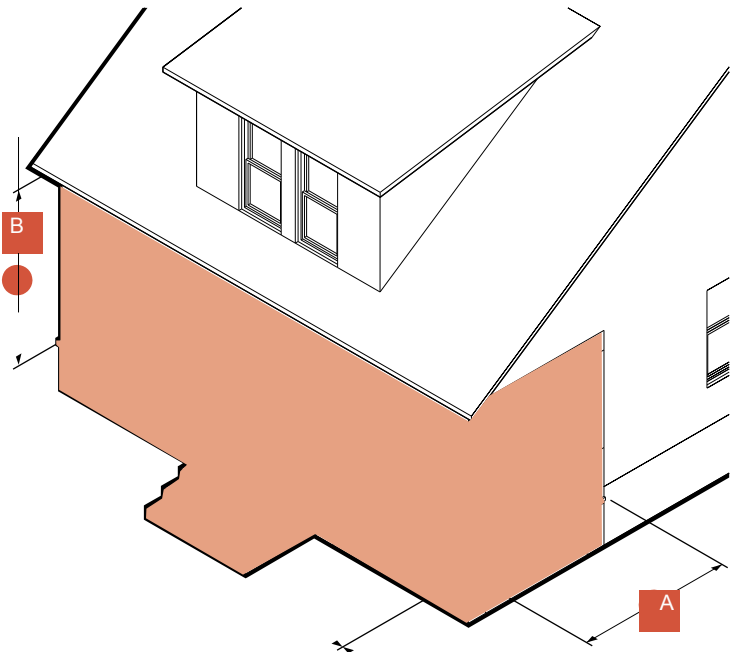
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	4 ft max <u>Secondary Front Setback</u> 10 ft max <u>Primary Front, Rear Setback</u> Encroachment not permitted in Side Setback	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
- ii. Stairs may extend off the front or side of the porch.
- iii. Porches may wrap around corners ~~to~~ and may connect with porches or decks on adjacent building or component faces.
- iv. A projecting porch may appear as an engaged porch if it is partially enclosed and meets the dimensions and standards of this section.

2. PORCH - INTEGRAL

A raised platform with stairs that lead to an the principal entrance of a building and a roof supported by columns or piers. Integral porches are unique in that they are located under the roof of the principal building, such as typical in a bungalow type.



DIMENSIONS

Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	4 ft max <u>Secondary Front Setback</u> 10 ft max <u>Primary Front, Rear Setback</u> Encroachment not permitted in Side Setback	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

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To: Town Council and Tom Hall

From: Jay Chace, Planning Director

CC: Brian Longstaff, Zoning Administrator

Date: July 12, 2017

RE: Higgins Beach Character Code – Audit Draft Amendments

A year and half ago, and after significant outreach and work by the LRPC, Planning Staff and our consultant, the Town Council adopted the Higgins Beach Character Code. This Code is the Town's first character or form-based zoning code that was designed to address longstanding zoning compatibility and conformance issues at Higgins Beach and to allow for and promote additions, renovations and new construction at Higgins that is consistent with the historical character and pattern of the community.



As this is a very different approach to zoning than conventional Euclidian-based zoning regulations, we knew we'd need to monitor how it works and performs and consider making adjustments and fine tuning. To that end, the Long Range Planning Committee, working with residents of Higgins Beach, Staff and our Consultant team, conduct an Audit process to examine what is working well and what may need adjustments.

Based on input from residents we were pleased to find the Character Code has generally been successful in addressing many of the issues identified during the 2015 adoption process. Examples of the successes that have been identified include:

- Many projects have been able to be reviewed administratively and move forward which otherwise would have required a Variance Appeals with the ZBA
- Building placement and orientation are in character – new construction is occurring close to the street and in general character with the historic pattern
- Front porches are working – front porches are being integrated with the house designs in a way that engages with the street while also working for modern interior layouts
- Interior square footage and living space – the trend and desire at Higgins is to enable larger homes with more living space. The Code has enabled this
- Building form and components – generally residents and applicants so far have been satisfied and able to work well with the building standards, components and architectural requirements

However, as noted, the Audit process also highlight areas of the Code that require additional attention. The proposed Code amendments consist of both housekeeping changes that are

essentially edits aimed at clarifying intent, as well as more substantive issues aimed at addressing some design character issues that have been identified. The draft Code amendments are provided under separate cover dated 7-12-2017. The proposed amendments are illustrated utilizing underline to highlight additions and ~~striketrough~~ to illustrate deletions. [Please do note that, due to formatting issues within the draft, tables under Article 3. B. Floodplain and C. Sand Dunes have two pages; one of which illustrates the proposed deletions and the second illustrates the proposed revisions- all other changes are in the towns' common format.]

Below staff has highlighted some of the substantive issues that have been raised and we have identify the elements within the Code that are proposed to be amended to address the issue.

Fenestration Requirements – Fenestration (essentially window or door openings) are a key requirement for certain building features and components. Porches, front facades, dormers and other components require certain percentages of window and/or door openings or transparency, particularly on the building aspects that face the street. Through using the code over the past year and working with architects and designers, we've concluded some fenestration adjustments would be beneficial, while ensuring the HB character goals. The following draft amendments are intended to address this:

- Porch Fenestration – Applicants have been using porches as components on the side and rear of homes, which is in character. In these locations we think a 40% fenestration requirement is more realistic considering how these porches are being designed with interior wall space necessary and transparency is less critical etc. and have drafted this change. Front porches will continue to require 60% fenestration when enclosed.
- Dormer Window Fenestration – Currently dormers are required to have 50% fenestration. This has proven to be difficult to achieve and a lot of glass for a 2nd or 3rd story dormer. We've drafted amendments to bring that fenestration requirement down to the 30%.
- Principle Building / Facade Fenestration – Currently the main body of a house or building is required to have fenestration on the façade, but the code isn't entirely clear that this requirement is only intended for the façade(s) facing the street or beach. Amendments have been drafted to clarify this.

Principal Building Shape and Roof Line Changes – The Code is set up to allow a principal building form (i.e. a box) and then a range of components that can be added to that form, like porches, dormers, rear additions etc. to make the house unique, but also in character. The Code is unclear though about whether the principal building form has to be a four-dimensional box with one consistent roof line and ridge beam or if it can have changes in wall planes and varying roof lines, roof elevations and ridge beams. Through our discussions and on our site walk, there seemed to be a consensus that this needed to be addressed, given a number of new projects that exhibit new homes with multiple primary roof lines and ridge beams and corresponding wall planes that project



in and out. Based on the collective review and discussion, this architectural treatment was viewed as not in character with the desired design outcomes or historic patterns. The following draft amendments are intended to address this:

- **Single Roof Plane** – Language is drafted to require the main building mass to be a rectangular form with a single roof line and type, and prohibiting multiple ridge beams.
- **Vary Buildings by Using Components** – To ensure buildings can be customized and unique per the desires of homeowners, builders, and the community, draft language makes clear that a variety of components can be used to create that range of building designs and that components are to be used to articulate and vary wall planes to ensure character consistency.
- **Measuring and Defining the Main Building Mass** – As stated above, draft language indicates the main building mass is required to be a rectangular form and single roof line and type, and the building length and width standards apply to this main building massing, while components have their own unique dimensional standards.

Height and Massing – As discussed as a group, one of the hardest standards to originally settle on in the Character Code were building height and mass, as many property owners wanted to see the size and height of homes remain more cottage scale, while others specifically wanted to be able to build large, four season homes to live in year-round and have adequate space for themselves and guests. Not surprisingly, we’ve observed that some of the first new construction projects have maximized the allowable building sizes both horizontally and vertically. It was collectively decided that we need to get at this issue with some adjustments, but also recognize that the coastal cottages of the early 1900s aren’t realistic either. The following is an overview of some draft amendments to this end:

- **Reduction in Story Height for 2nd Floors** – To limit overall building height while maintaining the allowed stories and floor area, the draft amendments propose to reduce the allowed 2nd story max. a foot from 10’ to 9’.
- **Reduction in Allowed ½ Story Height** – Currently ½ stories are allowed if they have no greater than 2’ knee walls before the roof line meets the wall. The draft proposes to drop the knee wall allowance down to 1’ for ½ stories.
- **Control 2nd Story Heights** – The draft amendments include a standard for the maximum eave height for residential buildings to help control overall height and help keep structures in scale and character.

Additional Variation and Flexibility – Also as part of the audit, we’ve discovered that allowing more variation and flexibility in components, such as side additions and rear additions and how they are attached to the main building mass, would be beneficial to applicants and still remain in character. The following draft amendments are intended to address this:



- Side Wings – Flexibilities have been drafted in how side additions can attach to the main mass to enable them to be offset and not fully attached to the side wall. This is common in beach communities and generally in New England, and seems like a good added option.
- Rear Additions – Similarly, rear additions are drafted to be able to not be fully behind the main mass, but rather can be offset, subject to dimensional standards and setbacks. Again, this is a flexibility that will enable more variation, but consistent character.

Dealing with Existing Non-Conforming Structures – With the new code, there continue to be some now non-conforming homes that are set too far back from the street or don't otherwise meet some of the new character code standards. The proposed language is designed to enable these structures to become more conforming, but perhaps not entirely conforming, without needing Board of Appeals approval.

Thank you.

Town of Scarborough HIGGINS BEACH CHARACTER-BASED ZONING DISTRICTS

Adopted 12-2-15

Amended XX-XX-XX

Working Date: 7-18-17

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ARTICLE 6: DEFINITIONS

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A. PURPOSE

- a. To implement the Comprehensive Plan of the Town of Scarborough.
- b. To coordinate development and redevelopment according to plans collaboratively developed with community members from Higgins Beach.
- c. To maintain a complete, walkable neighborhood that continues to promote community and neighborly activity.
- d. To preserve and enhance the existing character of Higgins Beach, respects the existing built form, and honors the historic development pattern inherent in the original plat of Higgins Beach.
- e. To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- f. To promote the adaptation of existing buildings and to permit redevelopment and infill construction that contributes to and preserves the character of Higgins Beach.
- g. To allow for a narrow range of business activity that supports the local residents of Higgins Beach.
- h. To enable continued access to Higgins Beach's greatest amenity, the beach, marshes, and other coastal areas.

B. APPLICABILITY

- a. Unless otherwise specified, this District is applicable to all real

property within Higgins Beach as described on the Town of Scarborough Official Zoning Map.

- b. That which is not specifically allowed by this ordinance as it pertains to the dimensions, massing, and location of buildings, lots, accessory buildings, roofs, and components shall be considered to be prohibited.

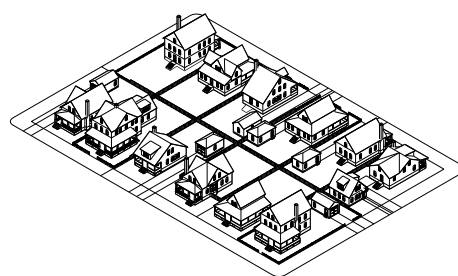
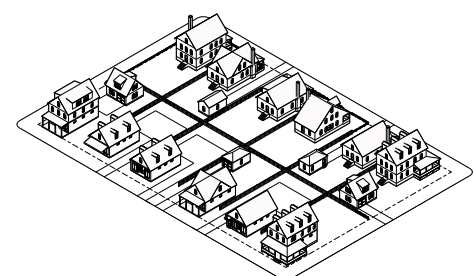
C. TEXT & GRAPHICS

- a. Illustrations, graphics, pictures, and flowcharts are included in this District to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Chapter and any illustration, graphic, picture, or flowchart, the text shall govern.
- b. All metrics included in tables shall be interpreted as text under this Chapter and shall govern.

D. GENERAL TO LOTS

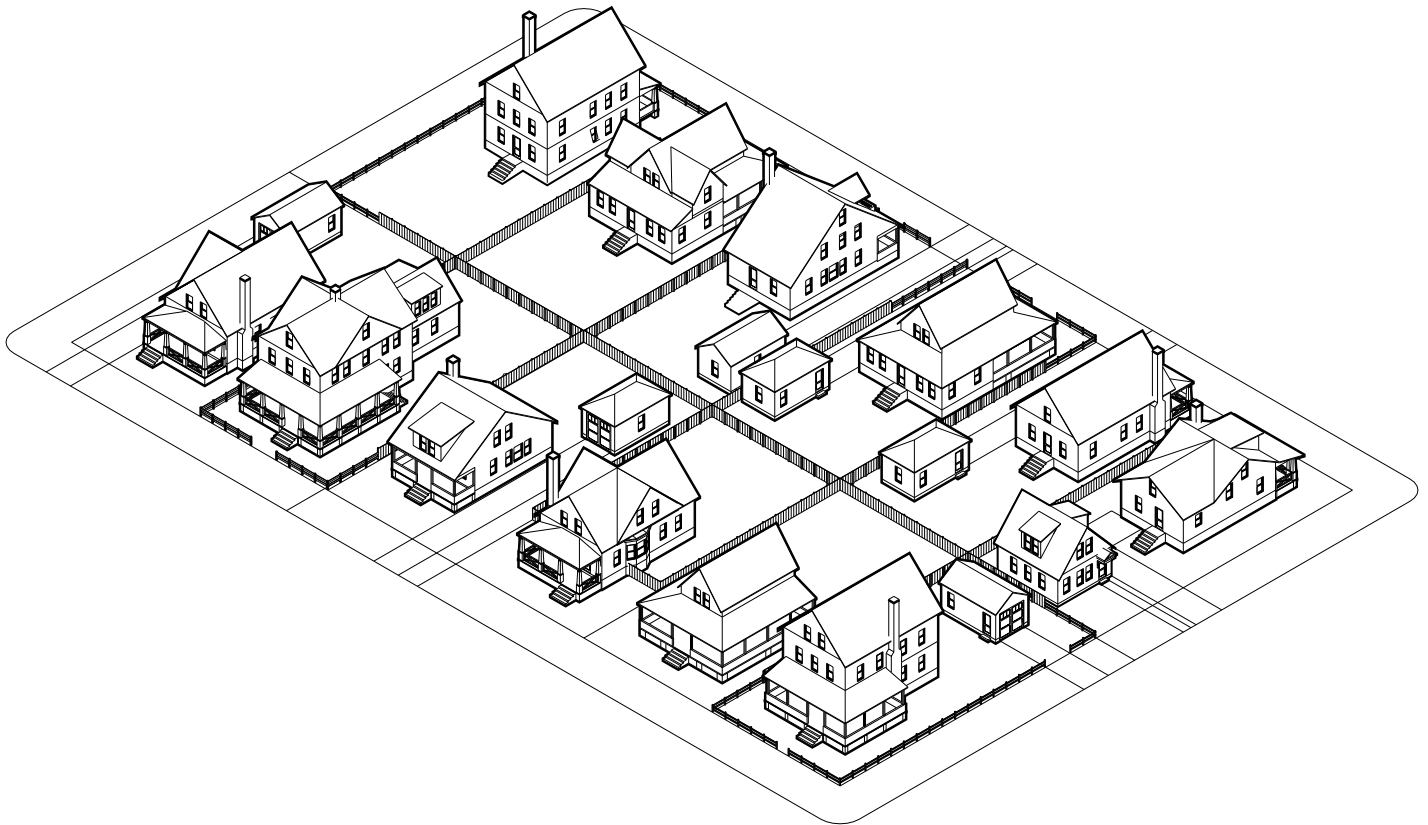
- a. For the purposes of determining setbacks any lot that fronts on two non-intersecting streets, or a street and the beach, shall be considered to have primary front lot lines along all said streets or resources.

TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE

	
1. COASTAL RESIDENTIAL 1 (CD-CR1)	2. COASTAL MIXED-USE LIMITED (CD-CML)

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A. COASTAL RESIDENTIAL 1 (CD-CR1)



INTENT

- a. To conserve the already established residential neighborhood fabric of Higgins Beach and the rhythm of single-family homes and cottages.

PURPOSE

- a. To permit the development of new single-family residential building types on individual lots.
- b. To provide for the administrative review of additions and modifications to existing structures, in keeping with the standards of this District.

BUILDING STANDARDS

- a. See Article 3: Building Standards for the standards for each building type.

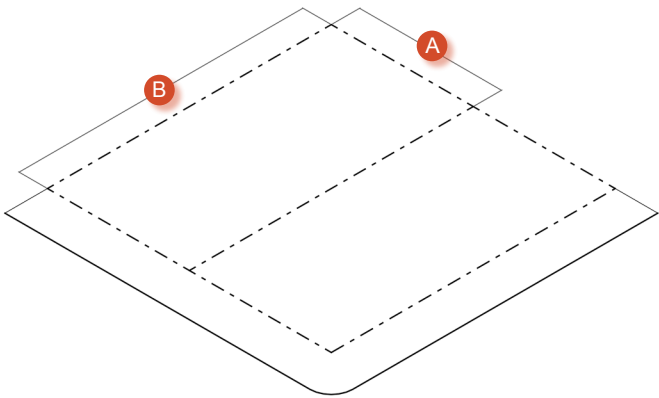
PERMITTED BUILDING TYPES

Coastal Cottage	Permitted
Bungalow	Permitted
House	Permitted
Inn Building	Not Permitted
Shop House	Not Permitted
Neighborhood Store	Not Permitted

Article 2: Character Districts

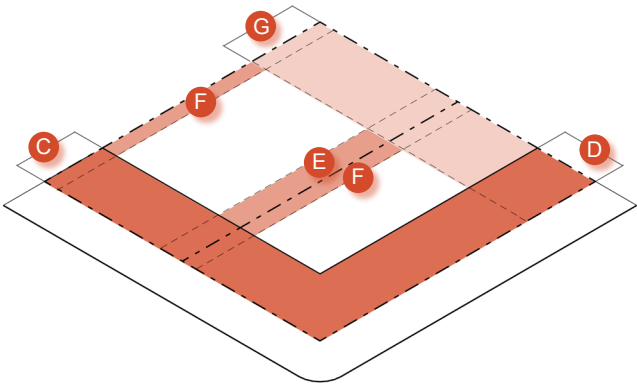
LOT DIMENSIONS

Width	48 ft min, ~~98 ft max~~	A
Depth	98 ft min	B



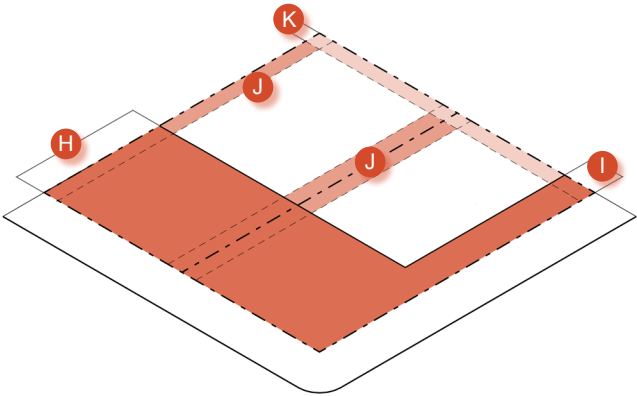
PRINCIPAL BUILDING PLACEMENT

Primary Front Setback	18 ft min, 21 ft max	C
Secondary Front Setback	12 ft min, 21 ft max	D
Primary Side Setback	8 ft min	E
Secondary Side Setback	8 ft min	F
Rear Setback	30 ft min	G

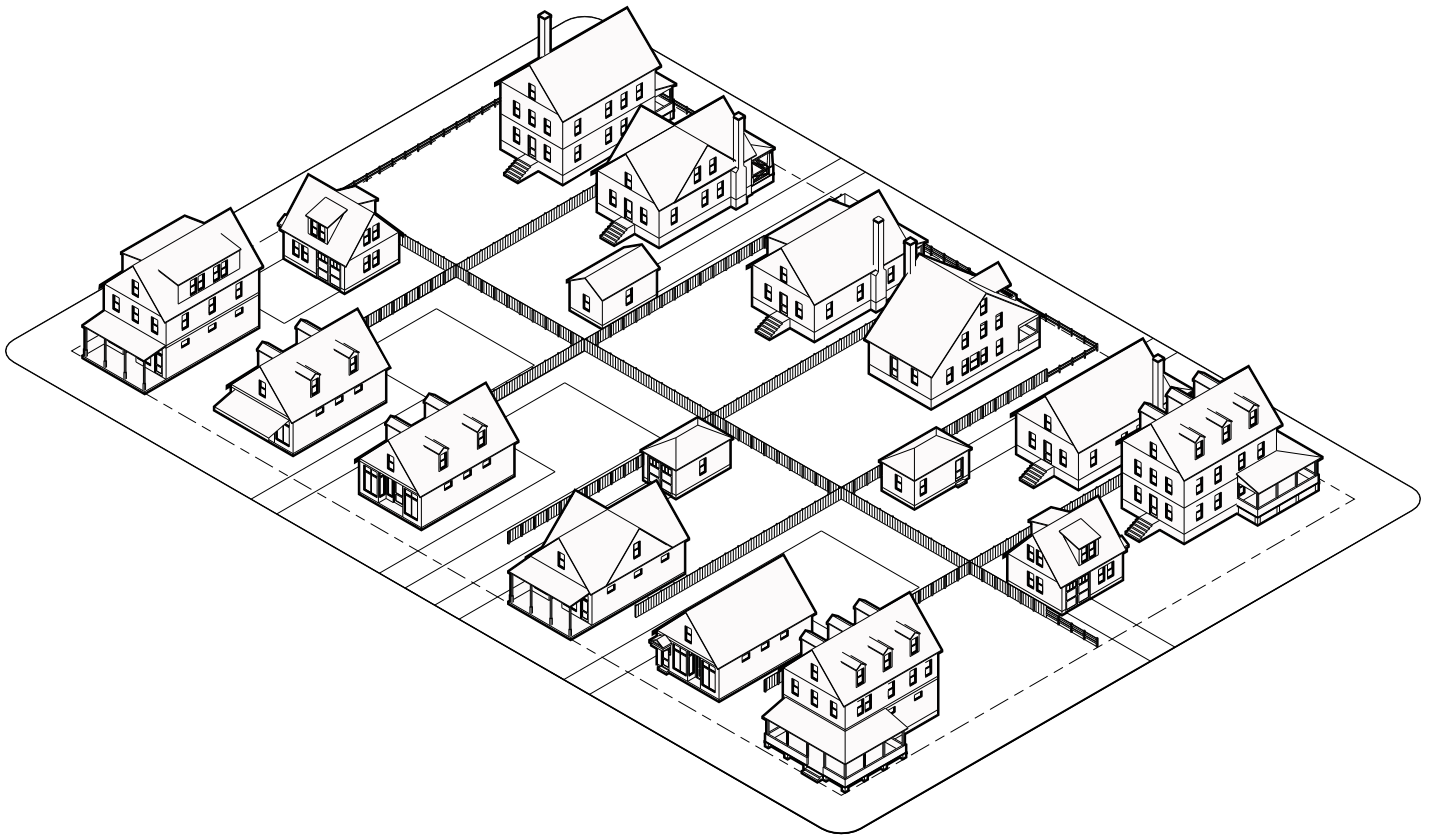


ACCESSORY BUILDING PLACEMENT

Primary Front Setback	40 ft min	H
Secondary Front Setback	12 ft min	I
Side Setback	3 ft min	J
Rear Setback	3 ft min	K



B. COASTAL MIXED-USE-LIMITED (CD-CML)



INTENT

- a. To maintain and enhance the existing mixed use and limited commercial uses that support the existing residential neighborhood.

PURPOSE

- a. To permit appropriate, small-scale commercial uses in keeping with the character of the neighborhood.
- b. To protect existing historic commercial properties that contribute to the character of Higgins Beach.

BUILDING STANDARDS

- a. See Article 3: Building Standards for each building type.

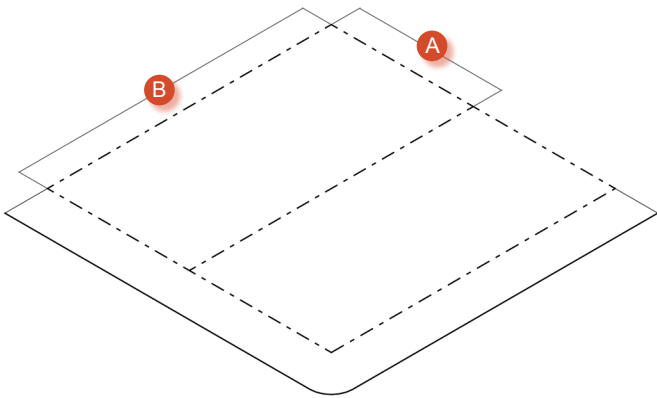
PERMITTED BUILDING TYPES

Coastal Cottage	Permitted
Bungalow	Permitted
House	Permitted
Inn Building	Permitted
Shop House	Permitted
Neighborhood Store	Permitted

Article 2: Character Districts

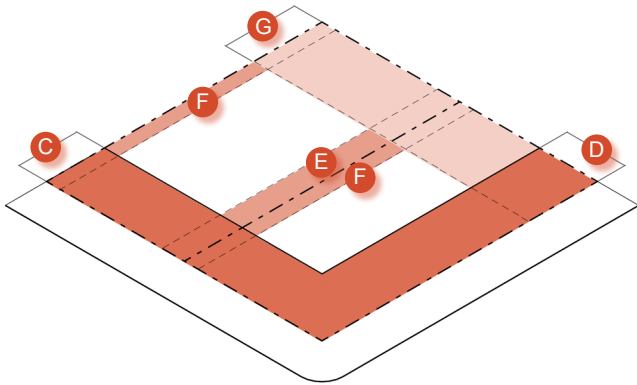
LOT DIMENSIONS

Width	48 ft min, 98 ft max	A
Depth	98 ft min	B



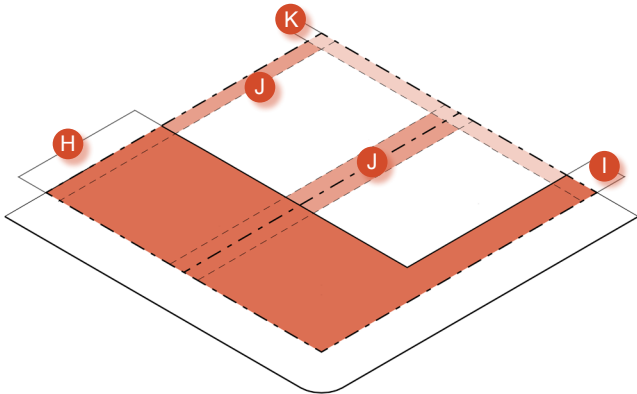
PRINCIPAL BUILDING PLACEMENT

Primary Front Setback	8 ft min, 21 ft max	C
Secondary Front Setback	8 ft min, 21 ft max	D
Primary Side Setback	8 ft min	E
Secondary Side Setback	8 ft min	F
Rear Setback	20 ft min	G



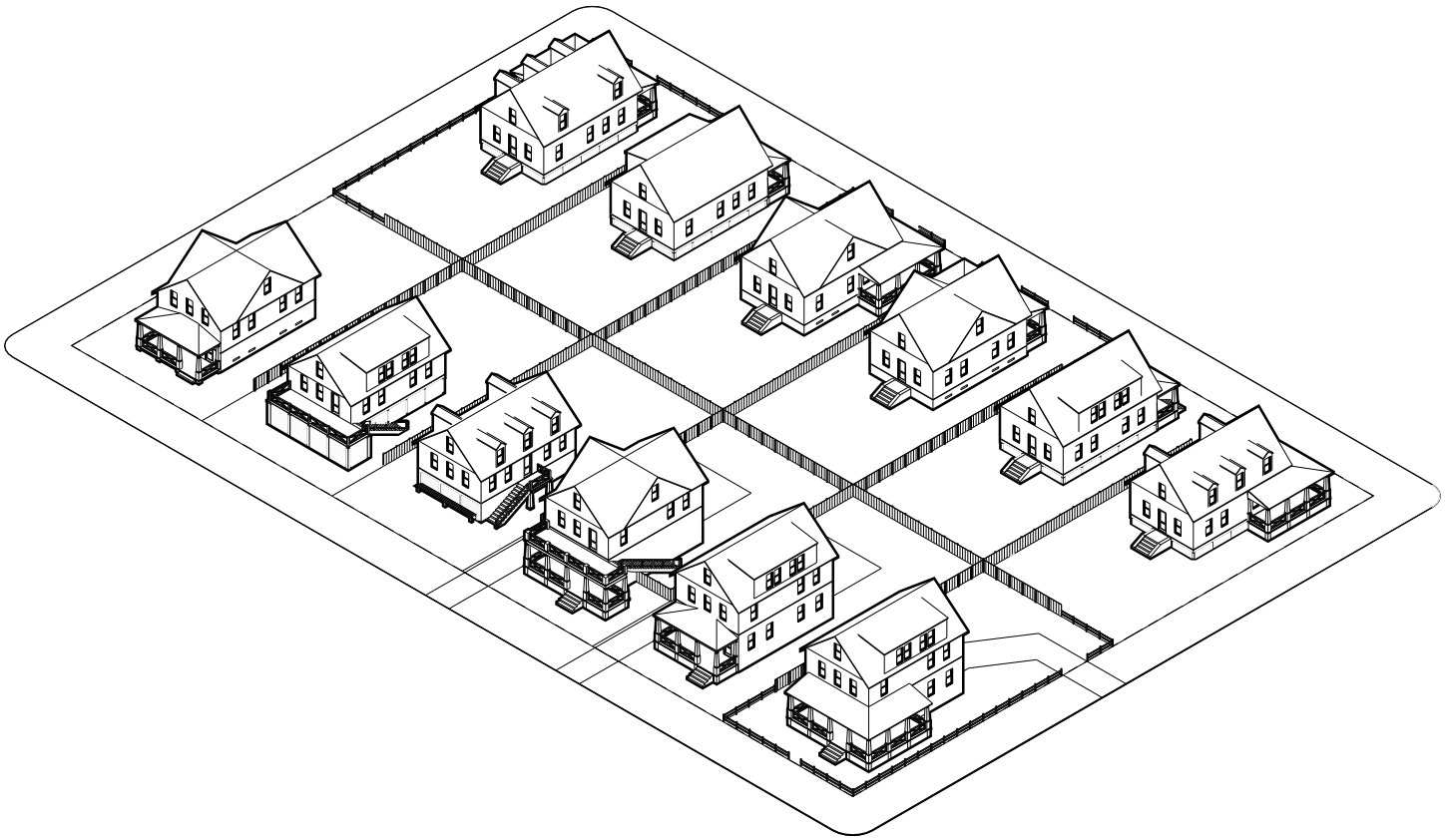
ACCESSORY BUILDING PLACEMENT

Primary Front Setback	40 ft min	H
Secondary Front Setback	8 ft min	I
Side Setback	3 ft min	J
Rear Setback	3 ft min	K



A. SHORELAND OVERLAY

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405C THE SHORELAND ZONING ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS



75 ft from the resource

75 to 250 ft from the resource

** measured from highest annual tide

New Construction	No new construction.	New construction allowed per Coverage standards below.
Additions/Expansions	30% expansion max., area and volume, from January 1, 1989.	Expansions allowed per Coverage standards below.
Coverage	Limited to existing coverage as per Chapter 405C the Shoreland Zoning Ordinance	35% Development Coverage * includes all land covered by nonvegetated surfaces as per Chapter 405C the Shoreland Zoning Ordinance
Height	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	May not move or add to an existing structure any closer to the resource as per Chapter 405C the Shoreland Zoning Ordinance	See Article 2. Character Districts
Accessory Units	In the Shoreland Overlay accessory units are considered separate dwelling units and are only permitted when both the single-family dwelling and the accessory unit individually comply with the lot dimensional requirements	See Section 15.A.5. of Chapter 405C the Shoreland Zoning Ordinance

B. FLOODPLAIN

INCLUDED FOR COMPARISON

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405A THE FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS

	VE	AE	AO	A
New Construction	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.
Additions/Expansions	No additions to existing structures, except fire escapes and handicap access.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.
Coverage	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.
Elevation	1 ft above base flood as defined under Chapter 405A the Floodplain Management Ordinance * Measured to bottom of lowest horizontal framing member	1 ft above base flood as defined under Chapter 405A the Floodplain Management Ordinance * Measured to top of lowest enclosed floor.	1 ft higher than the flood depth specified on FIRM or at least 3 ft if no depth number is specified	1 ft above base flood as determined by the methods under Chapter 405A the Floodplain Management Ordinance Article III.H.1.b.
Height	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning
Specifications	Post, Piers, Pilings See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	Flood vents in basement. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	See Article 4.D.	See Article 4.D.

B. FLOODPLAIN

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405A THE FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS. ADDITIONAL LIMITATIONS/REQUIREMENTS PURSUANT TO MAINE DEP CHAPTER 355: COASTAL SAND DUNE RULES, MAY BE APPLICABLE. *

	VE	AE	AO	A
New Construction	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.
Additions/Expansions	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.
Coverage	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.
Elevation	Bottom of lowest horizontal framing member must be 1 ft above base flood as defined under Chapter 405A, Article VI.P of the Floodplain Management Ordinance.	Top of lowest floor including basement must be 1 ft above base flood as defined under Chapter 405A, Article VI.F-G of the Floodplain Management Ordinance.	*1 ft higher than the flood depth specified on FIRM or at least 3 ft if no depth number is specified.	1 ft above base flood as determined by the methods under Chapter 405A the Floodplain Management Ordinance Article III.H.1.b.
Height	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.
Specifications	*Post, Piers, Pilings See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	*Flood vents in basement. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	*See Article 4.D.	*See Article 4.D.

C. SAND DUNES

INCLUDED FOR COMPARISON

THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS **FOR SPECIFIC STANDARDS AND REQUIREMENTS**

	Frontal Dune	Back Dune	Erosion Hazard Area
New Construction	No new construction with exceptions	New construction allowed per standards below.	New construction allowed per standards below.
Additions/Expansions	Additions to new structures are not allowed, except vertical building additions within the existing footprint, fire escapes, and handicap access.	Expansions allowed per standards below.	Expansions allowed per standards below.
Coverage	40% development coverage * includes buildings, porches, driveways, and landscaped areas.	40% development coverage * includes buildings, porches, driveways, and landscaped areas.	40% development coverage * includes buildings, porches, driveways, and landscaped areas.
	20% building coverage * includes building footprint, n/a porches.	20% building coverage * includes building footprint, n/a porches.	20% building coverage * includes building footprint, n/a porches.
	2,500-sf max building footprint * includes building footprint, including porches.	2,500-sf max building footprint * includes building footprint, n/a porches.	2,500-sf max building footprint * includes building footprint, n/a porches.
	Plus additional 500-sf for parking or handicap access.	Plus additional 500-sf for parking or handicap access.	Plus additional 500-sf for parking or handicap access.
	In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.
Elevation	Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint		Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint
	Developed lot: 3 ft above the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.		Developed lot: the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.
Height	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.
Placement on Lot	Seaward building facade may not extend beyond that of adjacent structures	Controlled by Character District.	Controlled by Character District.
Specifications	Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.		Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.

PROPOSED REVISIONS FOR APPROVAL

C. SAND DUNES

THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS, CHAPTER 355: COASTAL SAND DUNE RULES, FOR SPECIFIC STANDARDS AND REQUIREMENTS. CONSULT MAINE DEP STAFF FOR RULE INTERPRETATIONS AND DETERMINATIONS.

	Frontal Dune	Back Dune	Erosion Hazard Area
New Construction	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP
Additions/Expansions	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP
Coverage	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP
Elevation	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint Developed lot: 3 ft. above the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance, whichever is higher.
Height	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.
Placement on Lot	See Chapter 355 - consult with Maine DEP	Controlled by Character District or See Chapter 355 - consult with Maine DEP	Controlled by Character District or See Chapter 355 - consult with Maine DEP
Specifications	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP

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A. STANDARDS FOR ALL BUILDINGS

1. GENERAL

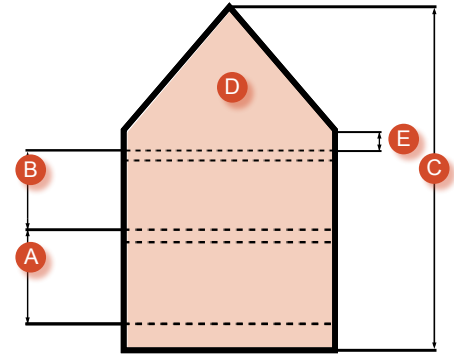
- a. Principal building types are summarized on Table 3-1 4.2A and permitted according to Character District standards in Article 2: Character Districts.
- b. See Article 3-B-4.B for the standards for each building type.
- c. The Planning and Code Enforcement Department shall classify existing principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types.
- d. Existing buildings may be considered a component or accessory building of a new principle building on the same lot, provided they meet all dimensional requirements for that component or accessory building (with the exception of roof pitch, which may remain nonconforming provided the existing nonconformity is not extended to the roof pitch of the new principle building.)

2. BUILDING MASSING & ASSEMBLY

- a. All principal and accessory buildings must meet the standards for one of the building types provided in Article 4B.
- b. Each principal building and accessory building type must be comprised of a main building mass with a rectangular form and a single allowed roof type.
- c. In order to create a broad range of building designs and promote architectural creativity, components may attach to both principal and accessory buildings.
- d. The outer wall of a main building mass must be located entirely in a single plane. Articulation in the wall plane is not permitted except through the use of a component.
- e. For the purpose of measurement, building length and width standards apply only to the main building mass of principal and accessory buildings. Components have unique dimensions and standards.
- f. Integral or engaged components may recess within the envelope of the main building mass only at the story to which they are attached, and may not alter the boundary of the main building roof above.
- g. Terraced components may recess within the structure of a pitched roof.
- h. Architectural decorations, moldings, adornments, and details shall not be regulated by this ordinance provided they project from the face of a building or component by less than 6 inches.

3. HEIGHT

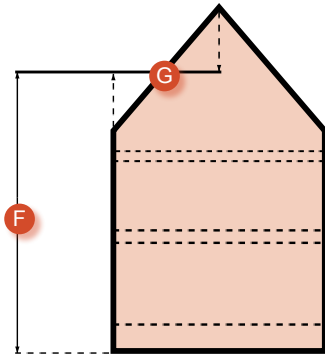
- a. Building Height, Stories



- i. Story height is measured from the surface of any floor to the surface of the floor above it (A) or, if there is no floor above, from the surface of the floor to the top of the lowest horizontal roof joist or collar tie, whichever is lower (B).
- ii. To calculate building height by number of stories, each story above the average ground level within the required building placement area is counted as 1 story (C).
- iii. Basements are counted as 1-story when 5 feet or more of an exterior basement wall at the front setback excluding the rear wall, is exposed above the average ground level within the the required building placement area.
 - a). An unfinished or flood resistant enclosure for utilities, building access or storage in an area other than a basement area is not considered a building's basement.
- iv. For buildings with pitched roofs, habitable space is allowed within the pitch and is not considered a full story (D).
- v. A habitable floor within a pitched roof must be counted as a full story if the roof rafters intersect the wall plate or top of the exterior wall frame at a height more than 1 feet above the finished floor of the space (E).
- vi. A half-story is a habitable story within a pitched roof where the roof rafters intersect the wall plate or top of the exterior wall frame at a height less than 1 feet above the finished floor of the space (E).
- vii. A building that has more than one floor contained within the structure of a pitched roof must count all but the top floor as a story.
- viii. When building height allows for a half-story, the half story is counted as the habitable space located directly under a pitched roof. The following standards apply:
 - a). The roof rafters must intersect the wall plate or top of the wall frame of the exterior walls at the finished floor of the half story.

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b. Building Height, Feet



- i. In the Character Districts building height is generally regulated by stories, but shall also comply with a maximum building height limit of thirty-two (32) feet.
- ii. Building height **by feet** shall be measured as required in the Zoning Ordinance definition: the vertical distance **F** measured from the average elevation of the finished grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roof **G**.

- iii. In the Shoreland Zone building height is also limited to thirty-five (35) feet measured to the highest point of the structure as required in Chapter 405C, Section 17 of the Shoreland Zoning Ordinance.

c. Story Height

- i. Story height is measured from the top of the finished floor to the finished floor above, or top of wall plate on single story structures.
- ii. Minimum story height requirements do not apply to half-stories.

d. Ground Floor Elevation

- i. Ground floor elevation is measured from the average ground level at the front of the building, to the top of the finished floor of the ground story of a building.
- ii. Ground story dwelling units must be elevated above grade a minimum of 2 ft.
- iii. Ground floor should not be confused with "lowest floor" as defined in Chapter 405A - Scarborough Floodplain Management Ordinance on those parcels in Special Flood Hazard Areas.

- e. Eave Height is measured from the top of the foundation to the lowest point of a soffit, or the lowest point of the rafter ends if there is no soffit.

TABLE 4.1A ROOFS BY BUILDING TYPE - (SEE TABLE 4.1B FOR ROOF STANDARDS BY COMPONENT TYPE)

	Gable	Hip	Bungalow Gable	Shed	Flat*
Coastal Cottage	9:12 Min 14:12 Max	-	-	-	-
Bungalow	-	-	6:12 Min 14:12 Max	-	-
House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	-
Inn	6:12 Min 12:12 Max	3:12 Min 12:12 Max	-	-	1.5:12 Min* 2:12 Max
Shophouse	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	-
Neighborhood Store	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Outbuilding	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Carriage House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	-

NOTE: Roofs marked with a dash (-) are not permitted with that building type.

* Or minimum slope required by building code for specified roof system.

- f. Height limits do not apply to mechanical equipment; roof mounted cellular, radio and internet transmission equipment; vents or exhausts; solar panels or skylights; flagpoles; chimneys; parapets or other non-habitable architectural features; and to roof walks in conformance with Article 4.

4. ROOFS

- a. Pitched roofs, if provided, must be symmetrically sloped in accordance with roof pitch standards for the building type (Table 4.1) with the exception of the Bungalow type, which has a unique roof composition.
- b. Pitched roofs must converge, symmetrically, to a single ridge beam at their highest point. Roof assemblies with multiple ridge beams are prohibited.
- c. The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary principal building, unless specifically allowed to be taller.

- d. Gable ends must be located on the narrowest building face or component face, with the exception of the bungalow.
- e. Raking eaves at a building frontage must be restricted in depth such that no part of the roof overhangs the wall below by more than 1 ft, measured horizontally.
- f. No part of any roof may overhang the wall below by more than 3 ft.

5. FENESTRATION

- a. Facades are required to have doors and windows with transparent glass for a percentage of the total area of a facade, measured for each story independently.
- b. Required windows and doors must provide clear, transparent, and un-tinted glass.
- c. Fenestration of a story's facade is measured from the top of a finished floor to the top of the finished floor above, or top of wall

TABLE 4.1B ROOFS BY COMPONENT TYPE

	Gable	Hip	Bungalow Gable	Shed	Flat*
Projecting Porch	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Integral Porch	-	-	-	-	-
Engaged Porch	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Balcony	-	-	-	-	-
Bay Window	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Dormer Window	4:12 Min 14:12 Max	3:12 Min 12:12 Max	-	6:12 Min 14:12 Max	-
Cross Gable	9:12 Min 14:12 Max	-	-	-	-
Roof Walk	-	-	-	-	-
Retail Awning	-	-	-	-	-
Canopy	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Stoop	-	-	-	-	-
Deck	-	-	-	-	-
Rear Addition**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Side Addition Wing**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-
Estate Addition Wing**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-

COMPONENTS

NOTE: Roofs marked with a dash (-) are not permitted with that component type.

* Or minimum slope required by building code for specified roof system.

** Component may not exceed the roof pitch of the Principal Building to which they attach.

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plate on a single story structure.

- d. Fenestration requirements are only applicable to front facades to building walls that face a road, the beach, or any other public way. Exterior walls not facing an interior front lot line are exempt. Components have their own fenestration requirements that apply to all component faces.
- e. To the extent possible, fenestration patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts. Other strategies, including the use of translucent glass on the bottom half of windows or strategically placed landscape elements, should be utilized if it is not possible to offset windows.

6. BUILDING PLACEMENT

- a. All buildings and structures must be located at or behind any required minimum front, side, or rear setback, except as allowed for under Article 4.A.5. Setback Encroachments.
- b. All stories of the facade of a principal building must be built at or within the provided setback range.
- c. The facade of a principal building must be built in a manner generally parallel to a front lot line or to the tangent of a curved front lot line with some adjustment allowed based on irregularly shaped lots.
- d. Notwithstanding the Definition of Corner Lot under Section VI. of this Ordinance, corner lots shall have primary and secondary front setback, side setback and a rear setback as shown under Article 2. Building Placements.

7. SETBACK ENCROACHMENTS

- i a. Notwithstanding the general "Yard" requirements applicable to other Districts within this Ordinance, building frontages and components within the Character Districts may extend beyond a required front, side or rear setback (or yard) as indicated for each type provided that at least 3 ft. is maintained from the vertical plane of any side or rear lot line to the closest point of the structure. Specific encroachments for frontages and components can be found in Article 4.D.
- ii b. Accessory buildings and structures may encroach as indicated in Article 4: Building Standards and Article 6: Development Standards.

8. MATERIALS

- a. Buildings must be sided with wood siding, vinyl siding, or cement board siding.
- b. Buildings located closer than 15 feet from a side or rear property

line must meet the Town's Fire Rating Policy fire rated construction requirements as approved by the Scarborough Fire Department

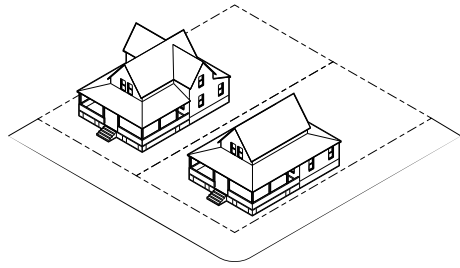
9. GARAGES AND PARKING

- a. Any building, accessory building, or component may contain a garage.
- b. Garages must be setback from the front principal facade of the primary principal building by at least 20 feet, with the exception of lots having a front both on a street and the beach, which are exempt from this provision.
- c. Any paved driveway or parking area with a width greater than 12 feet must be setback from the front or secondary front facades of the primary principal building by at least 10 feet, with the exception of lots having a front both on a street and the beach, which are exempt from this provision.

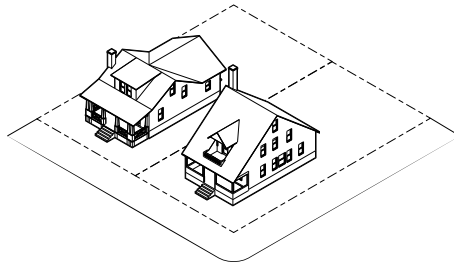
10. ACCESS

- a. All buildings must be accessed by a primary entrance located on the main building mass at, or within 12 ft of, the front principal facade.
- b. Additional entrances may be located on any building or component face.

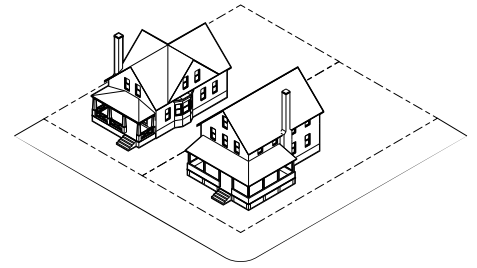
TABLE 4.2A BUILDING TYPES SUMMARY TABLE



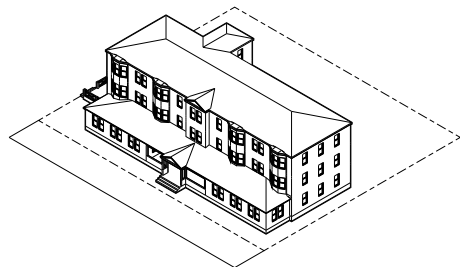
1. COASTAL COTTAGE



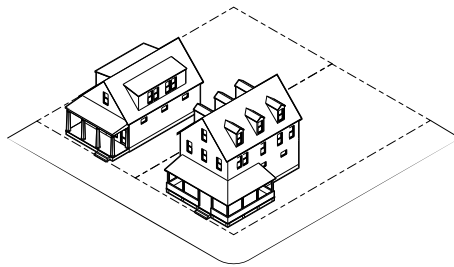
2. BUNGALOW



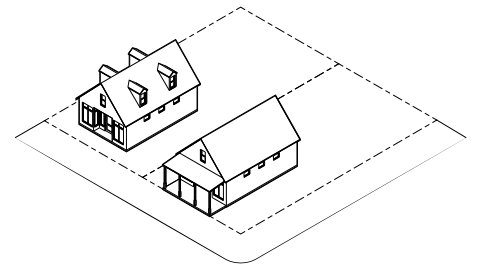
3. HOUSE



4. INN BUILDING

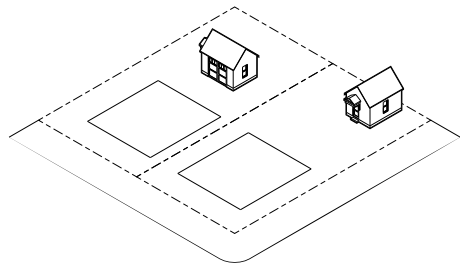


5. SHOPHOUSE

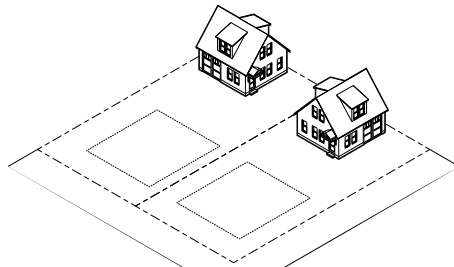


6. NEIGHBORHOOD STORE

TABLE 4.2B ACCESSORY BUILDING TYPES SUMMARY TABLE



1. ONE-STORY OUTBUILDING



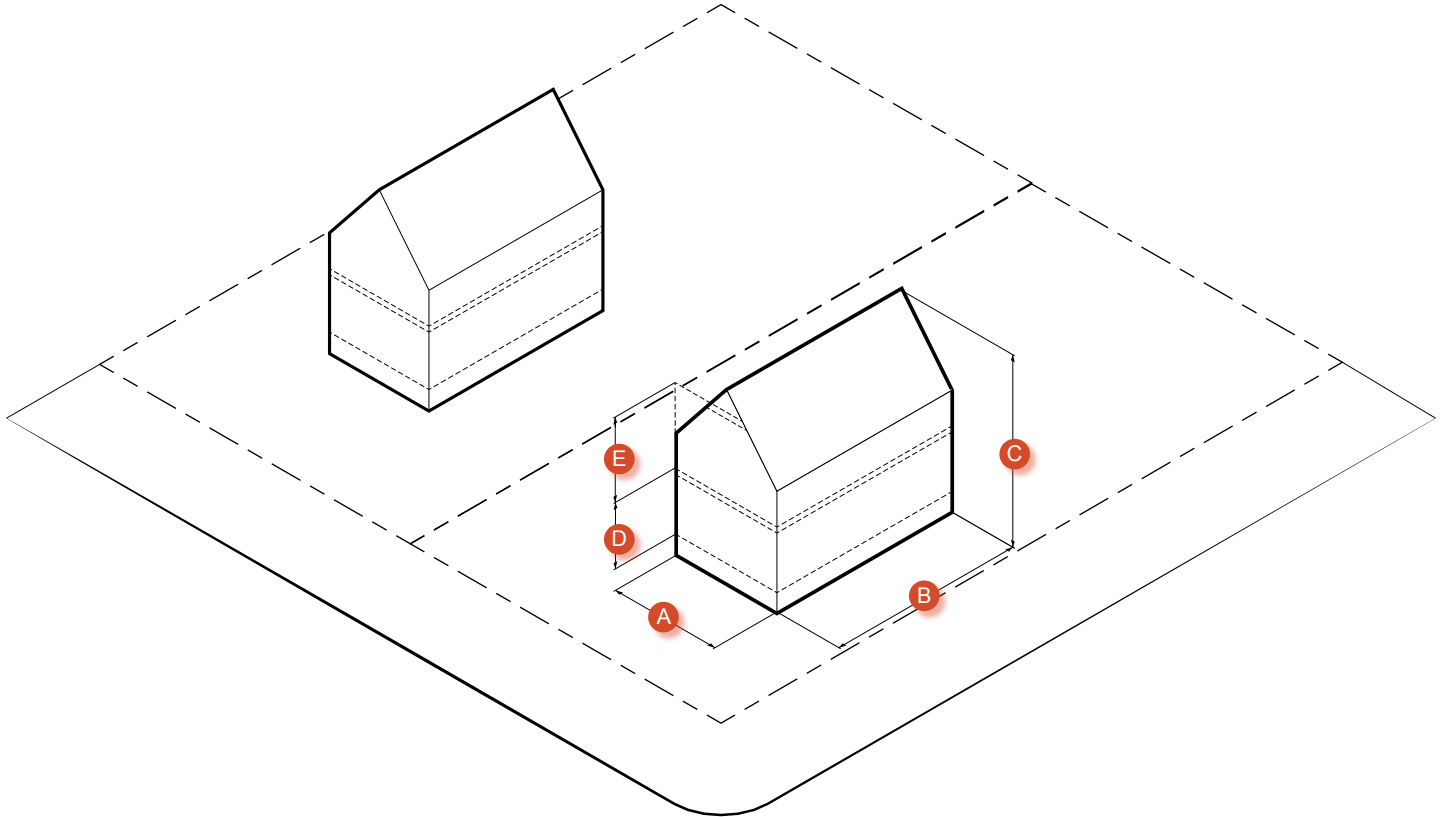
2. ONE-STORY CARRIAGE HOUSE

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B. PRINCIPAL BUILDING TYPES & STANDARDS

1. COASTAL COTTAGE

A detached residential building type with one principal dwelling unit and defined by a narrow, projecting center massing that typically has a wrap-around porch, which is typically engaged on the sides.



BUILDING FORM

Building Width	18 ft 22 ft max	A
Building Depth	36 ft max	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10-9 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	15% min

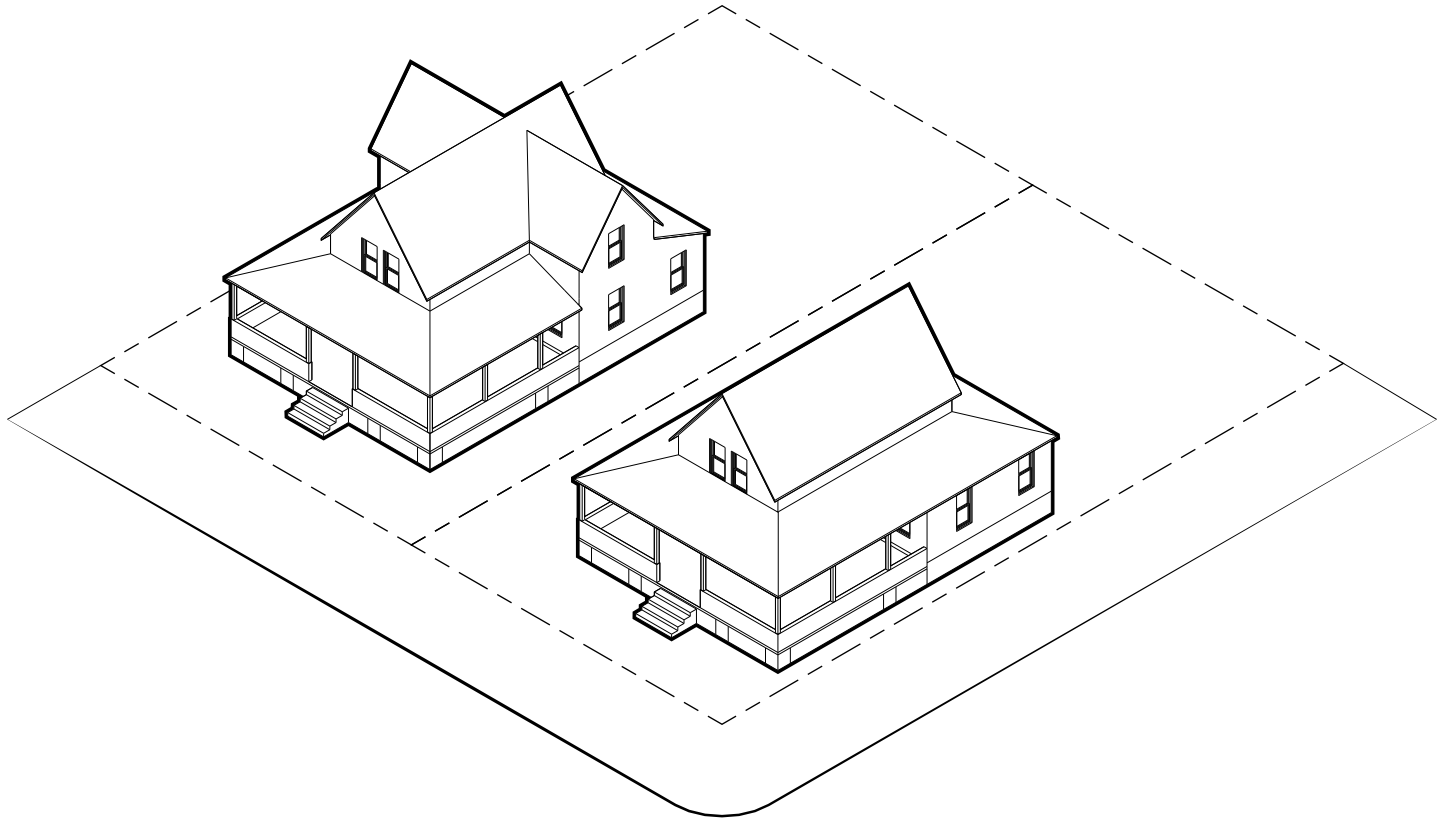
FRONTAGES

See Article 4D

Residential Yard	Required
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

4. COASTAL COTTAGE COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

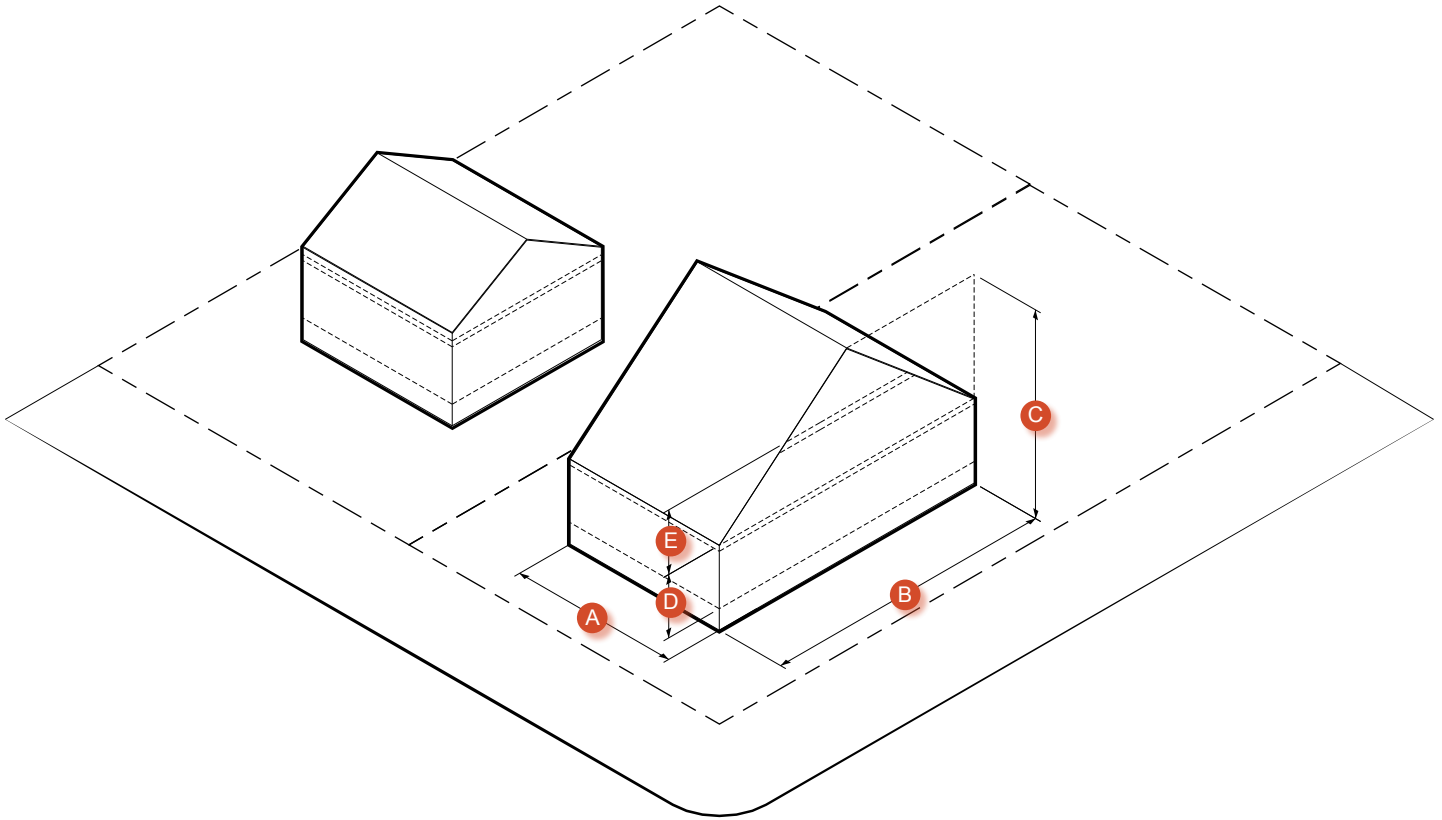
Rear Addition	Permitted
Side Addition	Permitted

STANDARDS

- A minimum of two components may be applied to the **base building-massing main building mass**, including a Porch as required under the Residential Yard Frontage standards (Article 4D).
- The Coastal Cottage may have both a Rear Addition and a Carriage House.
- The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

2. BUNGALOW

A detached residential building type with one principal dwelling unit and defined by a front porch that is integral to the massing and contained under the roof unique roof form, typically including an integral front porch.



BUILDING FORM

Building Width	25 ft max	A
Building Depth	36 ft 40 ft max measured from the inside wall of the porch	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10 9 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	20% min

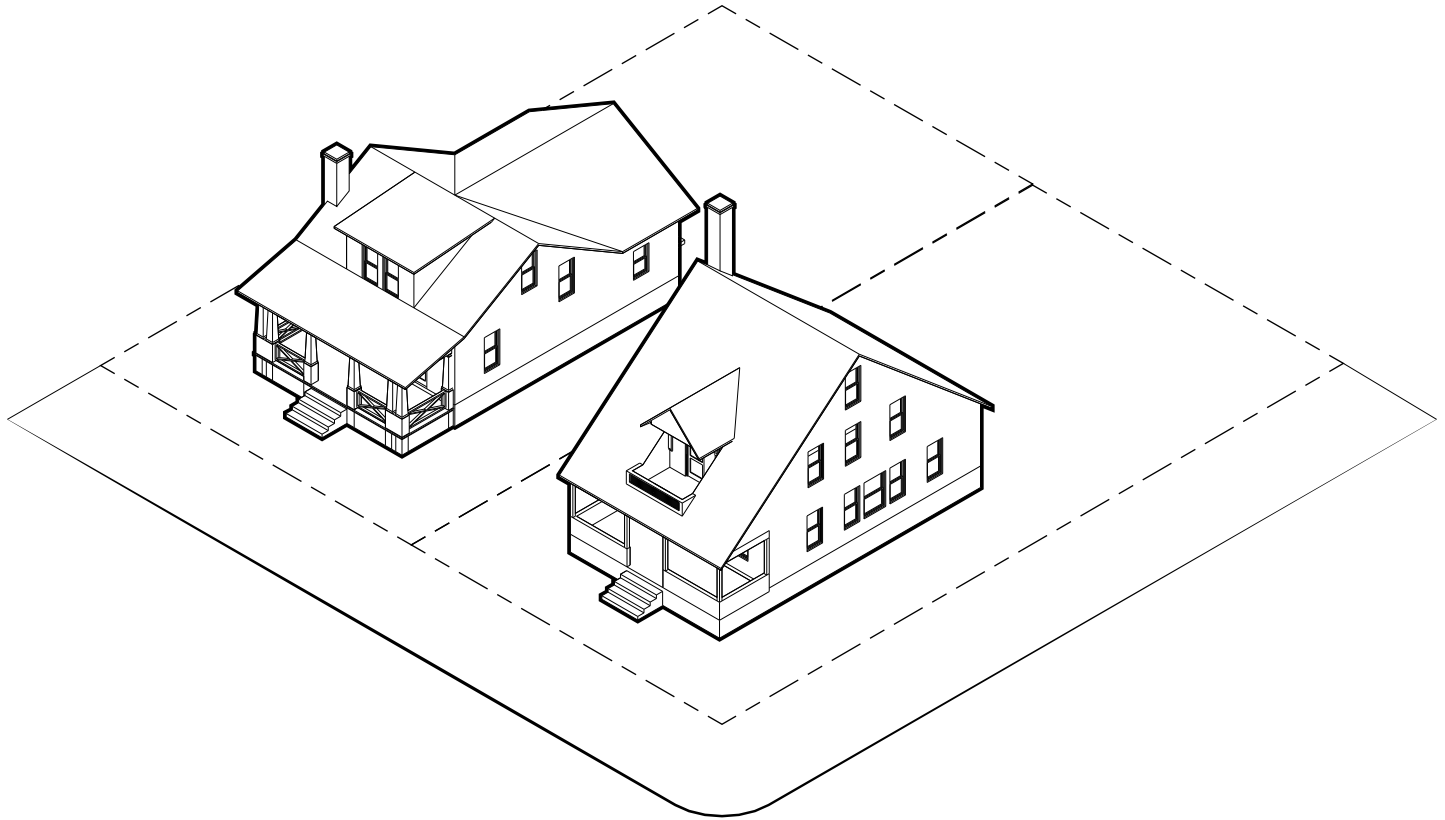
FRONTAGES

See Article 4D

Residential Yard	Permitted
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

2: BUNGALOW COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Required Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted

Deck

Permitted

COMPONENTS (CONT'D)

See Article 4C

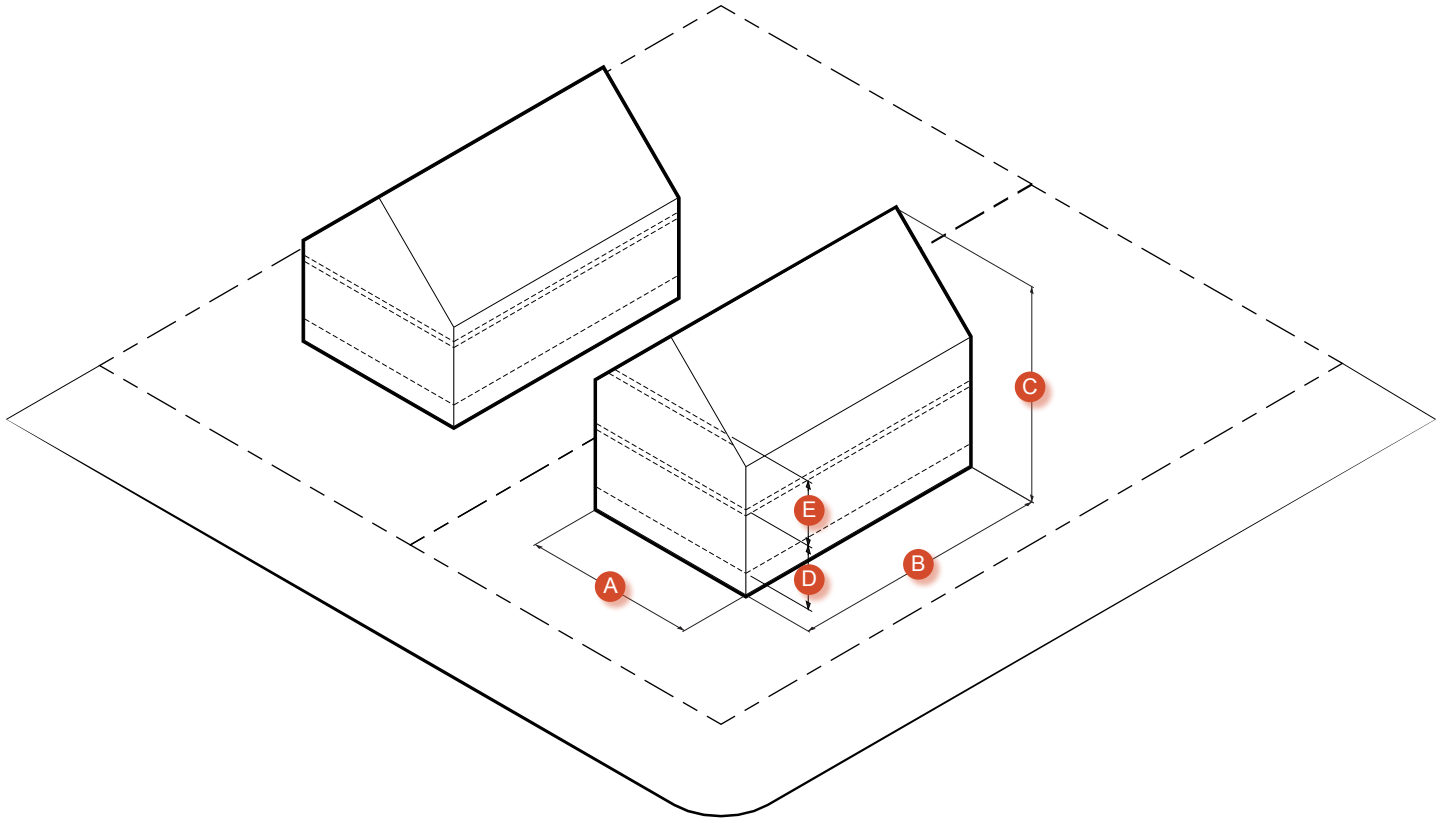
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

STANDARDS

- The gable end of a bungalow must be oriented away from the primary frontage.
- *Stories above the first story must be contained within the roof structure.
- A minimum of two components may be applied to the base building massing main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).
- The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

3. HOUSE

A detached residential building type with one principal dwelling unit and exhibiting architecture with Character District components.



BUILDING FORM

Building Width	30 ft 28 ft max	A
Building Depth	38 ft max	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10 9 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

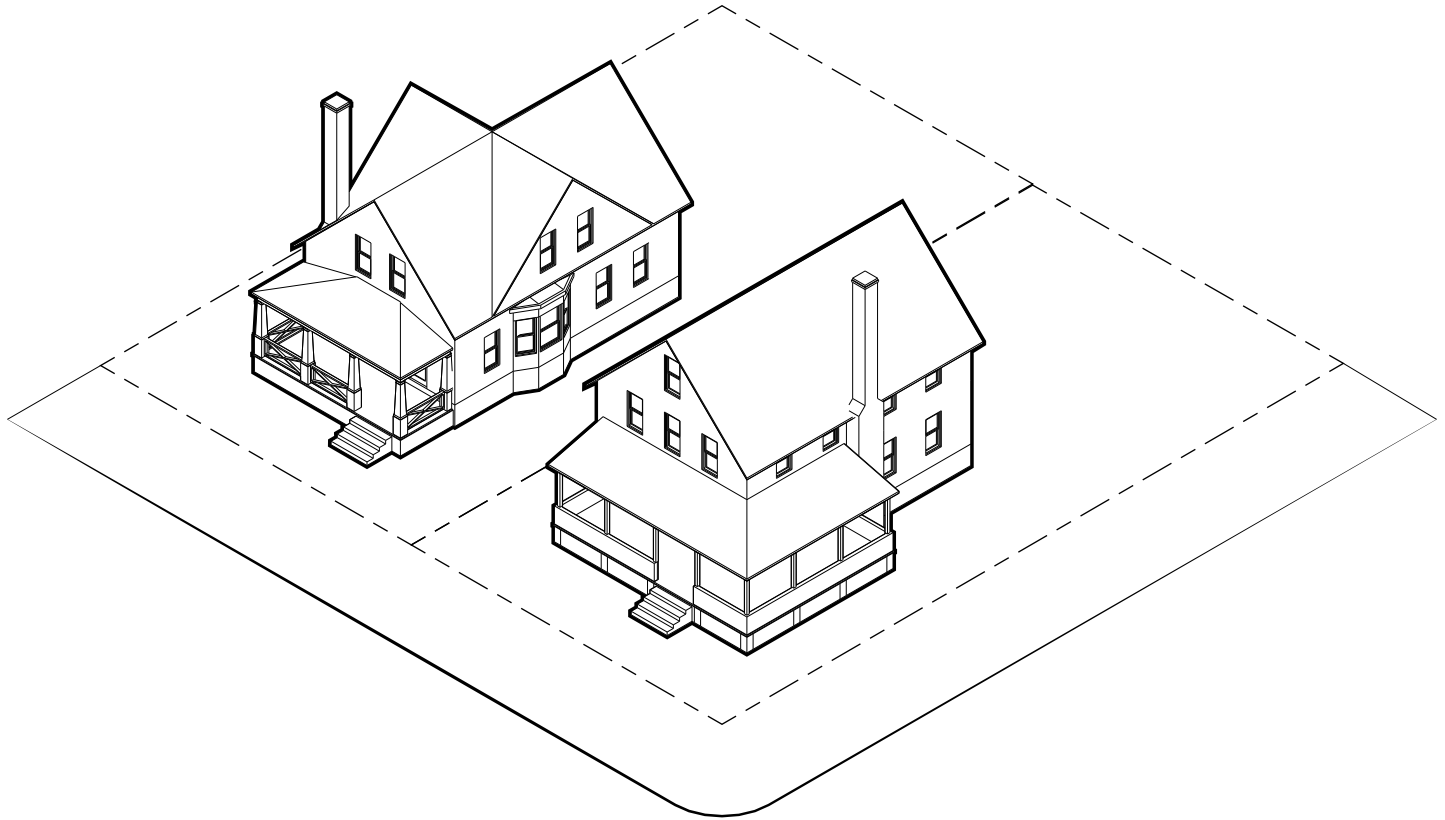
FRONTAGES

See Article 4D

Residential Yard	Required
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

3. HOUSE COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

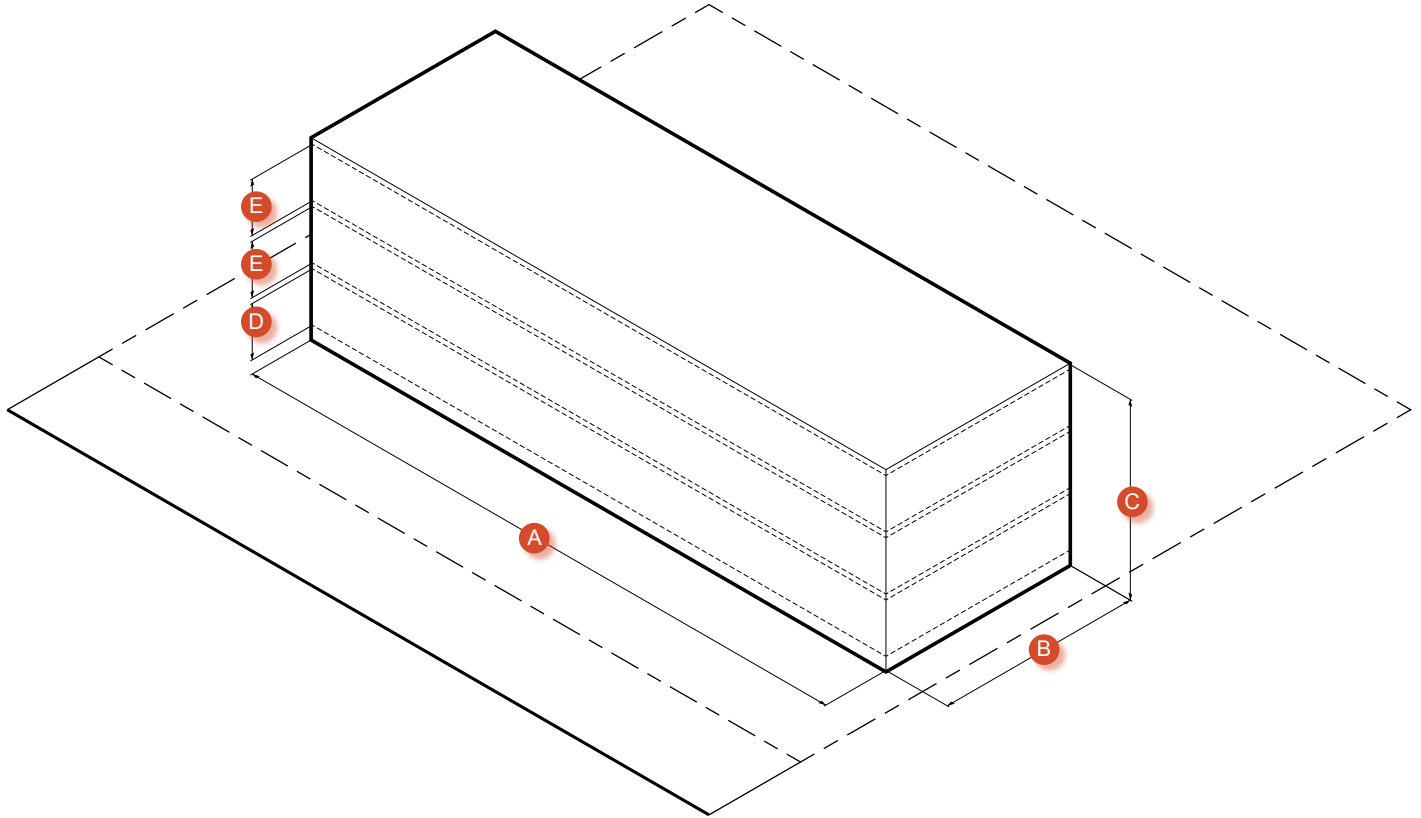
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100 98 ft wide min.

STANDARDS

- A minimum of two components may be applied to the **base building massing main building mass**, including a Porch as required under the Residential Yard Frontage standards (Article 4D).
- The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

4. INN BUILDING

A large floor plate, detached mixed-use building type with residential or lodging units on upper floors and supporting limited commercial uses on the ground floor.



BUILDING FORM

Building Width	100 ft max	A
Building Depth	50 ft max	B
Total Stories	3 stories max*	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	12 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

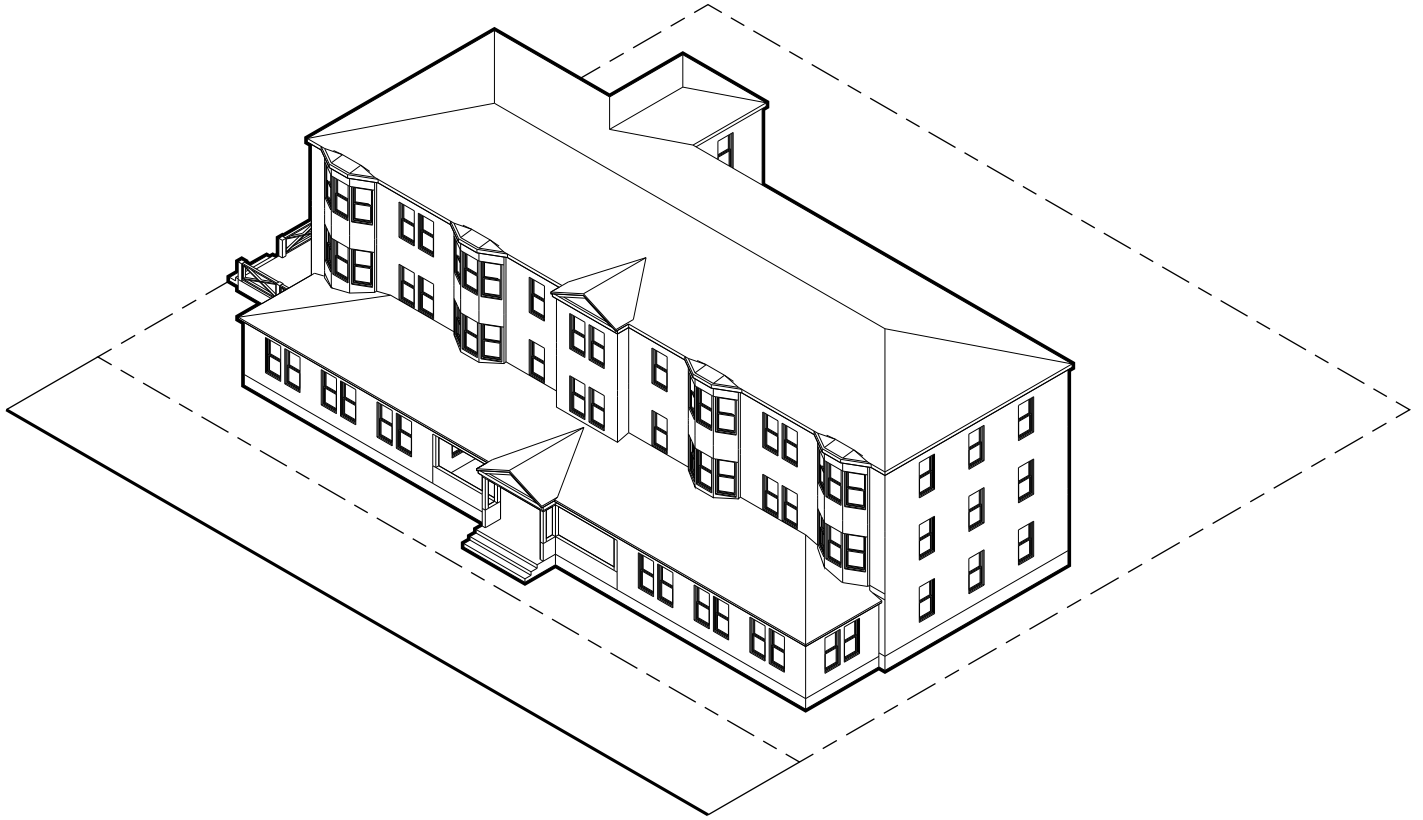
FRONTAGES

See Article 4D

Residential Yard	Permitted
Shopfront	Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

4. INN BUILDING COMPONENTS



COMPONENTS	See Article 4C
Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

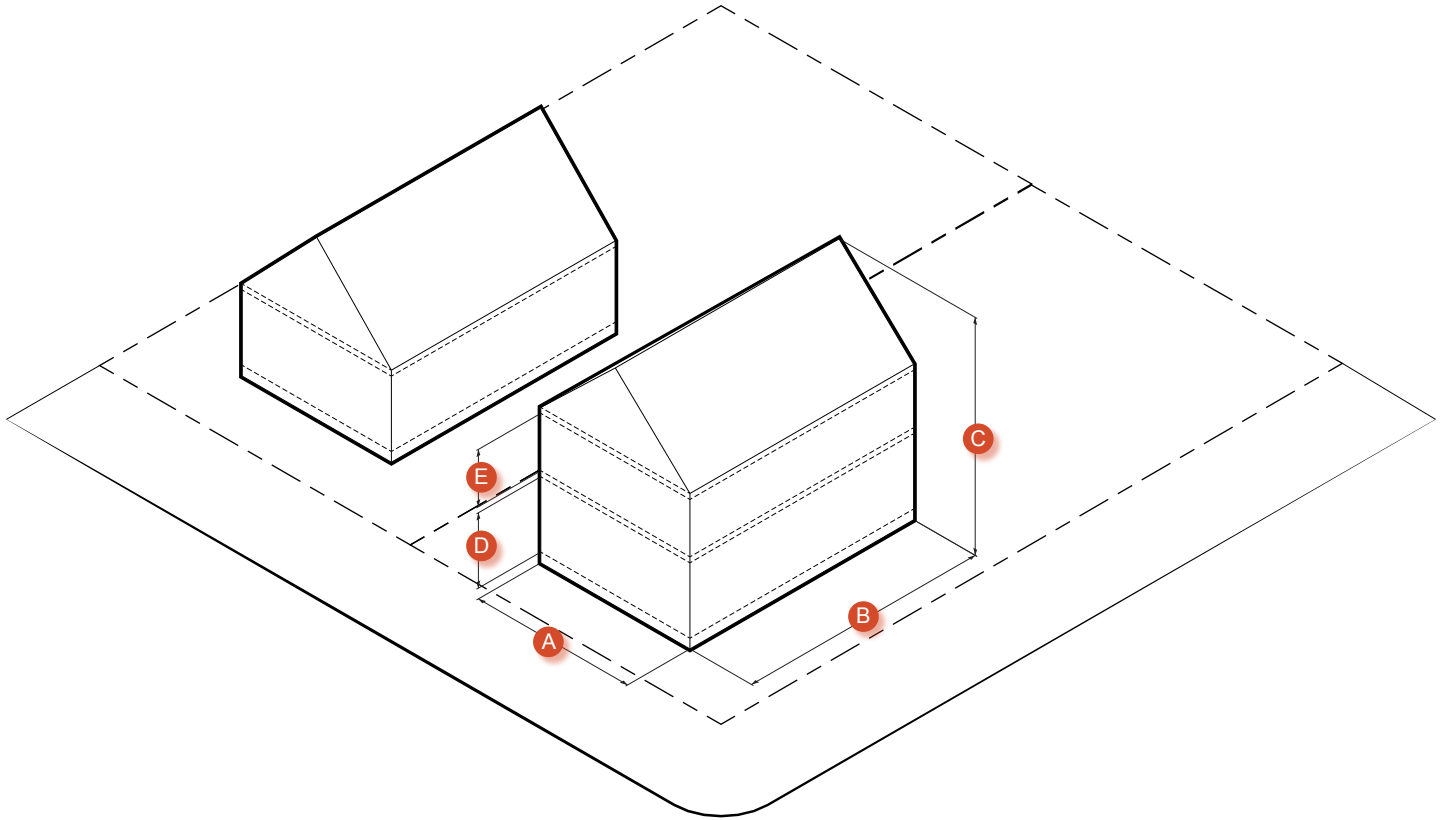
COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

STANDARDS

- A minimum of two components may be applied to the ~~base building massing~~ main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

5. SHOP HOUSE

A mixed-use building type that appears residential in character, with ground floor commercial uses and an upper story residential unit.



BUILDING FORM

Building Width	30 ft max	A
Building Depth	36 ft max	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	10 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

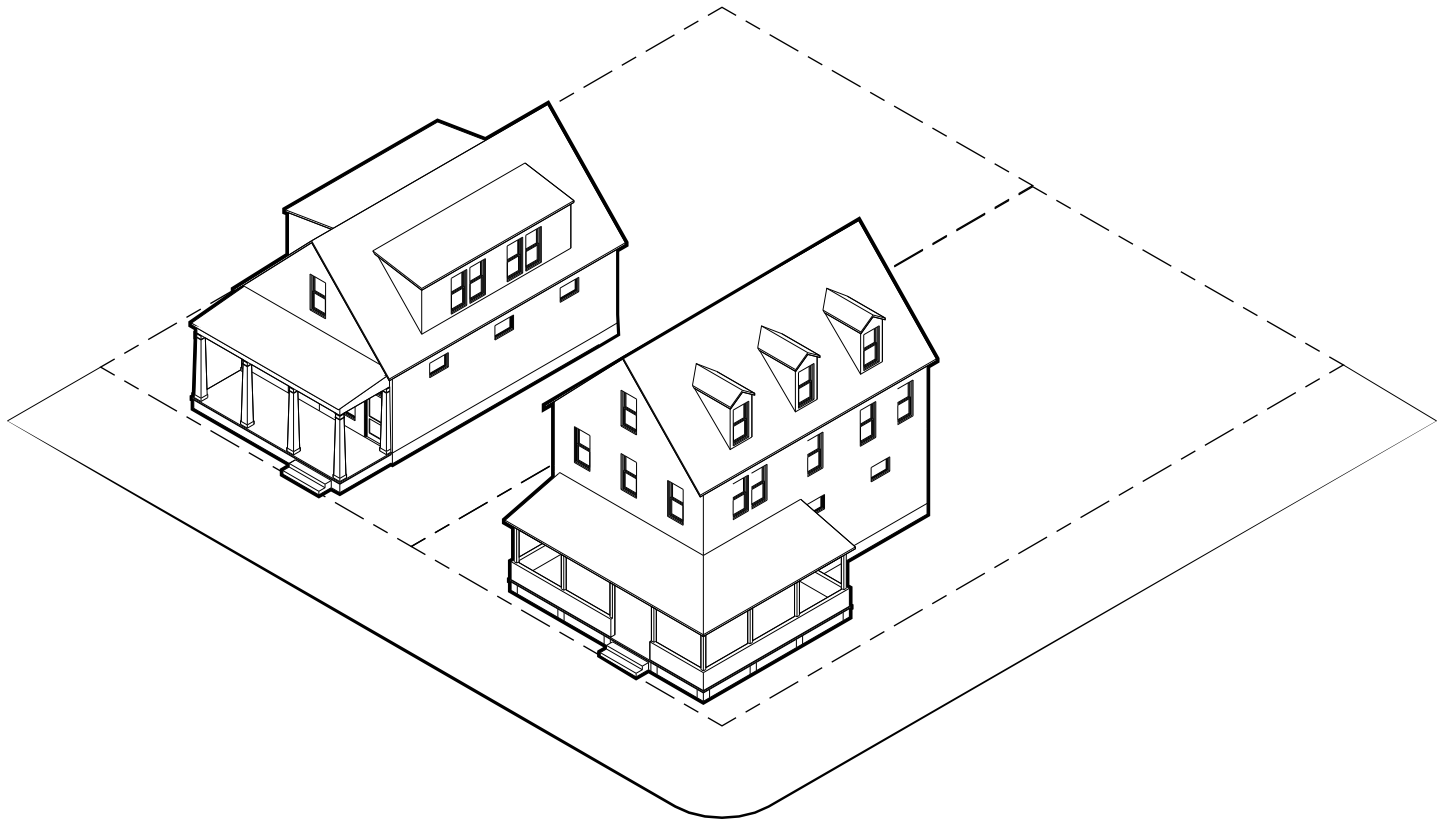
FRONTAGES

See Article 4D

Residential Yard	Permitted
Shopfront	Required
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

5. SHOP HOUSE COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

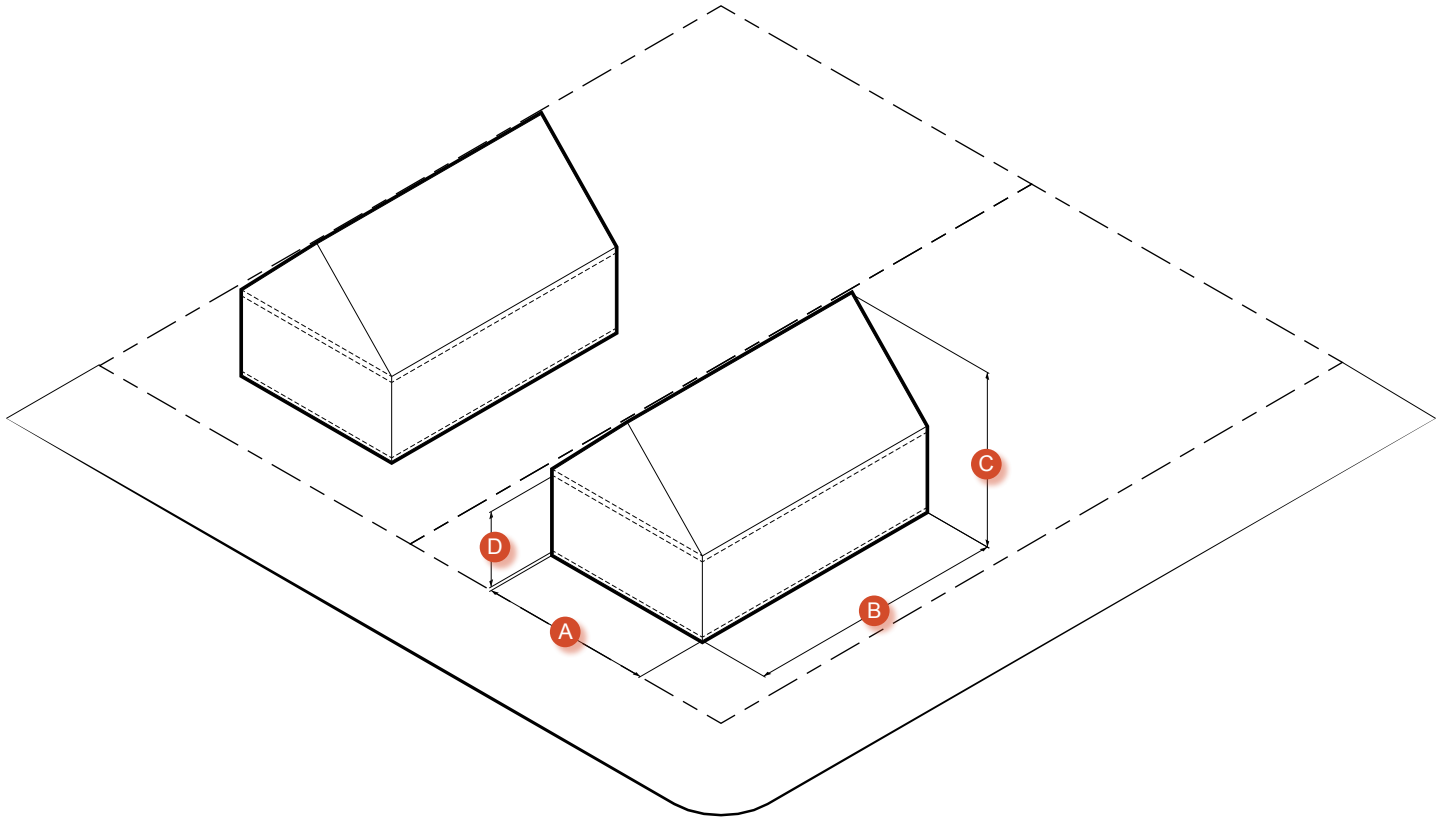
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

STANDARDS

- A minimum of two components may be applied to the ~~base building massing~~ main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

6. NEIGHBORHOOD STORE

A medium-sized footprint moderate floor plate, single-story building type designed for commercial purposes.



BUILDING FORM

Building Width	40 ft max	A
Building Depth	30 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

FRONTAGES

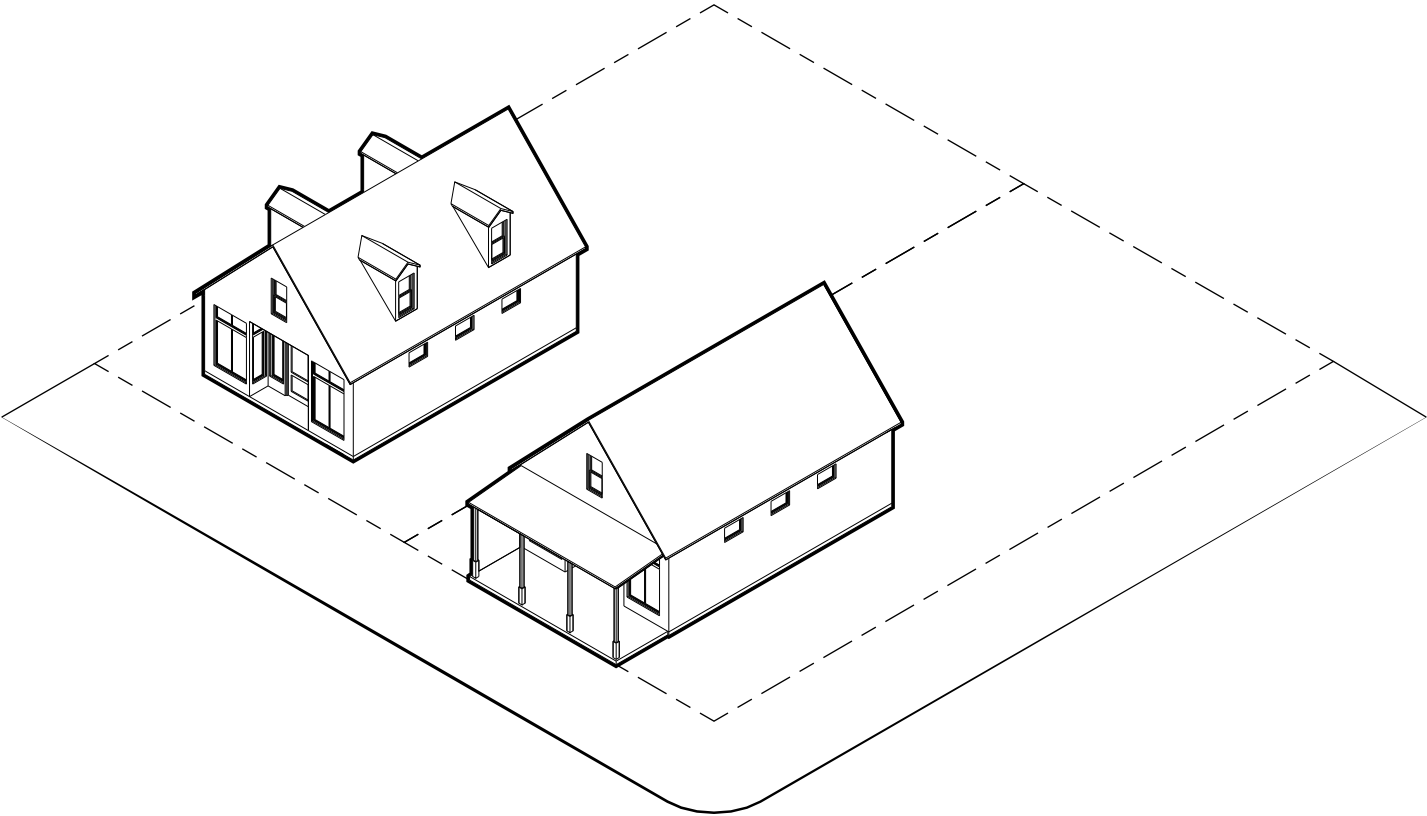
See Article 4D

Residential Yard	Permitted
Shopfront	Required
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

COMPONENTS

See Article 4C

6- NEIGHBORHOOD STORE COMPONENTS



Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

STANDARDS

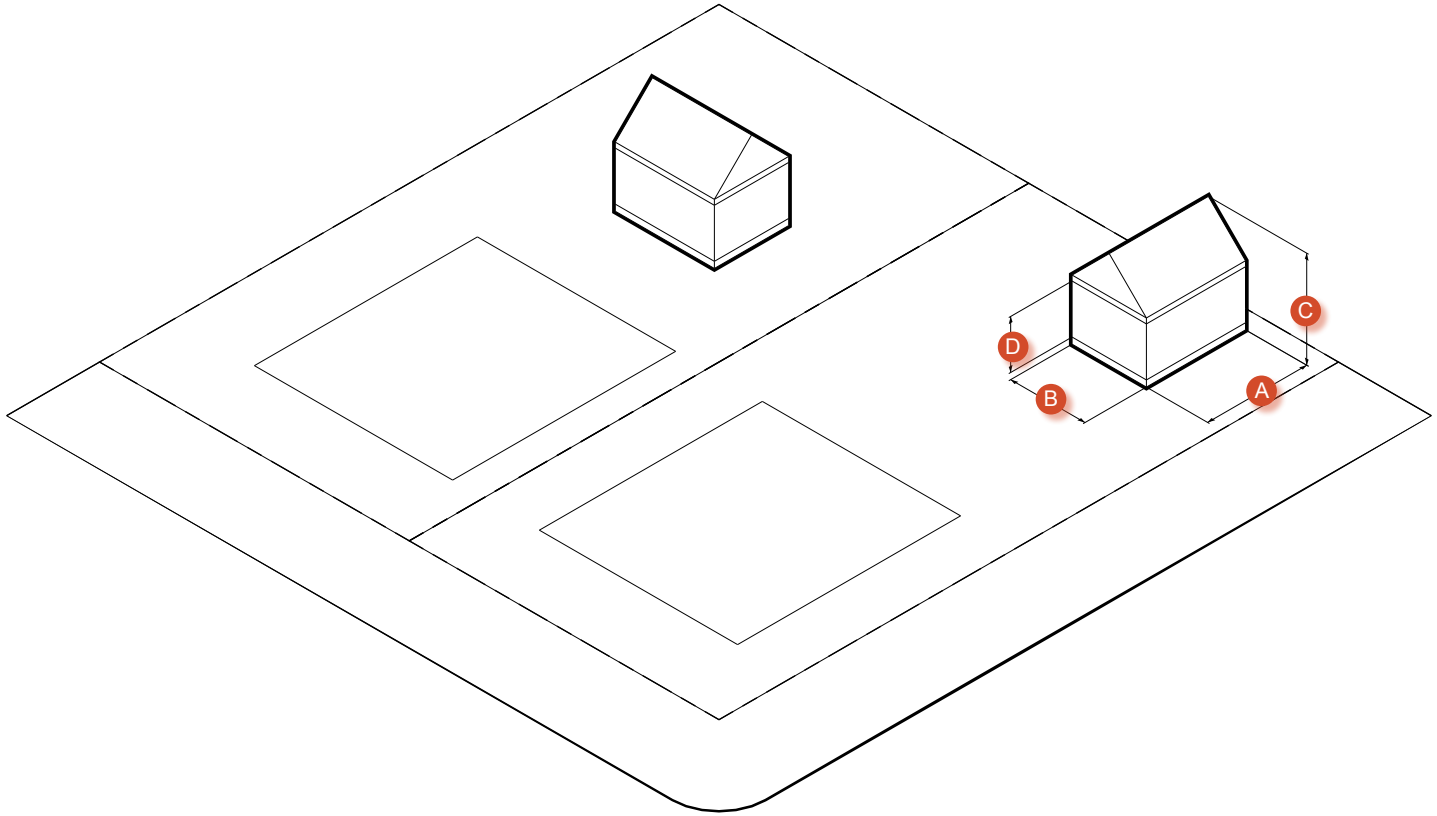
- i. A minimum of two components may be applied to the base-building massing main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

COMPONENTS (CONT'D) See Article 4C

C. ACCESSORY BUILDING TYPES & STANDARDS

1. ONE-STORY OUTBUILDING

A one-story detached accessory building that does not contain an accessory dwelling unit.



BUILDING FORM

Building Width	20 ft max	A
Building Depth	12 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	n/a	

Roof See Table 4.1

*See Article 4.A.2 for Height Standards.

FACADE COMPOSITION

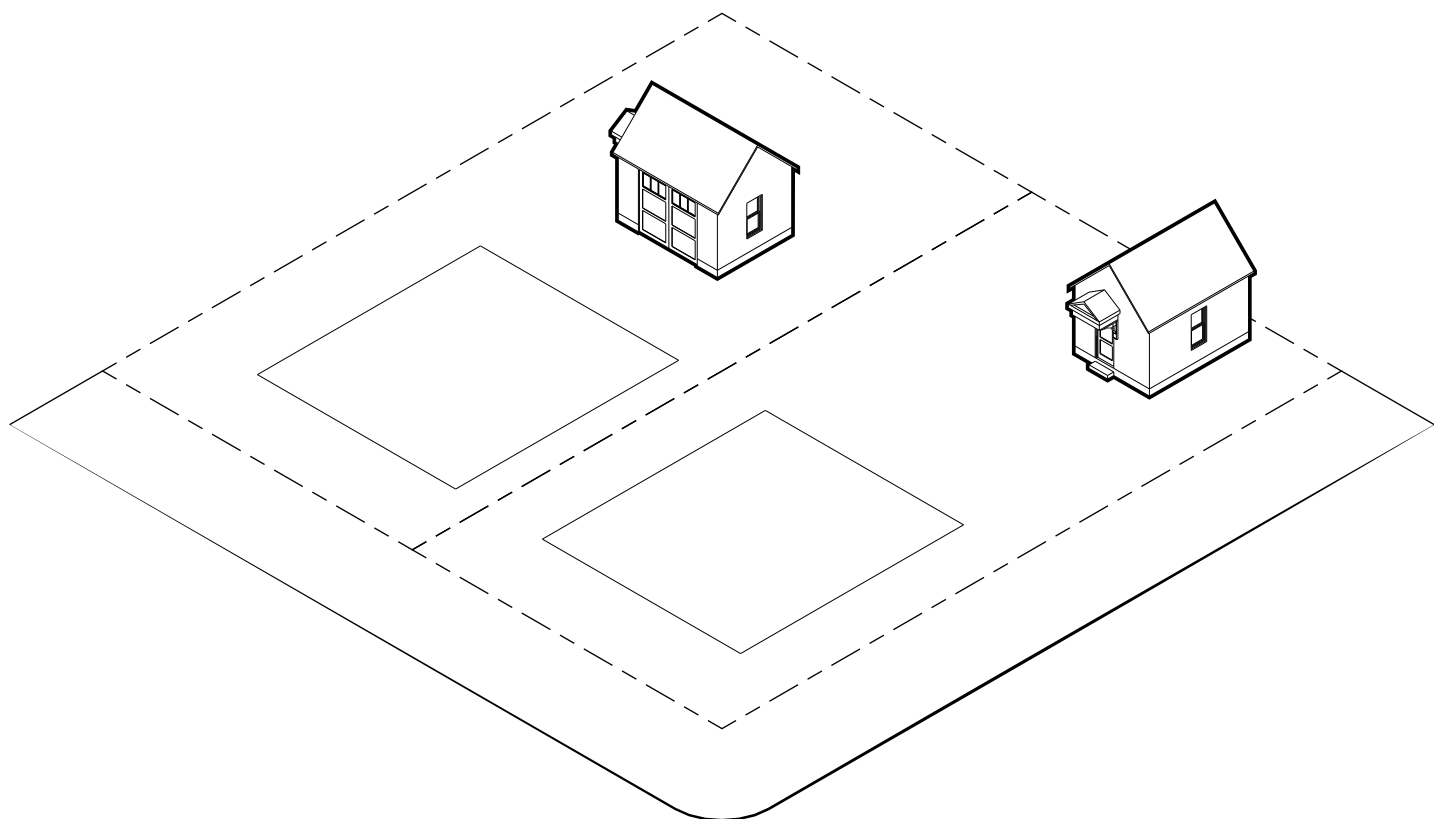
Ground Story Fenestration	10% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

ONE-STORY OUTBUILDING COMPONENTS

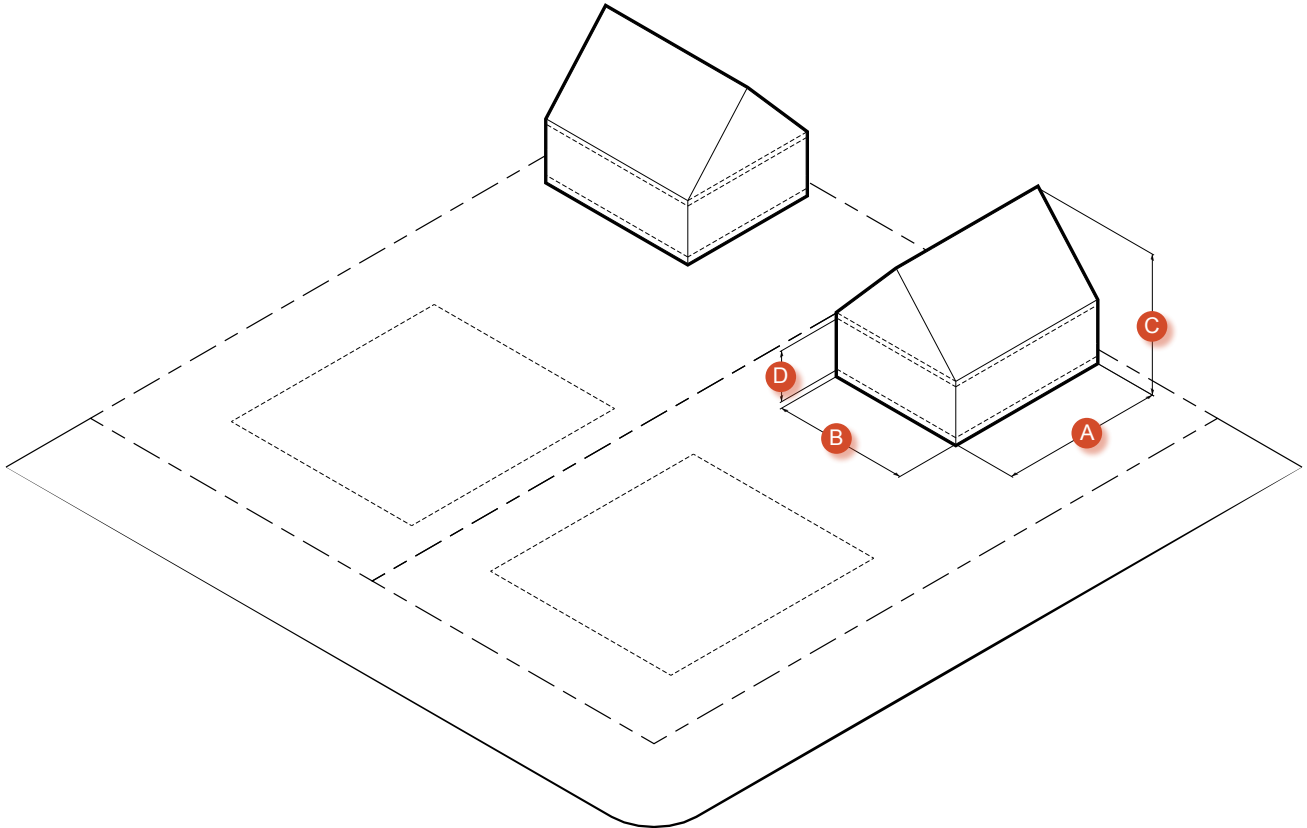


COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

STANDARDS
i. The Outbuilding is required to be detached from the principal building and components, and sited in accordance with the accessory building placement under Article 2. ii. Accessory buildings are prohibited from adding the following components; roof deck, side wing, estate wing, rear addition.

1. ONE-STORY CARRIAGE HOUSE

A one-story detached building that can serve as a garage, an accessory dwelling unit, or a combination of the two.



BUILDING FORM

Building Width	24 ft max	A
Building Depth	24 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	12 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

FACADE COMPOSITION

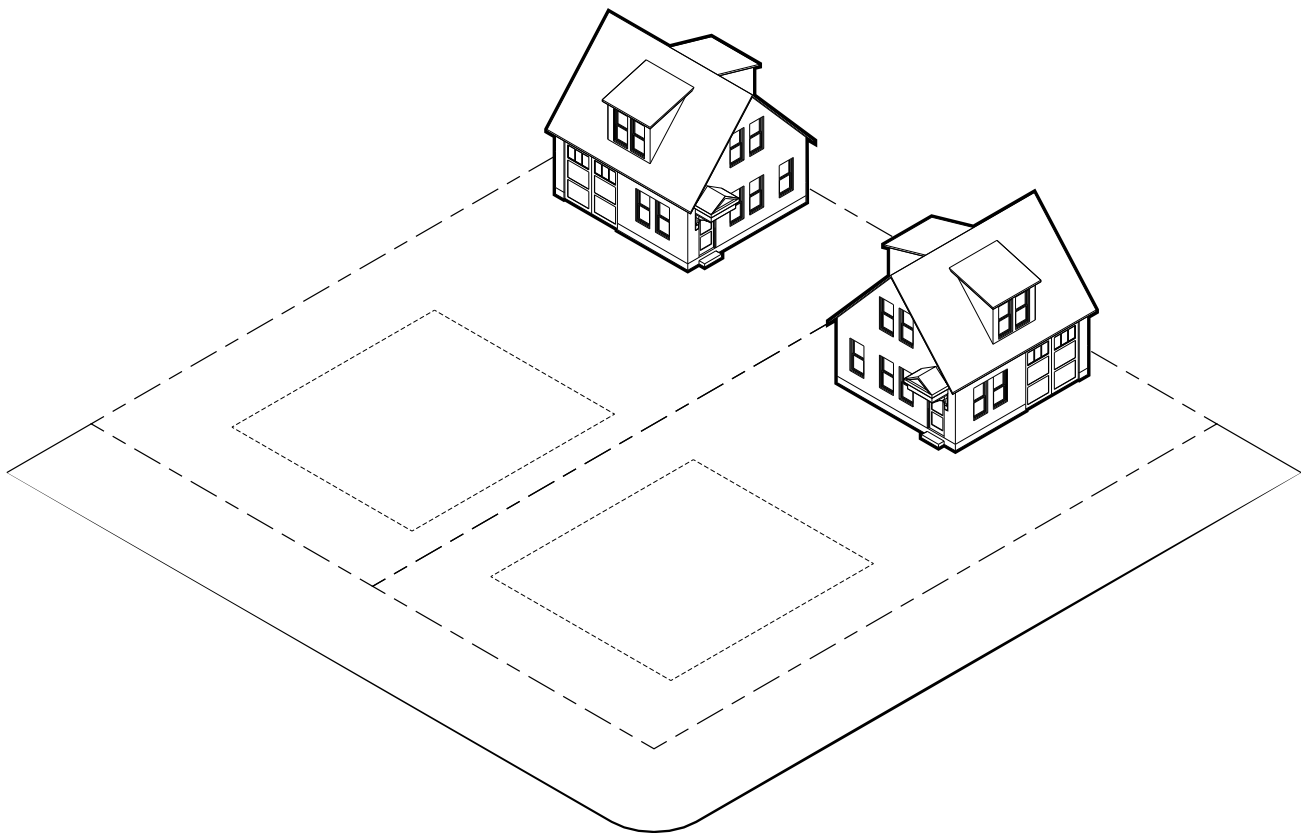
Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

ONE-STORY CARRIAGE HOUSE COMPONENTS



COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

STANDARDS
i. The Carriage House is required to be detached from the principal building and components and sited in accordance with the Accessory Building Placement under Article 2.
ii. A minimum of one component must be applied to the carriage house massing.
iii. Carriage Houses may not be built on the same lot as a Rear Addition, except when built on the same lot as a coastal cottage, or when the lot exceeds 98 ft in width.
iv. Accessory buildings are prohibited from adding the following components; roof deck, side wing, estate wing, rear addition.

D. BUILDING COMPONENTS

and must extend across at least 75% of the width of the building facade.

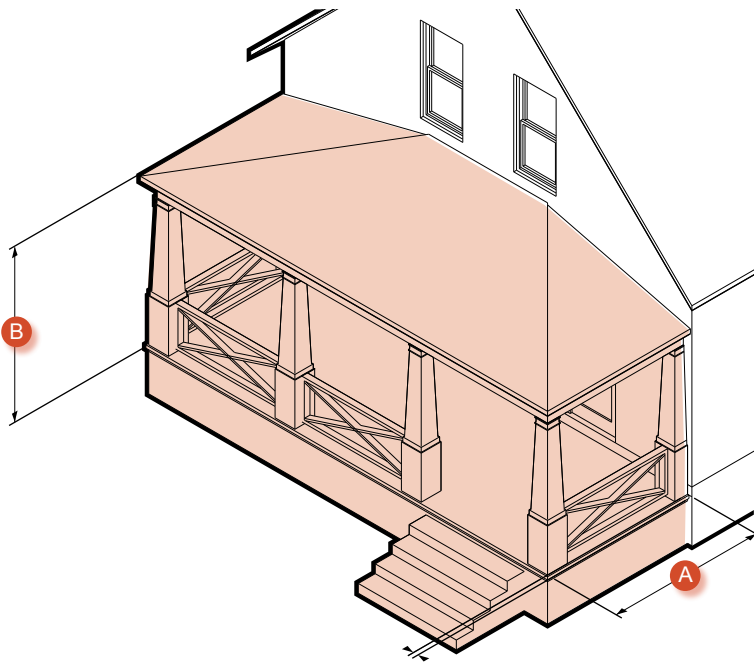
1. GENERAL

- a. Building Component standards are summarized on Table 4.3 and are permitted according to the standards in this Article 2.B-D detailed in Article 4.D. 2-16 and Table 4.1B. Components are permitted by building type according to Article 4.B-C.
- b. Building components are accessory features that increase the floor area, living space, exterior space and/or generally enhance the usefulness of a building.
- c. All components may attach to all other components and to all buildings and accessory buildings unless specifically disallowed by the building or component.
- d. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.
- e. Certain Building Components are permitted to encroach into the Building Setbacks found in the Character Districts standards in Article 2 and as per Article 4.A.4. This Permitted Encroachment standard is meant to encourage and allow certain Building Components that contribute to the character of Higgins Beach.
- f. Stairs that extend off porches, stoops, decks and principal buildings are not required to meet the setback or setback encroachment limits provided that at least 3 ft is maintained from the vertical plane of any front, side or rear lot line.
- g. Porches are required along the Primary Frontage on all new or replacement dwellings with the residential yard frontage type

E. BUILDING COMPONENTS & STANDARDS

1. PORCH - PROJECTING

A wide, raised platform with stairs that leads to **an the principal** entrance of a building and has a roof supported by columns or piers.



DIMENSIONS

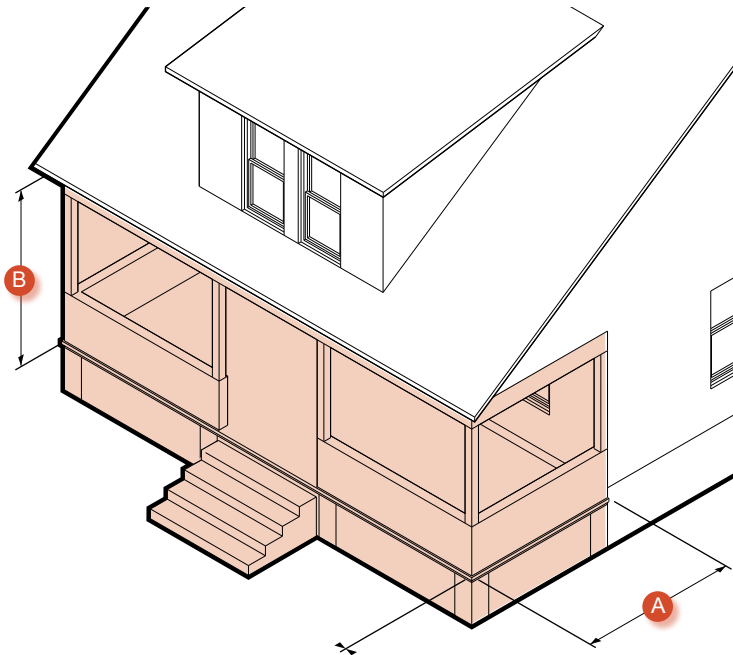
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft max	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
- ii. Stairs may extend off the front or side of the porch.
- iii. Porches may wrap around corners **to and may** connect with porches or decks on adjacent building **or component** faces.
- iv. A projecting porch may appear as an engaged porch if it is partially enclosed and meets the dimensions and standards of this section.

2. PORCH - INTEGRAL

A raised platform with stairs that lead to **an the principal** entrance of a building and a roof supported by columns or piers. Integral porches are unique in that they are located under the roof of the principal building, **such as typical** in a bungalow type.



DIMENSIONS

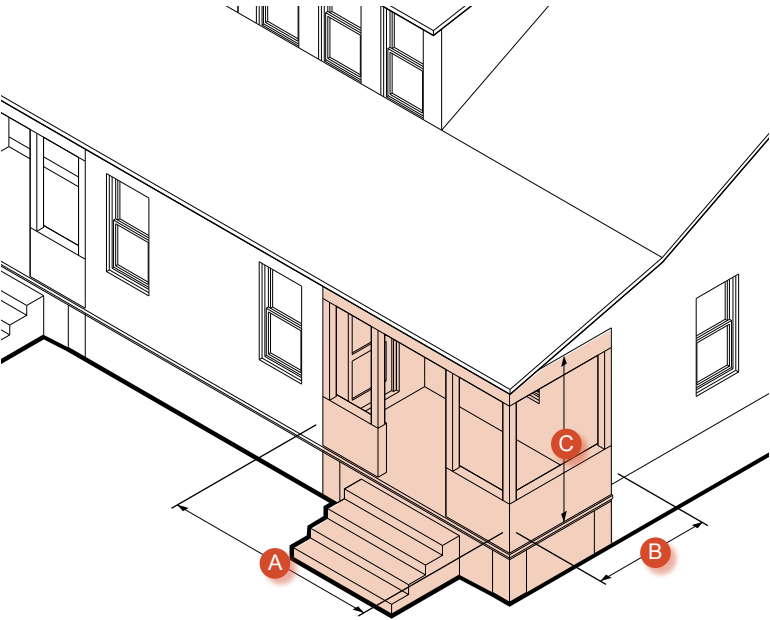
Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
- ii. Stairs may extend off the front or side of the porch.
- iii. Porches may wrap around corners **to and may** connect with porches or decks on adjacent building **or component** faces.

3. PORCH - ENGAGED

A raised platform with stairs leading to a secondary entrance of a building. Engaged porches are attached to the building at two sides and are integrated within the building's roofline.



DIMENSIONS

Width	8 ft min	A
Depth	6 ft min, 10 ft max (iv)	B
Height	8 ft min	C

Permitted Encroachment	May encroach into setbacks as part of a rear addition, side wing or estate wing.
Encroachment not permitted	

Roof	See Table 4.1B
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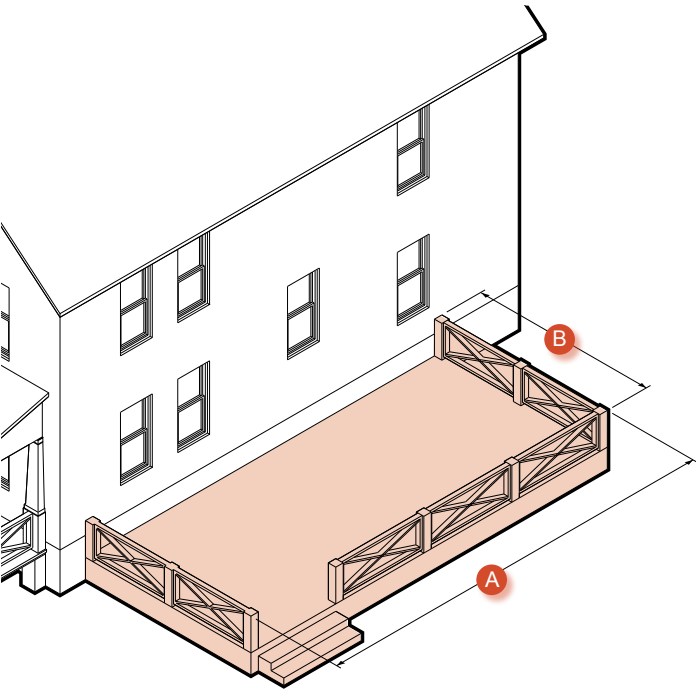
Fenestration	60% min when enclosed 40% min on side or rear porches
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STANDARDS

- i. Stairs may extend off the front or side of the porch.
- ii. Engaged porches may not occur on any primary frontage except the Garage Court Frontage (see Projecting Porch for options along any primary frontage)
- iii. Porches may wrap around corners to and may connect with porches or decks on adjacent building or component faces.
- iv. Porches, or sections of porches, attached to a rear facing wall may extend to a maximum depth of 12 ft.

4. DECK

A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.



DIMENSIONS

Width	12 ft min, 24 ft max	A
Depth	8 ft min, 24 ft max	B
Permitted Encroachment	8 ft	

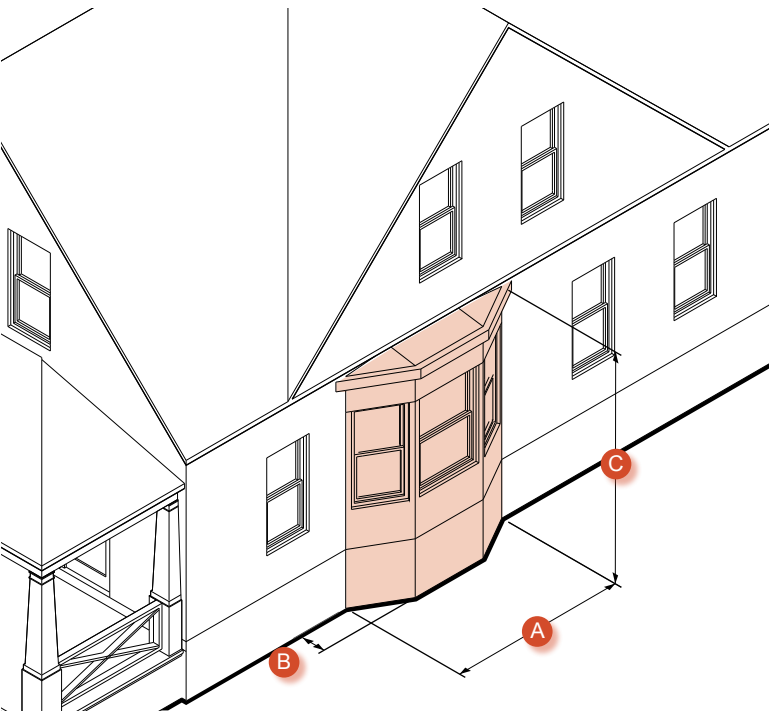
STANDARDS

- i. Decks may only encroach into side and rear setbacks, with the exception of houses elevated more than 6 ft on pilings or piers in a coastal overlay zone, in which case a deck may be used in lieu of a porch, provided it is similarly elevated.
- ii. The deck may connect a primary building with an accessory building.

Article 4: Building Standards

5. BAY

A window assembly extending from the main body of a building to permit increased light, multi-directional views, and articulate a building facade wall.



DIMENSIONS

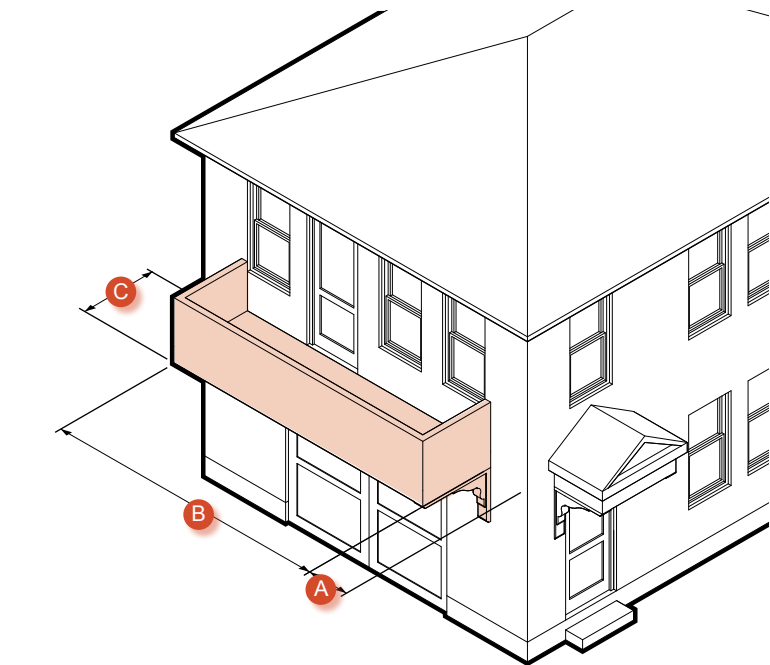
Width	50% max width of Facade or Elevation-building wall	A
Depth	12 in min, 3 ft max	B
Fenestration	50% min	
Height	Total number of complete building stories	C
Permitted Encroachment	3 ft	

STANDARDS

- i. Bays must have a foundation extend all the way to the ground level or be visually supported by brackets or other architectural supports.
- ii. Bays may be integrated within an unenclosed porch, provided the Depth does not exceed 2ft.

6. BALCONY

An unroofed platform with a railing that provides outdoor amenity space.



DIMENSIONS

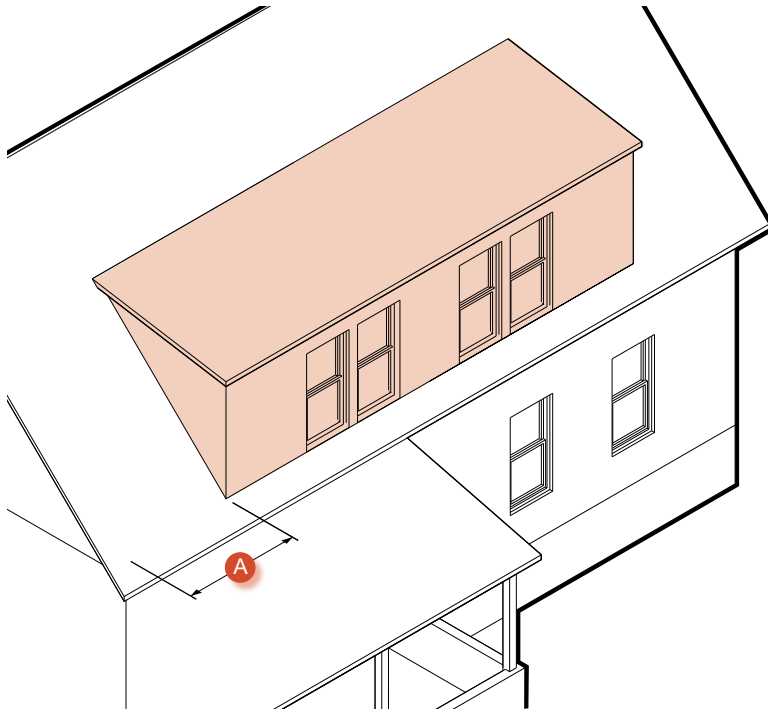
Required Inset	3 ft min (Projecting, Terraced) 0 ft min (Integral)	A
Width Length	5 ft min	B
Projection from Facade-Width	5 ft min (Projecting) 6 ft max (Integral, Terraced)	C
Permitted Encroachment	5 ft	

STANDARDS

- i. Balconies may be recessed integral, projecting, a combination of the two, or terraced as part of the main building roof or the roof of a portico, porch, or bay.
- ii. Terraced balconies are the only type permitted on to attach to the primary frontage front facade.
- iii. A projecting balcony must have a clear height above the ground of at least 10 ft.
- iv. The railing of any projecting balcony oriented toward a front lot line must have posts and rails with spacing.
- v. Balconies should be supported on wood or metal brackets or columns in keeping with the character of the building.
- vi. Integral balconies may stack on top of integral porches.
- vii. An integral balcony may meet a the front facade at a corner.

7. DORMER WINDOW

A window or set of windows that projects vertically from a sloped roof, designed to provide increased light and expand the habitable space of a half-story.



DIMENSIONS

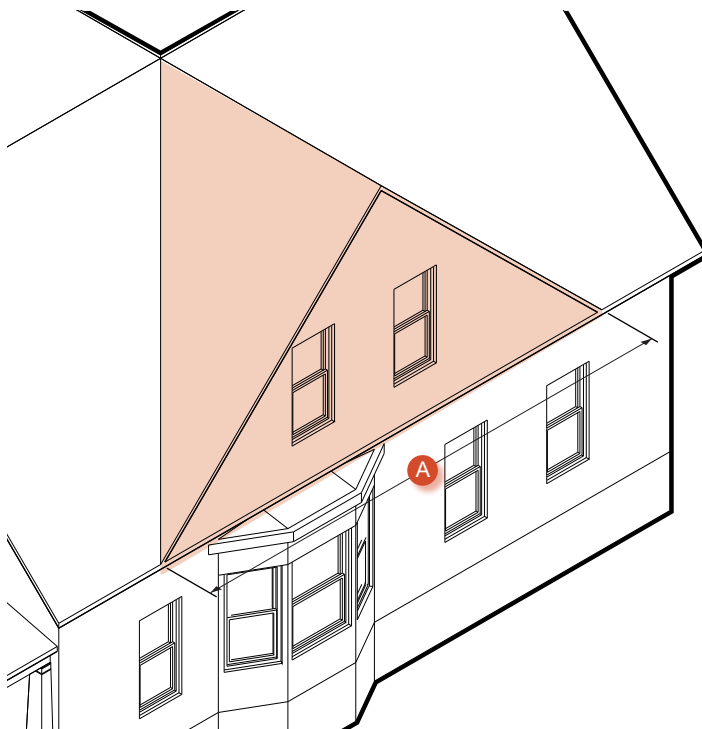
Gable End Setback	4 2 ft min	A
Ridge Line Setback	1 ft min	
Fenestration	30% 50% min (iii)	
Roof	See Table 4.1	

STANDARDS

- The face of the dormer should not project beyond the building eaves wall face below.
- Dormers must also conform to the height standards under Article 4.A. and the overall average height limit
- Windows in a dormer may not be narrower than 20 inches in width.
- The face of the dormer must be set back at least 12 ft from the vertical plane of all side lot lines, regardless of the setback of the building to which it is attached to.

8. CROSS GABLE

A sloped roof that projects perpendicularly from the main roof of a building to significantly increase the habitable space of a half-story.



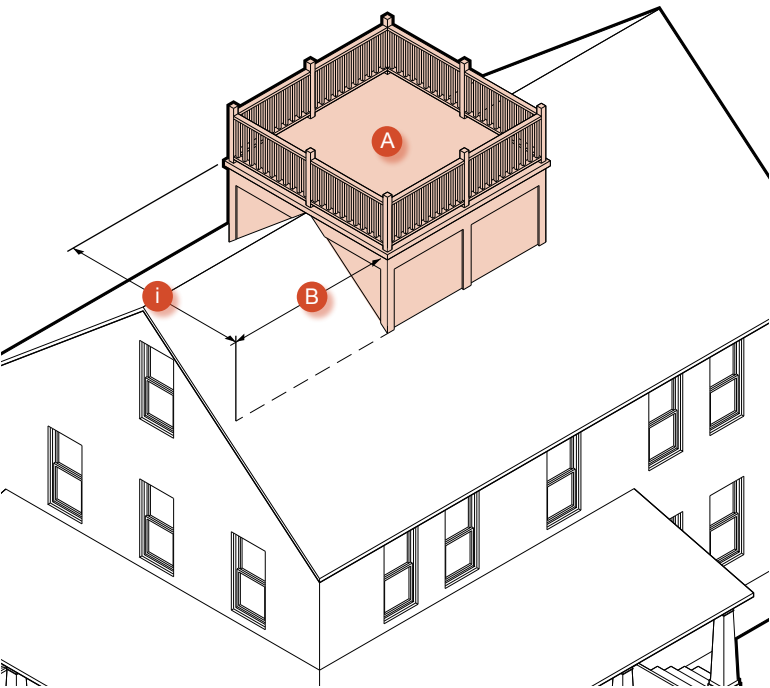
DIMENSIONS

Width	maximum of 50% of the eave length of the main roof	A
Roof	See Table 4.1	
Fenestration	30% min	

Article 4: Building Standards

9. ROOF WALK

A raised platform on the roof of a building or component that provides outdoor amenity space and allows for views.



DIMENSIONS

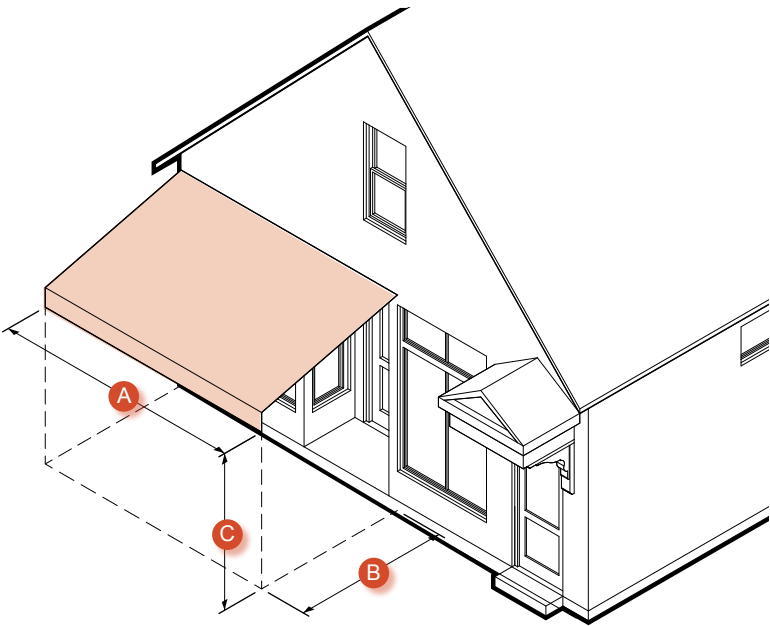
Total Area	400 sq ft max	A
Setback from Facade	5 ft min	B
Railing Height	3 ft min, 4 ft max	

STANDARDS

- i. The width of Roof Walks may not exceed 50% of the Building Width.
- ii. The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity.

10. AWNING

A wall mounted, pitched, fabric covering extending from a building to provide shade and weather protection for pedestrians.



DIMENSIONS

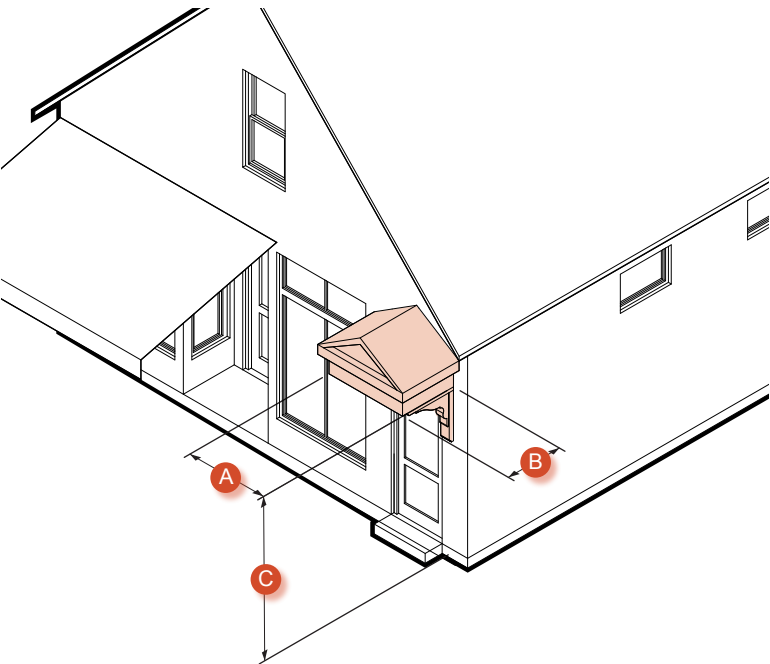
Width	12 ft min	A
Depth	6 ft min	B
Clearance	8 ft min	C
Permitted Encroachment	6 ft	

STANDARDS

- i. Where possible, awnings should be retractable.

11. CANOPY

A wall mounted, pitched, solid overhang extending from a building to provide shade and weather protection for pedestrians.



DIMENSIONS

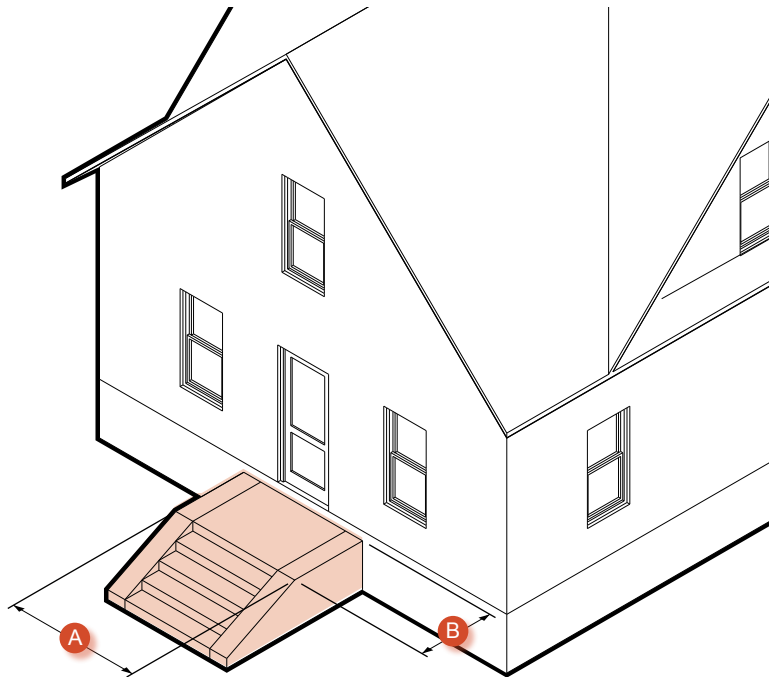
Width	4 ft min	A
Depth	3 ft min	B
Clearance	8 ft min	C
Roof	See Table 4.1	
Permitted Encroachment	3 ft	

STANDARDS

- i. Canopies should be supported on wood or metal brackets or columns in keeping with the character of the building.

12. STOOP

A component type featuring set of stairs with a landing leading to an entrance of a building.



DIMENSIONS

Landing Width	4 ft min	A
Landing Depth	4 ft min	B
Permitted Encroachment	4 ft	

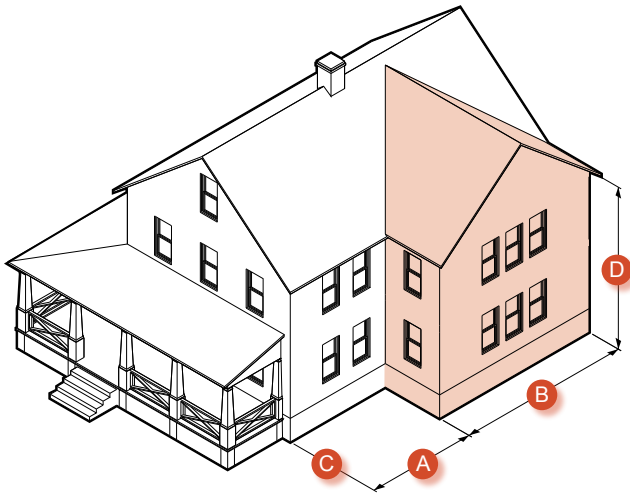
STANDARDS

- i. Stairs may be recessed into the building wall facade.
- ii. Stairs are not permitted to encroach onto any abutting sidewalk.
- iii. Stairs may be built perpendicular or parallel to the building facade wall, but must lead directly to ground level or an abutting sidewalk.

Article 4: Building Standards

13. SIDE WING

An multi-story extension from one or more side walls of the main body of a building.



DIMENSIONS

Setback from Facade	10 ft min	A
Floor Plate Area	50% max of the Floor Plate of the Principal Building	
Width		B
1-Story	1/2 depth of the Principal Building (max)	
2-Story	1/3 depth of the Principal Building (max)	
Projection	2/3 width of the Principal Building	C
Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	Same as Principal Building	

STANDARDS

- Side Wings may not encroach on setbacks.
- Side wings may be centered or offset at the side wall of the principal building, provided they share at least 6 ft with the common wall.
- Side Wings are not permitted on buildings that have an Estate Wing.
- Only one Side Wing is permitted per building side.

DIMENSIONS

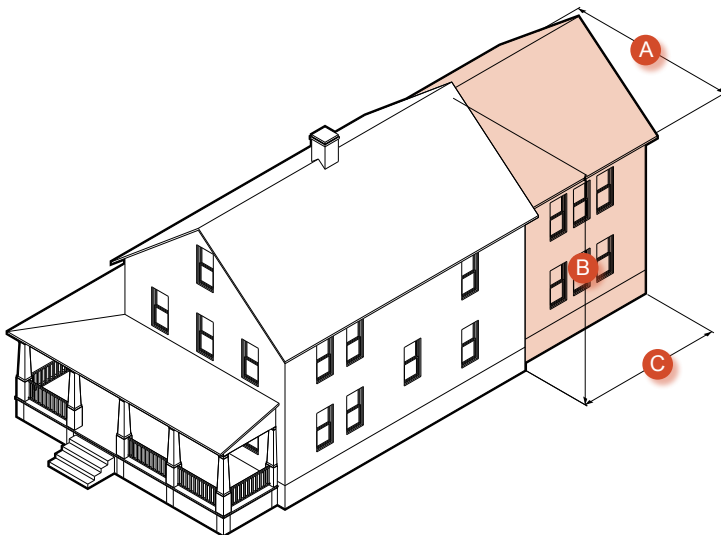
Setback from Side Elevations Width	2 ft less than Width of Principal Building (max)	A
Height	Same Height of Principal Building (max)	B
Roof	see Table 4.1	
Depth	Same Depth as Principal Building (max)	C

STANDARDS

- Rear Additions may not encroach on setbacks.
- Rear Additions may not be built on the same lot as a Carriage House, except when built on the same lot as a coastal cottage, or when the lot exceeds 98 ft in width.
- Rear additions may not contain a garage.
- Rear additions may be centered or offset at the rear wall of the principal building, provided they share at least 6 ft with the common wall.
- The side wall of a rear addition must be offset at least 1 ft from the plane of the side wall of the primary building, to prevent the creation of overly long side elevations.

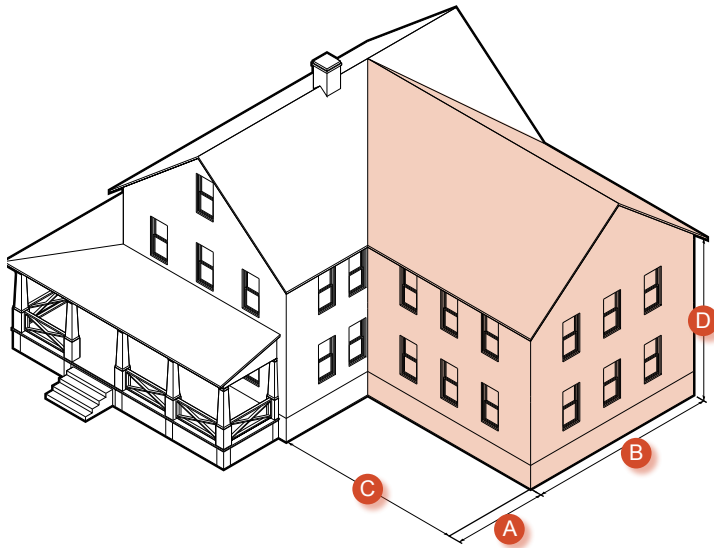
14. REAR ADDITION

An extension from the rear wall of the main body of a building.



15. ESTATE WING

A large multi-story extension from one side wall of the main body of a building. Estate Wings are only allowed on lots 100' 98' in width or greater.



DIMENSIONS

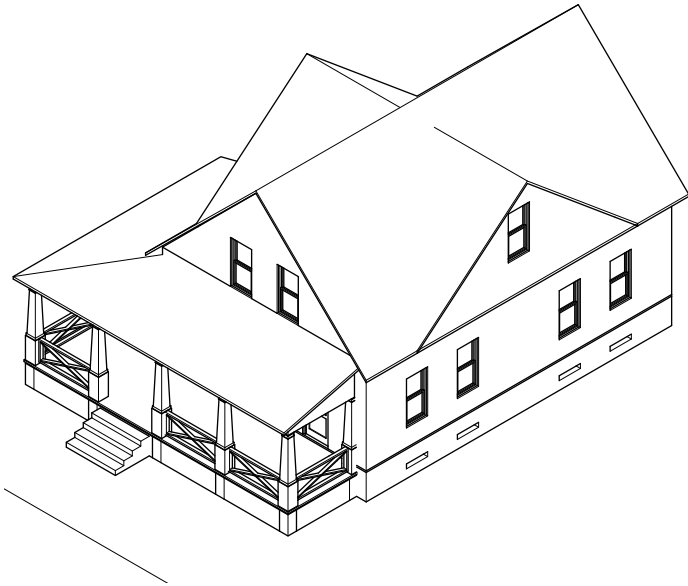
Setback from Facade	10 ft min	A
Width	Same Width as Principal Facade (max)	B
Projection	Same Width as Principal Facade (max)	C
Max Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	Same as Principal Building	

STANDARDS

- Estate Wings may not encroach on setbacks.
- Estate Wings may only be used on lots 98 ft x 98 ft or greater in size
- Estate Wings may not be used on a building that has a Side Wing.
- Only one Estate Wing is permitted per building side.

F. FOUNDATIONS & STANDARDS

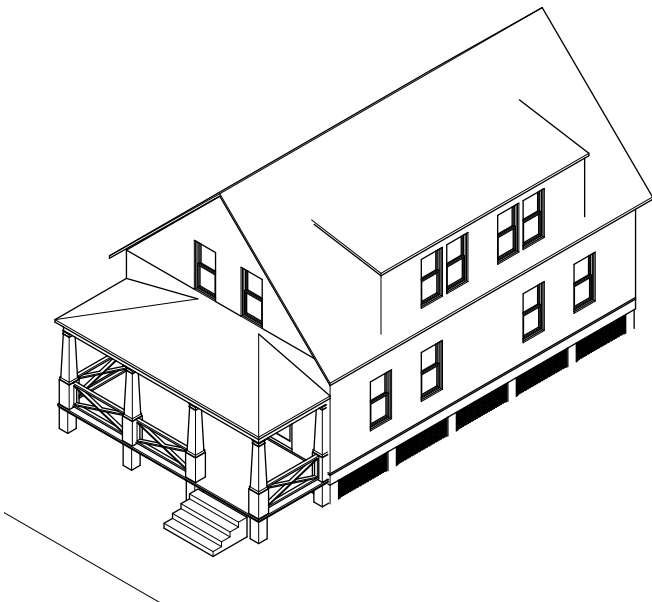
16. 0-4 FT HYDRAULIC FOUNDATION



STANDARDS

- i. Hydraulic foundations up to 4 ft in height should have the general appearance of typical foundations.
- ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.
- iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance
- iv. All heights measured from established ground plane.

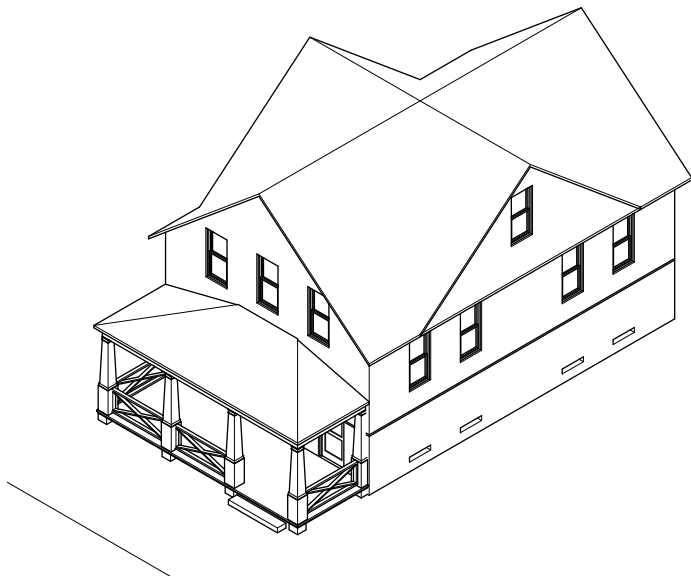
17. 0-4 FT PILE/PIER FOUNDATION



STANDARDS

- i. Pile/pier foundations up to 4 ft in height should be consistent with overall building architecture and have the gaps between piles or piers filled with approved breakaway panels or flow through latticework to give an impression of solidity.
- ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.
- iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance.
- iv. All heights measured from established ground plane.

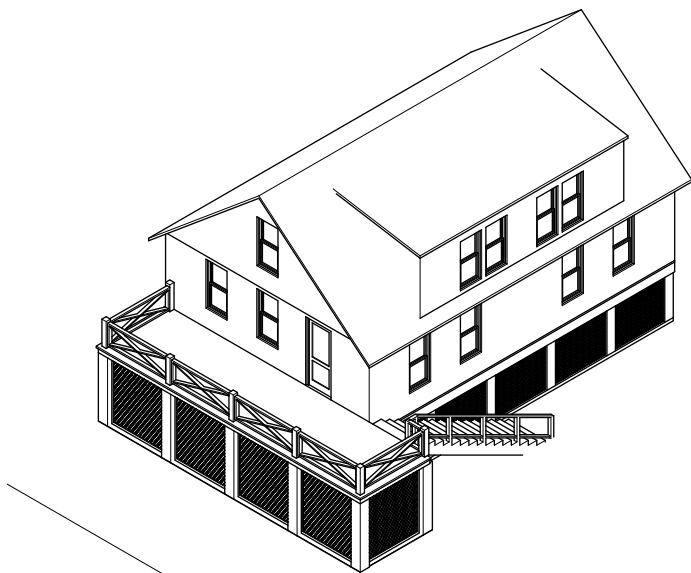
18. 4-8 FT HYDRAULIC FOUNDATION



STANDARDS

- i. Hydraulic foundations between 4 ft and 8 ft in height may have the general appearance of a split-level foundation.
- ii. Doorways and windows may penetrate the foundation in order to provide access from the outside and to conceal access stairs within the enclosed area of the foundation itself.
- iii. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- iv. All heights measured from established ground plane.

19. 4-8 FT PILE/PIER FOUNDATION

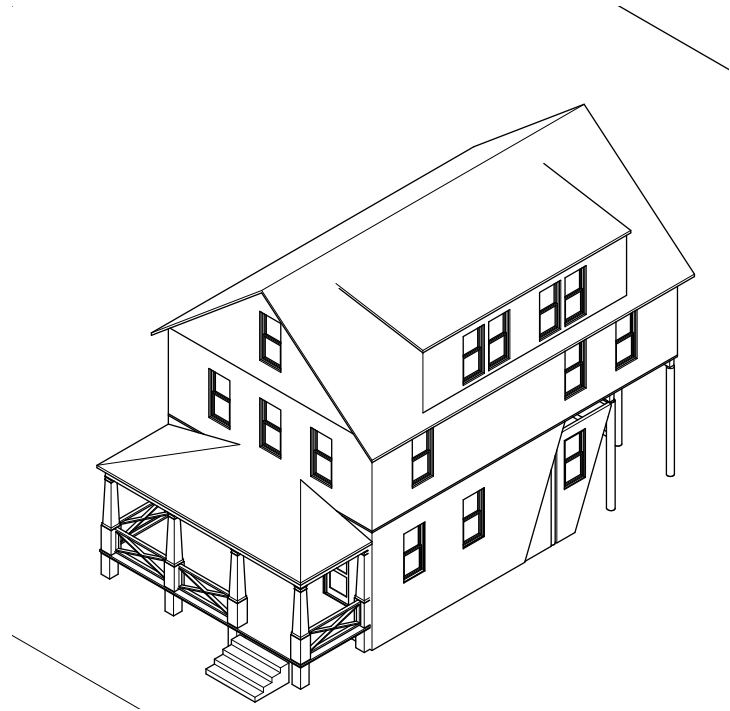


STANDARDS

- i. Pile/pier foundations between 4 ft and 8 ft in height may not have the appearance of a split-level foundation.
- ii. Gaps between pile/ piers must be filled with approved breakaway panels or flow through lattice work to give an impression of solidity on all street facing walls.
- iii. Doorways and windows may occur in breakaway walls as a means of access to the enclosed area, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause damage to the house.
- iv. Stairways should be concealed either within the enclosed area or in a side or rear yard. Stairways should not extend across the primary frontage.
- v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

Article 4: Building Standards

20. 8 FT AND TALLER PILE/PIER FOUNDATION



STANDARDS

- i. Pile/pier foundations above 8 ft in height should have the general appearance of a full story.
- ii. Gaps between pile/ piers must be filled with approved breakaway panels on all street facing walls.
- iii. Doorways and windows should occur in breakaway walls as a means of access to the enclosed area and to appear like a typical first floor, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause extensive damage to the house.
- iv. Stairways should be concealed either within the enclosed area or in a side or rear yard, stairways should not extend across a primary frontage.
- v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and may not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

G. BUILDING FRONTAGE TYPES

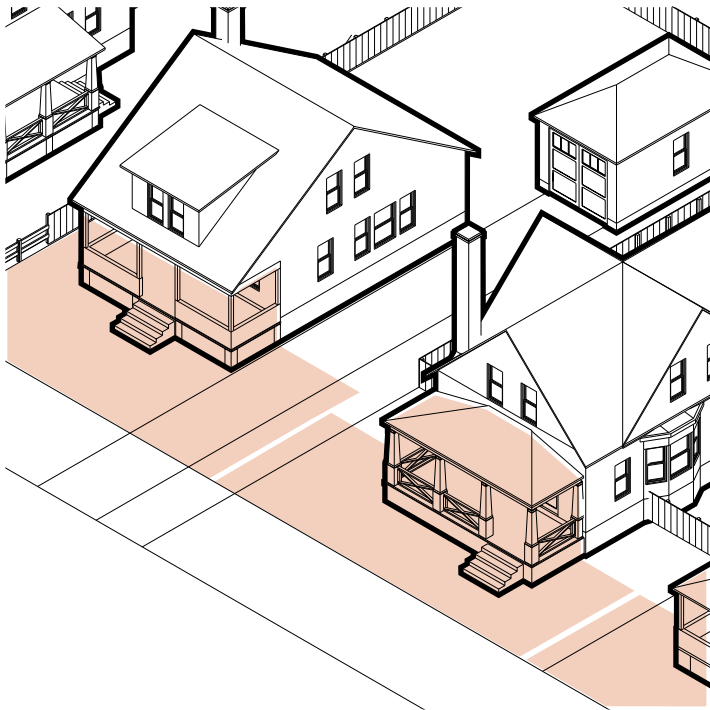
1. GENERAL

- a. Building Frontages are summarized on Table 4.3 described in Article 4.G.2-4 and permitted according to the standards in Article 2.A-B.
- b. Building frontages provide an important transition between the public realm (sidewalks, streets, and civic space) and the private realm (yards and building interiors).
- c. At least 1 building frontage type is required for each principal building.
- d. Lots may include multiple frontage types.

Article 4: Building Standards

1. RESIDENTIAL YARD

A frontage featuring a fenced or common front yard with porches allowed to encroach into the front setback.

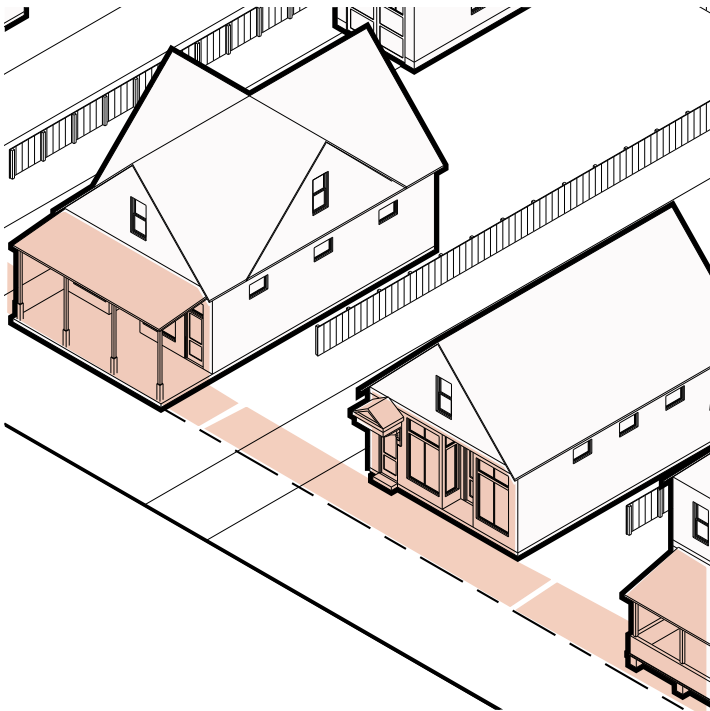


STANDARDS

- i. Porches are required along the Primary Frontage and must extend across at least ~~50%~~ 75% of the width of the building facade.
- ii. Off-street parking may not be located in the residential yard and shall be sited behind the minimum front setback.
- iii. Paving is restricted to walkways and driveways, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.
- iv. When two driveways are located next to each other an effort should be made to provide vertical landscaping between the driveways to break up the visual width of the paved areas.
- v. Landscaping should consist primarily of native species requiring minimal irrigation, fertilization, and maintenance.
- vi. Accessory Buildings are prohibited within this frontage.

2. SHOPFRONT

A mixed-use frontage type accommodating storefronts punctuated by entrances to uses on the floors above.



STANDARDS

- i. Store fronts are required on the Primary Frontage and may be used in conjunction with a front porch.
- ii. Frontage may be paved or planted with turf or garden beds.
- iii. Frontage requires at least one component be utilized.
- iv. Accessory Buildings are prohibited within this frontage.

3. BEACHFRONT GARAGE COURT

A primary street frontage allowed only on lots with both z frontage and beach frontage.



STANDARDS

- i. Driveways and parking may occur within the beachfront garage court, other parking related provisions notwithstanding.
- ii. Paving is restricted to walkways, driveways, and parking, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.
- iii. Notwithstanding the Accessory Building Placement requirements in Article 2, an Accessory Building is allowed within this frontage subject to a front setback of 3 ft. This is the only frontage type that allows this placement.
- iv. Whenever possible, garage doors should be oriented away from the primary and secondary frontages.
- v. When this frontage type is assigned to an applicable lot, it may only be applied along the frontage the lot shares with a street, the portions of the lot that front on the beach must be built to the standards of the Residential Yard frontage type.
- vi. Porches are required along the street facing facade of the primary building and must extend across at least 30% of the width of the building facade.

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A. COASTAL RESIDENTIAL 1 DISTRICT

1. PERMITTED USES

- a. Single family detached dwellings
- b. Accessory Units subject to the performance standards of Section IX.J. (prohibited in Shoreland Overlay Zone)
- c. Accessory uses
- d. Municipal buildings and uses

2. SPECIAL EXCEPTION USES

- a. Home occupations
- b. Family day care homes, group day care homes, and nursery schools
- c. Public utility facilities including substations, pumping stations and sewage treatment facilities permitted uses

3. RESIDENTIAL DENSITY

- a. One principal dwelling unit is allowed per lot that complies with the Lot Standards in Article 2.

B. COASTAL MIXED-USE - LIMITED DISTRICT

1. PERMITTED USES

- a. Hotels
- b. Bed and Breakfasts, except that in this District they are not subject to the performance standards of Section IX of this Ordinance
- c. Restaurants with no drive-thru service
- d. Retail Sales and Services, excluding automobile repair and service facilities, car washes, and outdoor sales and services
- e. Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions
- f. Municipal buildings and uses
- g. Single family detached dwellings
- h. Accessory Units subject to the performance standards of Section IX.J. (prohibited in Shoreland Overlay Zone)
- i. Accessory uses

2. SPECIAL EXCEPTION USES

- a. Home occupations
- b. Family day care homes, group day care homes, and nursery schools
- c. Public utility facilities including substations, pumping stations and sewage treatment facilities residential density

3. RESIDENTIAL DENSITY

- a. One principal dwelling unit is allowed per lot that complies with the Lot Standards in Article 2

C. ADMINISTRATION AND PERMITTING

1. ADMINISTRATIVE REVIEW

- a. Applications for new single family detached dwellings, additions, renovations, modifications, accessory units, out buildings, carriage houses and other permitted uses shall be reviewed and permitted administratively by the Planning and Code Enforcement Department. This administrative process will include a review and determination of compliance and consistency with the provisions of the Character Districts and standards as well as review and permitting under any other applicable local codes and ordinances including the building permit.
- b. Applications for special exception uses shall require Zoning Board of Appeals review and permitting prior to any administrative review and permitting by the Planning and Code Enforcement Department.
- c. Applications for uses and activities requiring review under Chapter 405B the Site Plan Review Ordinance, including any changes in use, shall require review under that ordinance by the Planning Board prior to any administrative review and permitting by the Planning and Code Enforcement Department.

2. NON-CONFORMING USES STRUCTURES

- a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.
- b. General routine repair or maintenance of non-conforming uses, structures, buildings, lots, or signs is permitted.
- c. Alterations made to restore structures or buildings to a safe condition is permitted.
- d. Components that meet the dimensional standards of the code may be added to existing non-conforming buildings, so long as the change does not expand or create a new nonconformity.
- e. Components may match an existing, non conforming roof pitch with the exception of non conforming flat roofs, provided all other dimensional standards of the code are adhered to.
- f. No nonconforming lot may be subdivided to increase the nonconformity.
- g. A lot that is nonconforming due to insufficient lot width or insufficient lot area may be developed, so long as any applicable setback standards are met. The administrator may waive building size dimensions, lot dimensions, or setbacks on lots that can't meet all of the above standards within the code.
- h. Restoration of Damaged Structures is permitted as follows:
 - i. When a nonconforming structure is damaged or destroyed

Article 5: Use Provisions and Administration

to the extent of 50% or more of its replacement value, the structure may be repaired or rebuilt only if it conforms to the provisions of this Ordinance.

- ii. When a nonconforming structure is damaged or destroyed to the extent of less than 50% of its replacement value, it may be repaired and rebuilt to its previous condition, so long as the cause of damage was not by any means within the control of the owner, the nonconformity is not expanded, and no new nonconformity is created.
- iii. A Zoning Permit for repairs or reconstruction must be granted within one year of the date of damage or destruction, unless an additional one year extension is granted by the Development Administrator.
- iv. When a structure containing a nonconforming use is damaged or destroyed, and the cause of damage was not by any means within the control of the owner, the nonconforming use may be reestablished provided that the above standards are met and the degree of the previous nonconforming use is not increased.

BUILDING TYPE:

A classification or kind of structure characterized and differentiated by its placement on a lot, massing, composition, use, and features.

COMPONENT:

One of the elements that make up a building, the other being the principal building mass. Components are comprised of smaller attachments to the principal building mass and provide architectural articulation and additional usable space.

DEPTH:

When related to lot dimensions, depth refers to the perpendicular distance between the closest points of the front lot line and the rear lot line.

EAVE:

The soffit resulting from the junction of a building wall and an overhanging roof.

ENGAGE:

To incorporate within a larger volume; in whole or in part.

FAÇADE:

The exterior wall of a building oriented in whole or in part toward a Street, or Beach, not including service alleys.

FRONTAGE:

The land that lies adjacent to a street, right-of-way, easement, civic space, or natural feature, or the space between a building and the same.

FRONTAGE, PRIMARY:

The primary frontage is located along the street upon which the lot fronts. For corner lots, the primary frontage is designated by one or more of the following conditions:

The property's postal address.

The orientation of primary building.

The lot line with the narrowest width.

The widest street, or the street with the widest pedestrian walkway.

FRONTAGE, SECONDARY:

On corner lots, the frontage that is oriented toward the second, non-address-bearing street.

FRONT SETBACK, PRIMARY:

The setback required along a primary frontage.

FRONT SETBACK, SECONDARY:

The setback required along a secondary frontage.

GROUND FLOOR:

The lowest floor of a building that is not considered a basement.

INTEGRAL:

To be contained, in whole or in part, within the structural envelope of a larger building element.

PIER:

A solid support designed to sustain vertical pressure, such as used in a section of a wall between windows or other adjacent openings or as structural member used in the construction of building foundations.

PRIMARY ENTRANCE:

The main point of access for pedestrians into a building, upper story use, or ground floor tenant space.

PRIMARY FRONTAGE:

See Frontage, Primary

SECONDARY FRONTAGE:

See Frontage, Secondary

SETBACK:

The horizontal distance required between the closest exterior wall of a Building or parking and a specified element, such as a lot line, easement, or natural feature, measured perpendicularly. This area must be maintained clear of permanent structures with the exception of allowed encroachments.

TOP PLATE:

The highest horizontal framing member of a wall. Syn. Wall Plate.

VERTICAL PLANE:

A flat surface perpendicular to the ground or horizontal plane.

To: Town Council and Tom Hall

From: Jay Chace, Planning Director

CC: Brian Longstaff, Zoning Administrator

Date: August 11, 2017

RE: Higgins Beach Character Code Audit- Amendments for Consideration at 2nd Reading

As a follow-up to our Department's July 12 memo related to the Higgins Beach Audit process I offer this memo to address updates for consideration that have come to our attention as part of the on-going review process. Staff will be prepared to introduce the amendments at public hearing.

➤ Non-Conforming Structures

As identified during 1st reading, the non-conforming language proposed at 1st reading remained under review. The language in the current amendments, dated 7/18/17, adequately addresses the addition of *components* to non-conforming structures, but is insufficient to enable expansions of non-conforming *principal buildings* within the allowable building envelope without the need for Zoning Board of Appeals review. The proposed additional language below is aimed at addressing this issue.

1. **NON-CONFORMING USES STRUCTURES**

a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.

- i. Any such building may be expanded, enlarged, or increased in height provided that any such expansion or addition is within the principal building placement identified in Article 2 and the addition meets all other building standards of Article 4. A building that is nonconforming as to the maximum front setback may be expanded pursuant to the requirements in this subsection.

Without this language only components could be added to non-conforming structures (see proposed Article 5.C.2.d) in conforming areas of a given lot, but expansions of principal buildings within the conforming areas would not otherwise be allowed.

Recommended language, as stated above, would be added to proposed Article 5.C.2, "Non-Conforming Uses Structures" (page 53)

Recommend adding the word and to the title of Article 5.C.2, "No-Conforming Uses and Structures"



➤ Porch Encroachment

Porch Encroachment is another item that was identified for additional attention. As adopted in 2015, projecting and integral porches were only allowed at the principal entrance of a building. The proposed language seeks to enable greater allowances for the use of the porch component; however the permissible encroachment of a porch was not duly considered. After deliberation, the Long Range Planning Committee felt it was appropriate to reconsider and offer the following for consideration:

1. Maintain the 10' encroachment for the primary frontage.
2. Enable encroachment on the rear setback, which is consistent with the allowance for decks in the rear yard.
3. Allow encroachment on secondary frontage yards, which would maintain the same overall setback as primary front yards (i.e. setback from a street).
4. No allowance of encroachment into side yards. Side yard setback are already reduced to 8'. The Committee felt further encroachment would not be consistent.

Recommended language is further demonstrated on below, Article 4.E. 1 & 2, "Permitted Encroachment" (page 38).

➤ Administrative Adjustment

Under Article 4.A.8.b the standard states that fire rating must be met if a building is less than 15' from a property line. The Building Code and NFPA Standards actually requires fire rating when less than 5' from a property line.

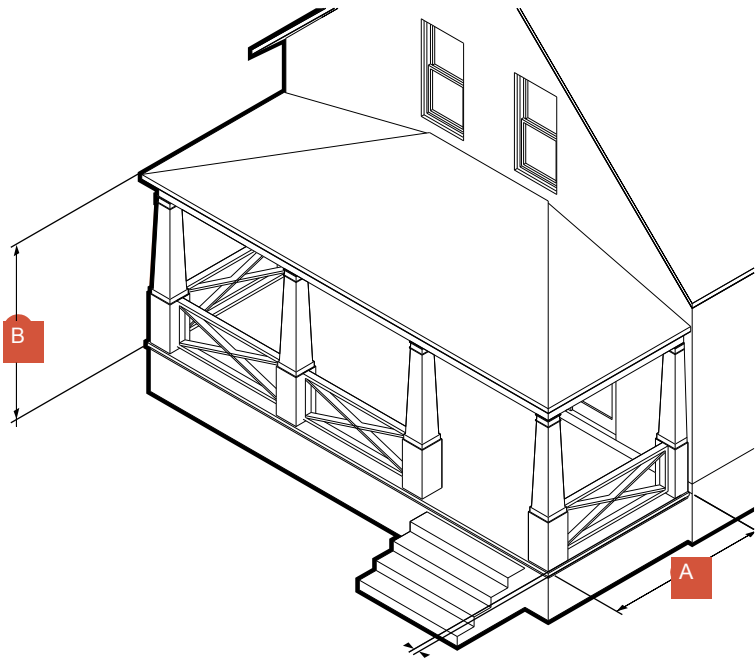
Recommendation is to strike the ~~15'~~ and replace with 5' under Article 4.A.8.b (page 18).

Article 4: Building Standards

E. BUILDING COMPONENTS & STANDARDS

1. PORCH - PROJECTING

A wide, raised platform with stairs that leads to an the principal entrance of a building and has a roof supported by columns or piers.



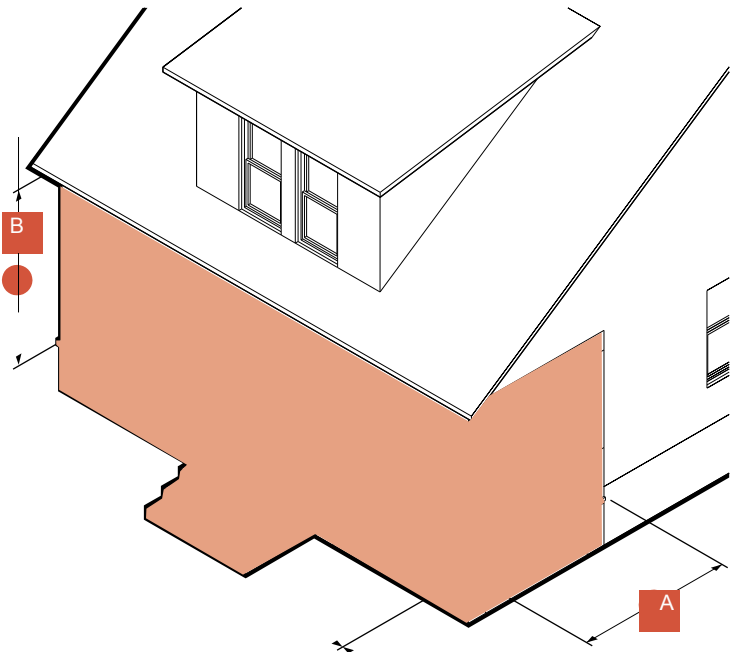
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	4 ft max <u>Secondary Front Setback</u> 10 ft max <u>Primary Front, Rear Setback</u> Encroachment not permitted in Side Setback	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
- ii. Stairs may extend off the front or side of the porch.
- iii. Porches may wrap around corners ~~to~~ and may connect with porches or decks on adjacent building or component faces.
- iv. A projecting porch may appear as an engaged porch if it is partially enclosed and meets the dimensions and standards of this section.

2. PORCH - INTEGRAL

A raised platform with stairs that lead to an the principal entrance of a building and a roof supported by columns or piers. Integral porches are unique in that they are located under the roof of the principal building, such as typical in a bungalow type.



DIMENSIONS

Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	4 ft max <u>Secondary Front Setback</u> 10 ft max <u>Primary Front, Rear Setback</u> Encroachment not permitted in Side Setback	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
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- iii. Porches may wrap around corners ~~to~~ and may connect with porches or decks on adjacent building or component faces.



To: Town Council and Tom Hall

From: Jay Chace, Planning Director

CC: Brian Longstaff, Zoning Administrator

Date: July 12, 2017

RE: Higgins Beach Character Code – Audit Draft Amendments

A year and half ago, and after significant outreach and work by the LRPC, Planning Staff and our consultant, the Town Council adopted the Higgins Beach Character Code. This Code is the Town's first character or form-based zoning code that was designed to address longstanding zoning compatibility and conformance issues at Higgins Beach and to allow for and promote additions, renovations and new construction at Higgins that is consistent with the historical character and pattern of the community.



As this is a very different approach to zoning than conventional Euclidian-based zoning regulations, we knew we'd need to monitor how it works and performs and consider making adjustments and fine tuning. To that end, the Long Range Planning Committee, working with residents of Higgins Beach, Staff and our Consultant team, conduct an Audit process to examine what is working well and what may need adjustments.

Based on input from residents we were pleased to find the Character Code has generally been successful in addressing many of the issues identified during the 2015 adoption process. Examples of the successes that have been identified include:

- Many projects have been able to be reviewed administratively and move forward which otherwise would have required a Variance Appeals with the ZBA
- Building placement and orientation are in character – new construction is occurring close to the street and in general character with the historic pattern
- Front porches are working – front porches are being integrated with the house designs in a way that engages with the street while also working for modern interior layouts
- Interior square footage and living space – the trend and desire at Higgins is to enable larger homes with more living space. The Code has enabled this
- Building form and components – generally residents and applicants so far have been satisfied and able to work well with the building standards, components and architectural requirements

However, as noted, the Audit process also highlight areas of the Code that require additional attention. The proposed Code amendments consist of both housekeeping changes that are



essentially edits aimed at clarifying intent, as well as more substantive issues aimed at addressing some design character issues that have been identified. The draft Code amendments are provided under separate cover dated 7-12-2017. The proposed amendments are illustrated utilizing underline to highlight additions and ~~strikethrough~~ to illustrate deletions. [Please do note that, due to formatting issues within the draft, tables under Article 3. B. Floodplain and C. Sand Dunes have two pages; one of which illustrates the proposed deletions and the second illustrates the proposed revisions- all other changes are in the towns' common format.]

Below staff has highlighted some of the substantive issues that have been raised and we have identify the elements within the Code that are proposed to be amended to address the issue.

Fenestration Requirements – Fenestration (essentially window or door openings) are a key requirement for certain building features and components. Porches, front facades, dormers and other components require certain percentages of window and/or door openings or transparency, particularly on the building aspects that face the street. Through using the code over the past year and working with architects and designers, we've concluded some fenestration adjustments would be beneficial, while ensuring the HB character goals. The following draft amendments are intended to address this:

- Porch Fenestration – Applicants have been using porches as components on the side and rear of homes, which is in character. In these locations we think a 40% fenestration requirement is more realistic considering how these porches are being designed with interior wall space necessary and transparency is less critical etc. and have drafted this change. Front porches will continue to require 60% fenestration when enclosed.
- Dormer Window Fenestration – Currently dormers are required to have 50% fenestration. This has proven to be difficult to achieve and a lot of glass for a 2nd or 3rd story dormer. We've drafted amendments to bring that fenestration requirement down to the 30%.
- Principle Building / Facade Fenestration – Currently the main body of a house or building is required to have fenestration on the façade, but the code isn't entirely clear that this requirement is only intended for the façade(s) facing the street or beach. Amendments have been drafted to clarify this.

Principal Building Shape and Roof Line Changes – The Code is set up to allow a principal building form (i.e. a box) and then a range of components that can be added to that form, like porches, dormers, rear additions etc. to make the house unique, but also in character. The Code is unclear though about whether the principal building form has to be a four-dimensional box with one consistent roof line and ridge beam or if it can have changes in wall planes and varying roof lines, roof elevations and ridge beams. Through our discussions and on our site walk, there seemed to be a consensus that this needed to be addressed, given a number of new projects that exhibit new homes with multiple primary roof lines and ridge beams and corresponding wall planes that project



in and out. Based on the collective review and discussion, this architectural treatment was viewed as not in character with the desired design outcomes or historic patterns. The following draft amendments are intended to address this:

- **Single Roof Plane** – Language is drafted to require the main building mass to be a rectangular form with a single roof line and type, and prohibiting multiple ridge beams.
- **Vary Buildings by Using Components** – To ensure buildings can be customized and unique per the desires of homeowners, builders, and the community, draft language makes clear that a variety of components can be used to create that range of building designs and that components are to be used to articulate and vary wall planes to ensure character consistency.
- **Measuring and Defining the Main Building Mass** – As stated above, draft language indicates the main building mass is required to be a rectangular form and single roof line and type, and the building length and width standards apply to this main building massing, while components have their own unique dimensional standards.

Height and Massing – As discussed as a group, one of the hardest standards to originally settle on in the Character Code were building height and mass, as many property owners wanted to see the size and height of homes remain more cottage scale, while others specifically wanted to be able to build large, four season homes to live in year-round and have adequate space for themselves and guests. Not surprisingly, we’ve observed that some of the first new construction projects have maximized the allowable building sizes both horizontally and vertically. It was collectively decided that we need to get at this issue with some adjustments, but also recognize that the coastal cottages of the early 1900s aren’t realistic either. The following is an overview of some draft amendments to this end:

- **Reduction in Story Height for 2nd Floors** – To limit overall building height while maintaining the allowed stories and floor area, the draft amendments propose to reduce the allowed 2nd story max. a foot from 10’ to 9’.
- **Reduction in Allowed ½ Story Height** – Currently ½ stories are allowed if they have no greater than 2’ knee walls before the roof line meets the wall. The draft proposes to drop the knee wall allowance down to 1’ for ½ stories.
- **Control 2nd Story Heights** – The draft amendments include a standard for the maximum eave height for residential buildings to help control overall height and help keep structures in scale and character.

Additional Variation and Flexibility – Also as part of the audit, we’ve discovered that allowing more variation and flexibility in components, such as side additions and rear additions and how they are attached to the main building mass, would be beneficial to applicants and still remain in character. The following draft amendments are intended to address this:



- Side Wings – Flexibilities have been drafted in how side additions can attach to the main mass to enable them to be offset and not fully attached to the side wall. This is common in beach communities and generally in New England, and seems like a good added option.
- Rear Additions – Similarly, rear additions are drafted to be able to not be fully behind the main mass, but rather can be offset, subject to dimensional standards and setbacks. Again, this is a flexibility that will enable more variation, but consistent character.

Dealing with Existing Non-Conforming Structures – With the new code, there continue to be some now non-conforming homes that are set too far back from the street or don't otherwise meet some of the new character code standards. The proposed language is designed to enable these structures to become more conforming, but perhaps not entirely conforming, without needing Board of Appeals approval.

Thank you.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-066. The second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations has been scheduled for Wednesday, September 6, 2017. [*Ordinance Committee*]

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

07/19/17 6 Yeas. 1 Nay [*Councilor Hayes*]

09/06/17

First Reading/Vote

Second Reading/Final Approval/Vote

**AMENDMENT TO CHAPTER 405 THE ZONING ORDINANCE
REGARDING SIGN REGULATIONS**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section XII. Sign Regulations, of the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section XII of Sign Regulations by adding the underlined text as shown below.

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013]

A. SIGNS – PURPOSE AND PERMITTING

1. Purpose.

The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed exterior advertising and signage; to allow for attractive, legible signs to serve the needs of individual businesses, properties, and general destinations within the community; to protect property values, enhance and protect the physical appearance of the community, preserve its scenic and natural beauty; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment.

2. Sign Permits.

After the effective date of this Ordinance and except as otherwise herein provided, no person shall erect, make structural alterations to or move any signs without first applying for and obtaining from the Code Enforcement Officer a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as may be required by the Code Enforcement Officer for a complete understanding of the proposed work and shall be accompanied by the required fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council.

~~For Temporary Grand Opening Signs and Temporary Going Out of Business Signs under subsection J, the fee will include a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or banner upon expiration of the permit.~~ Except as otherwise provided in subsection J., temporary signs must conform to all provisions of this Ordinance, but shall not be counted in calculating the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall. Permits are not required for: [Amended 04/6/94] [09/06/95] [05/01/96][12/06/02]

Temporary signs ~~giving notice under Section XII(J).(1)~~

~~Temporary real estate signs under Section XII(J).(2.)~~

~~Temporary development or construction site signs under Section XII(J.3.)~~

~~Off premises farm stand signs under Section XII(J).(5).~~

Bulletin boards and similar signs under Section XII(B.)(4).

Directional signs under Section XII(B.)(12)

Doorway signs under Section XII(B.13.)

Banners under Section XII(B.)(21.)

3. Application for Sign Permits.

Permits for permanent signs shall only: be granted to the owner(s) or the agent of the building or the property upon which the sign(s) will be installed. See Section XII(J.) for application requirements for temporary signs.

4. Exceptions.

For the purpose of this Ordinance, the term "sign" does not include banners attached to or printed on and signs located under the cover of a tent or tarp allowed under Section IX(F); signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations; "name signs" not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located; or the Town of Scarborough public banner, controlled by the Town of Scarborough and placed from time-to-time across Gorham Road (Route 114) near the Scarborough High School driveway to provide public notice of events or functions authorized by the Town and occurring at municipal facilities. ~~or of events or functions conducted by churches or civic organizations, limited to one event or function per church or organization per year.~~ (10/21/92) (4/6/94) (5/01/96)

B. GENERAL SIGN STANDARDS

The following provisions relating to signs are applicable in all districts.

1. Maintenance and Conformance of Signs. No sign shall be erected, maintained, used or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings. The sign must be maintained at all times in safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.. (4/6/94)
2. General Safety Standards for Signs. No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.
3. ~~Signs identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does~~

When a commercial sign is authorized on a residential building it must not exceed six (6) square feet in area and ~~is~~ be non-illuminated.

4. A bulletin board, reader board or similar sign in connection with any ~~church, museum, library, school~~ commercial activity or similar public structure is allowed. [4/6/94]
5. Except as provided in Section XII(J.) concerning ~~certain~~ temporary signs and Section XII.(I.) off-premise official business directional signs, no sign shall project over or be located within a public right of way. [4/6/94]
6. Animated signs, animated displays or flashing signs are prohibited, with the exception of time and temperature signs as allowed under Section XII.(C.). No sign or part of a sign shall consist of a balloon or other inflatable component. [4/6/94]
7. Internally-lit signs shall have an opaque or dark background to minimize glare and lighting impacts.
8. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign. This paragraph does not prohibit temporary decoration of buildings or structures during holiday seasons when such decoration is customary. [4/6/94]
9. Motor Vehicle Signs. Signs on motor vehicles are not subject to the regulations of this Section XII unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exists:
 - a. the motor vehicle is unregistered;
 - b. the motor vehicle is uninspected;
 - c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
 - d. the motor vehicle is parked or stored continuously in the same locations;
 - e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
 - f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right-of-way adjacent to the front yard when there is parking available in a side or rear yard; or,
 - g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section CII may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying,

displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

10. Decoration and Ornamentation. Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section XII unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if one or more of the following circumstances exists:

- a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
- b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
- c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

The presumption that any decoration or ornamentation has the effect of circumventing this Section XII may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

11. Any sign which no longer advertises a bonafide business conducted, product sold, activity or campaign being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after written or personal notification from the Code Enforcement Officer, except in the case of temporary signs which shall be removed in accordance with Section XII(J). [4/6/94]

12. Directional signs having a display area that does not exceed three (3) square feet, and does not extend higher than seven (7) feet above ground level, are permitted with permission of the Code Enforcement Officer.

13. Identification signs indicating the location of, or direction to a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

14. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this ordinance.

15. Roof signs are not allowed.

16. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified in Section XII.E.

17. Identification signs identifying the name of a ~~church, residential subdivision, condominium, apartment, multi-family housing project, residential neighborhood, or a commercial subdivision which has a place name different from the names of any of the businesses within the subdivision,~~ commercial activity or similar public activity may be permitted if approved by the Planning Board. Such signs may be illuminated by shielded lights and located as approved by the Planning Board, and shall be maintained by an approved owner or association. The Planning Board may waive setback requirements for an identification sign when the Board finds that locating the sign in compliance with setback requirements would be impractical or ineffective. Signs allowed under this paragraph shall not be counted in calculating the maximum number of signs allowable on a lot or in applying requirements for separation between signs. [05/01/96]
18. Graphics and pictorial artwork are allowed on signs and shall be considered a part of the gross display area for the purpose of determining the size of a sign. [4/6/94]
19. An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall constitute a wall sign, including the calculation of total gross display area. [4/6/94]
20. Any premises which utilizes an identification or advertising sign must display its street numbers on at least one of the permanent signs permitted under this Section XII in a location visible from the nearest street. Numbers shall be placed on the sign face or on a panel parallel to the sign face and shall be as nearly perpendicular to the sideline of the street as possible. If it is not physically feasible to place the street numbers on the sign face, the numbers may be placed on the end of the sign parallel to the sideline of the street as long as they are of contrasting color and easily visible from the roadway. The characters of the street number shall be at least 11 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 11 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 11 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after April 7, 1994 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph. [4/6/94] [4/5/95] [05/01/96]
21. A banner, limited to a maximum of twenty five (25) characters (numbers and letters), the dimensions of which do not exceed twenty-four square feet may be displayed by any ~~retail business or service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government (except home occupations)~~ commercial or similar public entity during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Under this subsection, a business commercial or similar public entity may display ~~both one (1) "open" banner and one (1) banner~~ limited to a maximum of twenty-five (25) characters during the hours such business is open for customers. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag. [4/6/94] [Amended 08/19/09]

22. No lighted sign, including a nonconforming sign replaced or relocated pursuant to Section XII.K. shall be located within eight feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver. [4/6/94] [4/5/95] [5/01/96]
23. ~~Marquees are allowed for theatres and movie houses and on buildings or portions of buildings that are used as theatres or movie houses.~~ Marquees may not be animated signs or have animated sections.
24. One or more ~~menu boards~~ freestanding signs installed at the points where customers place their orders at a drive-through ~~restaurant-~~ commercial establishment, which does not exceed 32 square feet of gross display area per sign and the location of which has been approved by the Planning Board under the Scarborough Site Plan Review Ordinance, shall not be counted as a sign in applying the dimensional requirements of Sections XII(D), XII(E) and XII(F). [Amended 08/17/05]
25. Illuminated signs are prohibited in all residential districts, except as allowed by Section XII(B)(17). [7/17/91]

In the Residence and Professional Office District RPO, no illuminated sign may be located on a lot abutting or across the street from a lot containing a dwelling until the lighting for the sign is reviewed and approved by the Planning Board, or Town Planner at the direction of the Planning Board, applying the standards of the Scarborough Site Plan Review Ordinance. [4/6/94]

26. Vision triangle. No sign shall be located in an area that conflicts with clear sight distance for oncoming traffic. Sign permits will be issued by the Code Enforcement Officer if the applicant provides supporting evidence that the proposed sign will be located at least 15 feet from the existing edge of pavement. If an applicant desires a location less than 15 feet from the edge of pavement then they must provide certifiable evidence from a licensed Professional Engineer who specializes in Traffic Engineering that the proposed sign location will not obstruct vehicular sight distance within the boundaries of following described vision triangle:

a. The vision triangle is determined by measuring from the intersection of the edge of the major street and the minor street or driveway along the major street the appropriate distance as determined based upon the posted speed limit (see table) and a distance of 15 feet along the minor street/driveway. and then connecting: the two points with a straight line.

b. Sight distance will be measured in accordance with the current Maine DOT standards and procedures.

c. Major Street Speed Limit Measurement Distances

25 mph	=	250 feet
35 mph	=	350 feet
40 mph	=	400 feet

45 mph	=	450 feet
50 mph	=	500 feet
55 mph	=	550 feet

27. ~~Fuel price signs are permitted to be incorporated into freestanding signs for gasoline filling stations. Fuel prices~~ Free standing signs with changeable messages may be advertised through using manual, electronic or mechanical means ~~and~~ are limited to 12" in lettering or numbering height. If ~~fuel prices are advertised the changeable messages are~~ electronically they are permitted to use industry standards and colors and are not limited to the requirements under Section XII. G.1. Electronic Message Signs.

C. SIGN DIMENSIONAL CHART [Amended 08/19/09]

The following chart summarizes the maximum gross area (in square footage) that is permitted for signage and is listed by type of signs and zoning districts in which they allowed.

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O, L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
TEMPORARY SIGNS										
Temporary signs <u>in the right-of-way giving notice: FS/W</u>	J	Gross Area	12 6 sf				16 6 sf			
Temporary <u>Signs on Private Property</u> real estate: FS	J	Gross Area	916 sf	16 sf	916sf	16 sf	32 sf			
<u>Banner (see note 2)</u>	J	Gross Area	24 sf							
~~Temporary real estate: W~~	J	Gross Area	9 sf	16 sf	9 sf	16 sf	32 sf	32 sf	32 sf	16 sf
Temporary construction: FS	J	Gross Area	16 sf							
Temporary construction: W	J	Gross Area	16 sf				32 sf			

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
Temporary grand opening (window or banner)	J	Gross Area	16 sf				60 sf			
Off-premise farm stand: FS	J	Gross Area	8 sf				8 sf			
Temporary going out of business (window or banner)	J	Gross Area	16 sf				60 sf			
Temporary relocation (window or banner)	J	Gross Area	16 sf				60 sf			
Temp. sandwich board	J	Gross Area	8 sf				8 sf			
CAMPUS SIGNS										
Campus directory	H.	Gross Area						75 sf	75 sf	75 sf
		Height						10'	10'	10'
Campus primary directional	H.	Gross Area						45 sf	45 sf	45 sf
		Height						9'	9'	9'
Campus secondary directional	H.	Gross Area						16 sf	16 sf	16 sf
		Height						8'	8'	8'
Campus pedestrian directional	H.	Gross Area						8 sf	8 sf	8 sf
		Height						8'	8'	8'
ADVERTISING / RETAIL SIGNS										
Advertising Freestanding Signs	B/C	Gross Area: FS	32 sf	32 sf	32sf	32 sf	100 sf			
	C	Length FS	16'	16'	16'	16'	16'	16'	16'	16'
	C	Height FS	8'	8'	8'	8'	16'	16'	16'	16'
Advertising Wall Signs	C	Gross Area/bldg. face: Wall (See Note 5)	50 sf	50 sf	16 sf	16 sf	100 sf			

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O, L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
		Combined Gross Area Corner Lot (See Note 4)					150 sf			
Business Directory Signs	F.	Gross Area					150 sf			
~~Home occupation Commercial Signs on Residential Property~~	B.1	Gross Area	6 sf							
Off-premise directional	I	Gross Area					Not to exceed State standards or ≤ 16” x 72”			
Readerboards (See Note 3)	G	Gross Area					25sf	25sf	25sf	
~~Open/retail banner (See Note 2)~~	~~B.21~~	~~Gross Area~~	~~24 sf~~							
IDENTIFICATION, BULLETIN AND DIRECTIONAL SIGNS										
Bulletin board	B.4	Gross Area	24 sf							
Directional signs at driveways	B.11	Gross Area	3 sf							
		Height	7’							
Doorway identification	B.12	Gross Area	10% of doorway or opening							
Identification ~~Signs for church or residential developments¹~~	B.17	Gross Area	~~20~~ 32 sf							
~~Identification for commercial subdivisions¹~~	~~B.17~~	~~Gross Area~~					32 sf			

Sign Dimensional Chart Notes and Standards

1. Identification signs do not count toward maximum number of signs on a lot, or for applying requirements for separation of signs.

2. Banners allowed under Section XII(B)21. do not count toward maximum number of signs on a lot.
3. Area of readerboard included in the maximum sign area of the freestanding sign of which it is a part of.
4. Gross sign area may be divided between the principal and secondary sign and under this section the principal sign shall not exceed 100 sf.
5. Unless otherwise provided, wall and window signs shall conform to the following:
 - a. Total gross display area of all wall and window signs shall not exceed 10% of the area of the wall on which they are located. Where separate units of occupancy exist in a building, the gross display area under this paragraph shall be calculated separately for each unit of occupancy, based on the wall areas which enclose each unit, provided that the total gross display area for the building does not exceed the limits of this paragraph.
 - b. Except in the case of an awning, no wall sign shall project more than 12" inches beyond the surface of the wall to which it is attached, or extend above the drip edge of the roof above it or extend laterally beyond the ends of the wall to which it is attached. Where separate units of occupancy exist in a building, the limitations of this paragraph shall apply separately to the wall surface which encloses each unit.

D. MAXIMUM NUMBER OF FREESTANDING SIGNS PER LOT

MAXIMUM NUMBER OF FREESTANDING SIGNS							
TYPE OF SIGN	<u>RF, R4A, RFM, R2, R3, R4, VR2, VR4</u>	<u>RPO</u>	<u>B1</u>	<u>B2, B3, BO-R</u>	<u>IND, I- O, L-I</u>	<u>TVC, TVC-2, 3, 4, RH, RH2</u>	<u>HP</u>
Temporary	1/lot						
Permanent: frontage on one street	1/lot	1/lot	1/lot	2/lot			
Minimum street frontage for 2 signs				300'			
Permanent: corner lot	1/lot	1/lot	1 principal sign, 1 secondary sign				
Minimum separation			100', measured along rights-of-way or front property line				
Business Directory			1 (<i>Note 1</i>)				
Campus Directional Signage				<i>Note 2</i>		<i>Note 2</i>	
Readerboards			1 incorporated into principal freestanding sign				

Note 1. Lots are limited to one (1) Business Directory signs except for lots that qualify and are approved in accordance with Section XII(F)5.

Note 2. Number of campus directional signs shall be approved by the Planning Board as part of review of Signage Master Plan (see Section H Campus Directional Signs and the Commercial Design Standards)

E. ADDITIONAL FREESTANDING SIGN REQUIREMENTS

Unless otherwise provided, freestanding signs shall conform to the following:

1. The required minimum distance between signs on the same lot or unified development is one hundred (100) feet.
2. The required minimum lot line setback is fifteen (15) feet from side and rear lot lines.
3. The required minimum setbacks to the front lot line and right-of-way (ROW) is variable based on the height of the sign in accordance with the following chart:

<u>VARIABLE SETBACKS</u>		
<u>DISTANCE FROM ROW</u>	<u>MAXIMUM HEIGHT</u>	<u>MAXIMUM SIZE</u>
5'	8'	32 sf
10'	10'	60 sf
15'	16'	100 sf

- a. There is no minimum front lot line setback required for freestanding signs from the Haigis Parkway right-of-way; all other dimensional requirements established in Section XII (C) shall apply
4. The maximum sign height requirements are listed in Section XII(C) and are, subject to the variable setback requirements above. [10/20/04]
5. The required minimum setback/distance for signage located in a “Business” District is two hundred (200) feet from a “Residential” District. [7/17/91] [4/6/94]

F. BUSINESS DIRECTORY SIGNS [Amended November 17, 1993]

1. Except as otherwise provided in this Subsection (F), a Business Directory Sign shall comply with all the requirements of this Section XII. A Business Directory Sign shall be deemed an on-premise, freestanding sign, not a billboard.
2. Business Directory Signs shall be permitted only in the B-1, TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, HP, BO-R, RH, RH2, CPD and Industrial districts.
3. Notwithstanding the provisions of Sections XII(C) and XII(D), the maximum gross display area of a Business Directory Sign shall be 150 square feet. At least 10 percent of the gross display area shall be devoted to identifying the Unified Development by name (or by generic description such as "office park" or "shopping center" if no name has been assigned) and by street address on the Main Thoroughfare. The numbers of the street address must be no less than 11" (eleven) inches high. The remaining gross display area may be used only to identify and advertise uses within the Unified Development and must be located below the name and street address of the Unified Development. Before the Building Inspector issues a permit for a Business Directory Sign, the Addressing Officer in coordination with the Town Planner must determine that the name of the Unified Development is not identical to or likely to be confused with the name of any other development already existing in Scarborough. [4/6/94]

4. Notwithstanding Subsection XII(F), no lot within a Unified Development which utilizes a Business Directory Sign may contain more than one freestanding sign, except that the lot on which the Business Directory Sign is located may contain both the Business Directory Sign and one other freestanding sign otherwise allowed by this Ordinance. The Building Inspector shall not issue a permit for a Business Directory Sign without the written consent of each lot owner within the Unified Development to the limitation of one freestanding sign per lot and the written agreement of the owner of any lot on which there are two or more freestanding signs to remove all but one of such signs upon the erection of the Business Directory Sign. [4/6/94] [4/5/95]

5. A Business Directory Sign must be located on property within the Unified Development which abuts the Main Thoroughfare, must be visible from the Main Thoroughfare and must be located at or near the driveway or street entrance to the Unified Development in order to direct motorists to that entrance. When a Unified Development abuts and has a driveway or street entrance from more than one Main Thoroughfare, the Planning Board may approve one Business Directory Sign at or near the driveway or street entrance from each of the Main Thoroughfares for a total of two Business Directory Signs.

6. Business Directory Signs shall comply with all applicable setback requirements, except that no setbacks shall be required from property lines separating lots within the Unified Development from one another or from common areas (other than streets), and no setbacks shall be required from boundaries of leasehold or easement interests (other than streets) within the Unified Development.

7. No Business Directory Sign may be located within 200 feet of any other freestanding sign in the Unified Development.

8. If provided, electrical service to a Business Directory Sign must be by underground wiring only.

9. Each owner of a lot or unit of occupancy which is identified or advertised on a Business Directory Sign shall be responsible for any violations of this Ordinance arising out of the erection or maintenance of the Business Directory Sign and shall be deemed an owner of the sign under Section IV(C) of this Ordinance. The Town may enforce the provisions of this Ordinance against any or all such owners.

G. ELECTRONIC MESSAGE AND TIME/TEMPERATURE SIGNS

Electronic message and time and/or temperature signs are permitted only in the B1, B2, B3, BO-R, RH, RH2, I, I-O, L-I, CPD and TVC, TVC-2, TVC-3, TVC-4 Districts subject to the following standards:

1. Electronic Message Signs are required to comply with the following conditions:

- a. An electronic message sign may only be used as a readerboard on a free-standing sign. Electronic message signs may not be used as stand-alone signs.
- b. An electronic message sign must not give the appearance of motion, flashing, blinking, or shimmering. When the display changes, it must change as rapidly as is

technologically practicable with no phasing, rolling, scrolling, flashing, or blending.

c. The message may be changed no more frequently than twice in each 60 minute period. [Amended 08/19/09]

d. Electronic message sign lettering or numbering height shall be a minimum of 8” and a maximum of 12” and may consist only of white or gold lettering or numbering on a black background. [Adopted 08/19/09][09/21/2011]

2. Time and/or Temperature Signs are required to comply with the following conditions:

a. Any sign otherwise permitted may include a time and/or temperature sign. (09/21/2011)

b. A time and/or temperature sign, or the portion of a sign used to illustrate the time and/or temperature, shall be limited to 10 square feet in area. (09/21/2011)

c. A time sign shall be permitted to change no more frequently than thirty-second intervals.

d. A temperature sign shall not change except when the temperature changes one degree.

H. CAMPUS DIRECTIONAL SIGNS [07/21/04]

1. A primary goal of campus directional signs shall be to assist the public in finding specific business locations or destinations or directing the public within a Unified Development. The number and location of the signs shall be based upon the following criteria: [Amended 02/20/08]

a. The number and visibility of major destinations within the Unified Development.

b. The complexity of internal circulation patterns.

c. The nature of the businesses/institutions as they relate to public accessibility.

d. The characteristics of the clientele. such as but not limited to familiarity with the area, seasonally attracted, tourist oriented, or emergency users.

2. Campus directional signs shall be permitted only in the TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, BO-R, RH, RH2 HP and Industrial districts.

3. Dimensional Requirements

Type of Sign	Maximum Gross Display Area	Maximum Height
Primary Directional	45 SF	10 feet
Secondary Directional	32 SF	8 feet
Pedestrian Directional	8 SF	8 feet

4. The display area of campus directional signs shall be used to identify the names of destinations within the Unified Development and to provide directions to, from and within said development based on the criteria listed in Section K(1) (a) through (d). [Amended 02/20/08]

5. Depending upon the sign location, sign may be double-faced with information on the opposite side of the sign.
6. Text messages on the sign faces must be of a size and typeface that is readable from a moving vehicle at the posted speed limit. In no case shall the text be smaller than 3 inches in capital letter height. See Scarborough Design Standards for further description of signage requirements.
7. The recommended minimum distance between campus directional signs shall be one hundred (100) feet.
8. Campus directional signs shall be set back a minimum of fifteen (15) feet from the boundaries of the Unified Development.
9. The maximum number of signs for the Unified Development shall be shown on a Signage Master Plan submitted to the Planning Board as part of Site Plan Approval. The Master Plan shall indicate typical ~~content~~ layout for signs, allowing flexibility to change the wording without having to return to the Planning Board. Variations in the number or locations of signs shown on the Signage Master Plan must be approved by the Planning Board prior to implementation. See Scarborough Design Standards for further description of Signage Master Plan.
10. Off-site directional signs shall not be considered campus directional signs. However, for purposes of signage review, off campus directional signs that are part of a Unified Development shall be designed as part of the Signage Master Plan.

I. OFF-PREMISE OFFICIAL BUSINESS DIRECTIONAL SIGNS

Any business establishment located within the Town of Scarborough, which does not front or face upon U.S. Route One and which does not have a freestanding or wall sign fronting or facing upon U.S. Route One regulated by Section XII of this Ordinance, and that is not on a residential property, may locate two signs off the business premises. Whenever any eligible business establishment as defined above applies for an Official Business Directional Sign the following conditions must be met:

1. Comply with Maine Department of Transportation "Regulations for the Installation of Official Business Directional Signs" except as is otherwise specified above.
2. Maximum sign size shall not exceed 16" x 72"; (Note: sign size to be determined by Maine DOT but not to exceed 16" x 72").
3. Off-Premise Official Business Directional Signs shall not be located within the Haigis Parkway Right-of-Way between Payne Road and Route One.
- ~~4. Business establishments undertaken and permitted pursuant to the provisions for home occupations shall not be permitted directional signs under this section.~~

5. The Code Enforcement Officer may permit two directional signs per this Ordinance. No more than two additional signs may be allowed if the Zoning Board rules favorably on an appeal heard pursuant to Section V of the Zoning Ordinance and based upon any of the following criteria:

- a. a demonstrated need for adequate visibility of the sign to two-directional traffic;
- b. the distance from the nearest State numbered route;
- c. the nature of the business as it relates to public accessibility;
- d. the characteristics of the clientele such as but not limited to familiarity with the area, seasonally attracted, or tourist oriented;
- e. excessive number of turns or confusing route on local roads;
- f. complicated intersections of State numbered routes or major arterials;
- g. a primary consideration shall be to assist customers seeking the specific business location;
- h. the Board shall deny the application for added signs if it finds that their function is one of advertising to attract customers rather than to direct individuals seeking the business;
- i. existing double-faced directional signs which must be replaced shall be considered as two single-faced signs, and the relocation of signs to other locations must be approved by the Zoning Board of Appeals subject to the criteria of this section;
- j. the Zoning Board must specify the approved number(s) and location(s) of additional signs based upon the provisions of this section.

J. TEMPORARY SIGNS

The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations.

Temporary signs specified in this section shall not be attached to fences, trees, utility poles, light poles, traffic control devices or the like.

To protect ecologically sensitive areas and scenic views no temporary signs shall be placed in the right-of-way along:

- Route One between Dolloff Way and Southgate Road
- Black Point Road between Camperdown Elm Drive and Tide Mill Lane
- Black Point Road between Old Neck Road and Strawberry Fields Road
- Black Point Road between Spurwink Road and Sprague Way
- Black Point Road between Harmon Street and Winslow Homer Road
- Pine Point Road between Marsh Winds Street and Primrose Lane
- Pine Point Road between Old Blue Point Road and East Grand Avenue
- Pleasant Hill Road from Minuteman Drive to Hackmatack Drive (Pleasant Hill Preserve Area)
- Bayview Avenue between Houghton Street and Morning Street

To protect public safety in and around intersections with high traffic volumes no temporary signs shall be placed in the right-of-way within 50 feet of the following intersections:

- The Route One - Broadturn Road/Pine Point Road intersection
- The Route One - Payne Road intersection
- The Route One - Haigis Parkway intersection
- The Route One Gorham Road/Black Point Road intersection
- The Route One - Pleasant Hill Road intersection
- The Payne Road - Haigis Parkway intersection
- The Payne Road-Gorham Road intersection
- The Payne Road-Gallery Boulevard intersection

The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way

Temporary signs in the right-of-way are permitted for a period not to exceed 12 weeks in a calendar year with no sign remaining for more than 3 consecutive weeks and with not less than 6 weeks between the end of one sign display time period and the beginning of another. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the name and phone number of the person placing the sign. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed within one tenth of one mile of another bearing the same or similar message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public

~~Temporary Signs Giving Notice-~~

~~Temporary signs giving public notice, such as political posters, advertisements of charitable functions, meeting notices, and other noncommercial signs of a similar nature, are permitted for a period not to exceed twenty (20) days and shall be removed by the person(s) who posted the signs. Temporary signs specified in this section shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.~~

2. Temporary Signs on Private Property

Temporary signs on private property are permitted for no more than 6 consecutive months. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

~~Temporary Real Estate Sign. [4/6/94]~~

~~a. One temporary real estate sign attached to a building or free standing, may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Two signs may be utilized depending on the location of the business relative to the main highway. [4/5/95]~~

~~b. Unless prohibited by State authorities, one off-premises Temporary Real Estate Sign bearing only a general message such as "Home[s] For Sale [or Lease]" or "Land For Sale [or Lease]" and not identifying or advertising any real estate agency, agent or broker or one off-premises Temporary Real Estate sign bearing the message "Open House" (which may identify or advertise a real estate agency, agent or broker) may be placed at the entrance to a dead-end or cul-de-sac street for the purpose of directing motorists to property offered for sale on that street. Such sign may be located within the public right-of-way, but only in locations which do not interfere with vehicular or pedestrian traffic and which do not block the line of sight to and from vehicles exiting the street. Nothing in this subsection authorizes placement of any sign on private property without the permission of the property owner.~~

~~c. Notwithstanding the provisions of Section XII(D), a temporary real estate sign advertising lots or homes for sale in a residential subdivision approved by the Scarborough Planning Board may have a gross display area of thirty-two square feet until such time as the last of the lots or houses is sold for use as a residence.~~

~~d. Temporary real estate signs shall be removed from the premises within thirty (30) days after the property is sold or leased.~~

~~3. Temporary Development or Construction Site:~~

~~One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project. [4/6/94]~~

~~4. Temporary Grand Opening Signs. [Amended 12/04/02] [Amended 08/17/05] [repealed effective 12/31/05] ¹[Adopted 08/19/09]~~

~~Temporary Grand Opening Signs. One (1) Temporary Grand Opening Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing the opening of a new business. Business establishments located on corner lots may install two (2) Temporary Grand Opening Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Grand Opening Signs may be in the form of a banner or window sign. A Temporary Grand Opening Sign shall be displayed for no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Grand Opening Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

~~5. Off-Premises Farm Stand and Agricultural Products Store Signs:~~

~~To the extent permitted by State law, the operator of a Farm Stand or Agricultural Products Store may install a maximum of four (4) Off-Premises Farm Stand/Agricultural Products Store Signs for the purpose of directing motorists to the location where local agricultural~~

¹ Section XII(B)(4) (Temporary Business Signs) shall stand repealed as of December 31, 2005. No Temporary Business Signs shall be allowed after December 31, 2005.

~~products are offered for sale. Such Off-Premises Farm Stand/Agricultural Products Store Signs must be no more than eight square feet in gross display area and must be located within five miles, road distance, of the farm stand or store. Farm Stand/Agricultural Products Store Signs may be placed in off-premises locations only during periods of the year when the stand or store is open and the product or products identified on the sign are available for sale, or such other time periods as provided in state law. Off-premises Farm Stand/Agricultural Products Store Signs may be located within the right-of-way only on highways which receive no federal aid and only at the edge of the right-of-way, in locations which do not interfere with vehicular or pedestrian traffic and which do not interfere with visibility for pedestrians or motorists. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner.[4/6/94] [12/15/99] [amended 05/05/10]~~

~~6. Temporary Going Out of Business Sign. [Adopted 08/19/09]~~

~~One (1) Temporary Going Out of Business Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing that the establishment is going out of business. Business establishments located on corner lots may install two (2) Temporary Going Out of Business Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Going Out of Business Signs may be in the form of a banner or window sign. The display of a Temporary Going Out of Business Sign shall be limited to no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Going Out of Business Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

~~7. Temporary Sandwich Board Sign. [Adopted 08/19/09]~~

~~One (1) Sandwich Board Sign may be displayed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government commercial or similar public entity for the purposes of advertising specials, other items for sale, or events being offered general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board Sign shall require a sign permit, per subsection A.2., which will establish a business or users ability to use such a sign and delineate the area in which it will be displayed. A Sandwich Board Sign shall be located on a sidewalk or walkway in a manner that it does not infringe~~

on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

~~8. Temporary Relocation Sign. [Adopted 08/19/09]~~

~~—One (1) Temporary Relocation Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing that the establishment is relocating. Business establishments located on corner lots may install two (2) Temporary Relocation Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Relocation Signs may be in the form of a banner or window sign. The display of a Temporary Relocation Sign shall be limited to no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Relocation Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

K. NON-CONFORMING SIGNS

The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

1. Any sign existing at the effective date of adoption of this Section XII which does not conform to the regulations and requirements of this Section XII and any sign existing on the effective date of any amendment to this Section XII which renders the sign nonconforming; may continue to be used and maintained in a condition of good repair until removed, pursuant to the conditions of this Ordinance.

2. No non-conforming sign shall:

- a. Be enlarged if such enlargement would increase any nonconformity.
- b. Be changed to another nonconforming sign.
- c. Be changed in shape or size.
- d. Continue to be used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for ninety (90) days or longer, or, in the case of a seasonal business, for three hundred sixty-five (365) days or longer.
- e. Be repaired, or replaced after damage or destruction, if the expense of repair exceeds fifty percent (50%) of the current cost of replacing or duplicating the existing sign, as determined by a professional sign manufacturer.
- f. Continue to be used or allowed to remain in place following any activity that requires site plan approval by the Planning Board.

The addition of a readerboard to an existing nonconforming sign shall not be considered an enlargement under subparagraph (a) above or a change under subparagraphs (b) or (c) above, provided that the addition of the readerboard does not increase the gross display area of the sign beyond the maximum permitted in the zoning district or the gross square footage of the existing sign, whichever is greater. [Amended 08/17/05]

3. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a non-conforming sign has been taken down or moved, said sign may only be replaced with a sign that is in conformance with the requirements of this Ordinance, except that a seasonal business may take down nonconforming signs in the off season and replace them in the same locations when the business reopens the following season.

4. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

5. Notwithstanding the above, if there is a change of use on a single-use property, and there were one or more on-premise nonconforming signs which advertised the former business or use, any new signs used, and all new signs faces for the new use or business must meet all sign requirements for the underlying zoning district. This provision shall not apply in cases where the supply of parking would be reduced below that required by ordinance, or where the new sign location would create a public safety hazard or block sight distance. A change in use means a change in function as described in the Land-Based Classification Standards of the American Planning Association (APA).

6. Relief from the above restrictions on non-conforming signs may be reviewed and granted by the Board of Appeals in accordance with the Miscellaneous Appeal review process under Section V.B.4.g.

L. SUBSTITUTION CLAUSE

For every commercial sign that is allowed under this Ordinance, any non-commercial message may be legally substituted.

M L. DEFINITIONS SPECIFIC TO SIGN REGULATIONS.

As used in this Section XII, the following terms have the following meanings: [Amended 4/6/94]
[Amended 05/01/96]

a. Abandoned Sign:

A sign that was legally erected but whose use has ceased or the structure upon which the sign was displayed has been abandoned by its owner for a period of not less than 30 days.

b. Accessory Sign:

A secondary sign that provides on-site information concerning the business that is not indicated on the primary identification sign(s), such as store hours, accepted credit cards, quality ratings, affiliations, vacancies, parking and traffic direction.

c. Advertising Sign:

A sign whose primary purpose is to attract attention to goods offered for sale or lease or services rendered upon property whereupon the advertising is occurring.

d. Animated Sign:

A sign employing actual motion or the illusion of motion. This definition does not include time and temperature signs or electronic message signs. Animated signs, which are differentiated from readerboards or changeable signs, include the following types:

1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. These include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

a) Flashing: An animated sign with an intermittent or flashing light source.

b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

e. Banner:

A sign of temporary construction made of vinyl, canvas, or similar flexible material.

f. Bulletin Board:

A sign associated with religious or educational institutions on which the copy can be changed.

g. Business Directory Sign:

A freestanding sign identifying names and/or uses, and/or locations, in a Unified Development or multi-tenant development.

h. Campus Directional Sign:

A freestanding sign located along a public right-of-way or within an area designated as a Unified Development that directs people to one or more named destinations reachable along that roadway. [Amended 02/20/08]

i. Copy:

Any graphic, letter, number, symbol, insignia, text, sample, model, device, or combination thereof, which relates to advertising, identification, or notification.

j. Directional Sign:

A sign that indicates ingress or egress to a property and does not contain either identification or advertising copy.

k. Doorway Sign:

A sign indicating the location of, or direction to, a separate function performed within one portion of a building that may be erected over or by the doorway or entrance to such portion of the building.

l. Electronic Message Sign:

An electronically activated changeable sign whose variable message capability can be electronically programmed.

m. Exterior Illuminated Sign:

A sign with an exterior light source, either attached or detached from the sign, whose purpose is to illuminate the sign board.

n. Freestanding Sign:

A sign supported by one or more uprights or braces permanently affixed into the ground.

o. ~~Fuel Price~~ Changeable Message Sign:

The portion of a freestanding sign that ~~indicates current fuel prices available at gasoline filling stations~~ changes message by electronic, manual, or mechanical means.

p. Gross Display Area:

On signs which use a signboard or boards, the total area of the board or boards. On signs where the copy is attached directly to a wall, awning or other building surface, the area within a rectangle which completely contains all the sign's copy.

q. Historical Site Signs:

A wall sign erected or provided by local historical society or government agency that denotes a recognized historical site or structure.

r. Identification Sign:

A sign that includes, as copy, only the name of the business, place, organization, building, or person it identifies.

s. Internally Illuminated Sign:

A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

t. Main Thoroughfare:

Means any of the following streets:

U.S. Route 1
Payne Road
Haigis Parkway
Gorham Road
Pine Point Road
Pleasant Hill Road
Spring Street

u. Marquee:

A structure projecting over the entrance to a theater used to support a sign.

v. ~~Menu Board~~ Drive-through Sign:

A permanently mounted sign displaying the bill of fare for a drive-through ~~restaurant~~ commercial establishment.

w. Non-Conforming Sign:

An existing sign that was lawfully erected in compliance with applicable code requirements and maintained prior to the effective date of this Ordinance.

x. Off-Premise Official Business Directional Sign (OBDS):

An off-premise directional sign allowed under Maine DOT Chapter 200 (or current) Regulations.

y. Off-premise Sign:

A sign that identifies one or more businesses that is located off the premises of the said business(es) and that is located within the public right-of-way. [Amended 02/20/08]

z. Orientation Map:

A sign at the entrance to direct motorists to individual buildings or parking lots within a Unified Development.

aa. Pennant:

An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

bb. Portable Sign:

A sign not designed or intended to be permanently affixed into the ground or to a structure.

cc. Principle Sign:

The main sign on a property.

dd. Projecting Sign:

A sign that is suspended from or supported by any building or structure and projects outward from the supporting structure.

ee. Readerboard:

A free-standing sign or portion thereof on which the copy changes, or can be changed, by manual, electronic, or mechanical means. A readerboard may contain an electronic message sign, or a time and/or temperature sign. [Amended 08/17/2005]

ff. Roof Sign:

A sign located upon or over a roof of a building.

gg. Sandwich Board Signs:

A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

hh. Sign:

An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image. See Section XII.A.6 for exceptions.

ii. Temporary Sign:

A sign ~~or advertising display (such as a political poster) designed,~~ intended to be displayed, ~~or displayed~~ for a short period of time.

jj. Time and/or Temperature Sign:

A sign designed to show time and outdoor temperature.

kk. Under Common Control:

Subject to the provisions of a condominium declaration or subject to rules and regulations imposed by an incorporated unit owners' association or lot owners' association.

ll. Unified Development:

A group of contiguous lots in a common ownership or under common control, a group of lots in a subdivision approved by the Scarborough Planning Board, or a group of units of occupancy on a single lot, where access to the individual lots or units of occupancy is by a common driveway or by a street which serves principally that Unified Development and which is not a Main Thoroughfare. Examples of Unified Developments include, but are not limited to, office parks, healthcare/hospitals, professional parks, business parks, industrial parks, shopping centers and shopping malls.

mm. Vision Triangle:

The area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures, or other materials or items greater than thirty (30) inches in height.

nn. Wall Sign:

A sign painted on, attached to, or supported by a building wall or part thereof, provided that the sign does not project more than 12" from the wall.

oo. Window Sign:

A sign placed, painted, or affixed on the inside or within 12" of a window or door, and is visible from the exterior of the building.

PORTION OF THE PLANNING BOARD MINUTES FROM THE AUGUST 7TH MEETING

“4. The Planning Board will conduct a public hearing to receive comment on the proposed amendments to Chapter 405, the Scarborough Zoning Ordinance, Section XII. Sign Regulations*”

Mr. Chace explained the ordinance amendment process and the Board’s role.

Councilor Donovan explained that the amendments to the Section XII. Sign Regulations is designed to bring the Ordinance in compliance with the Supreme Court ruling of Reed v. Gilbert. Councilor Donovan stated that in the ruling the Court reasoned that because signs were classified into different categories on the basis of their message it subjected each category to different restrictions and was unconstitutionally content based. Councilor Donovan explained that the Ordinance committee presented new sections that include limitations on the placement of signs within scenic and ecologically sensitive areas, within 50’ of the busiest intersections and frequency of identical signs along the roadway. Councilor Donovan stated that the ordinance is content neutral and was uniformly applied. Councilor Donovan explained that 528’ or 1/10 of a mile is the stated number for frequency of temporary signs along the roadway.

Mr. McGee opened the public comment.

Larry Hartwell, 9 Puritan Drive presented the Board with a drawing showing the difficulty of use the 528’ method for sign placement at intersecting street. Mr. Hartwell also showed a roadway with an intersecting roadway and stated that sign placement is not clear at intersecting roads.

Mr. McGee closed the public comment.

Mr. Beeley asked if the scenic and ecological areas where chosen due to complaints. Councilor Donovan stated that was in part, but the Ordinance committee felt it will help to protect these sensitive areas and reduce the proliferation.

Ms. Auglis stated she had no issue with the changes and suggested that the changes be posted on the Town’s homepage once approved.

Ms. Saunders asked where the 50’ from the intersection started. Was it from the centerline or edge of pavement? Councilor Donovan stated edge of pavement.

Ms. Hendrickson asked if the Ordinance committee attempted to reconcile with state law on temporary signs. Councilor Donovan explained that the State has provisions as to the length of time political signs can be up and because the proposed changes are content neutral the committee tried not to focus on the provisions the State has provided for political signs and design exclusively for the Town of Scarborough.

Councilor Donovan explained some of the differences between the proposed ordinance changes and State law for political signs. Ms. Hendrickson stated that any candidate will have to be knowledgeable on two sets of rules and then determine which to follow. Councilor Donovan stated that from the advice of counsel the Town has the authority to regulate signs under their zoning authority and the Town is within their rights to establish these conditions.

Ms. Hendrickson questioned the distance opposing parties can place their signs. Councilor Donovan stated that had not been addressed as they kept it content neutral. Ms. Hendrickson stated that would still allow for a cluster of signs. Ms. Hendrickson suggested looking at the State's rules for political signs to try and harmonize or take from them what might be beneficial. Ms. Hendrickson questioned the use of the word "similar" in the temporary sign provision and asked how it would be defined and that it needed to be looked at carefully because in an election something could be similar, yet diametrically opposed. Ms. Hendrickson also pointed out that the language used regarding length of time and the fact it didn't solve the problem as there were ways around it. Ms. Hendrickson addressed the 6 month temporary signs restriction on private properties and stated that elections take more than six months and political speech can take lots of forms. Ms. Hendrickson stated she felt it could be an abridgement of political speech and 1st amendment rights. Ms. Hendrickson stated it should be scrutinized very closely to ensure we are not restricting freedom of speech.

Mr. McGee acknowledged the challenges that come with a task of this size and echoed Ms. Hendrickson's sentiments. Mr. McGee had serious concerns with the limitation set on signs on private property and questioned if the language could be viewed as an attempt to limit free speech. Mr. McGee also had concerns with temporary signs in the right of way and the request that it have the name and phone number. Mr. McGee stated that the FEC regulates national candidates and does not require this information and that there is some potential for malfeasance and should be looked at for consistency. Mr. McGee brought up the provision regarding temporary signs and their placement on utility poles or trees and could there be any leeway for a person having a yard sale or looking for their lost cat. Mr. McGee also felt some leeway should be given on illuminated signs on residential buildings.

After further deliberation and recognition of the difficult task, Mr. McGee stated that the Board will make a favorable recommendation to the Town Council with consideration.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-067. The second reading on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions has been scheduled for Wednesday, September 6, 2017. [*Ordinance Committee*]

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

07/19/17 7 Yeas.

09/06/17

First Reading/Vote

Second Reading/Final Approval/Vote

CHAPTER 601

TOWN OF SCARBOROUGH

TRAFFIC ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 601, the Traffic Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

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

- (1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.
- (2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]
- (3) Entire length of Riversands Drive - both sides.
- (4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.
- (5) On both sides of Avenue Five from King Street to the Ocean.
- (6) Driftwood Lane (the entire length - both sides).
- (7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]
 - ~~a. On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]~~
 - a. On the Northerly side of East Grand Avenue in front of number 3 East Grand Avenue at CMP pole #116 back to Pine Point Road - No Parking.
 - b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]
 - ~~c. From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]~~

~~d. c.~~ On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.

e. ~~d.~~ From ~~the Westerly entrance to Conroy's Garage~~ CMP pole #116 at 3 East Grand Avenue to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".

- (8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.
- (9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]
- (10) On the East Side of Avenue Four from Jones Creek Drive to King Street.
- (11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]
- (12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-068. The second reading on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach has been scheduled for Wednesday, September 6, 2017.
[Ordinance Committee]

Ordinance Committee

Sponsor

07/19/17 7 Yeas.

First Reading/Vote

Ought to Pass

Recommendation

09/06/17

Second Reading/Final Approval/Vote

CHAPTER 604a
TOWN OF SCARBOROUGH
HORSE BEACH PERMIT ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 604a, the Horse Beach Permit Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

604A-6 Regulation of Horses on the Beach

1. Horses are allowed on the beach only from October 1st through March 31st.
2. Except for gaining access to and egress from the beach, horses are allowed only in the intertidal zone (between the mean high tide line and the mean low water line).
3. Parking of horse trailers is limited to Hurd Park in the Town of Scarborough and the Milliken Street Municipal Parking Lot in the Town of Old Orchard Beach.
4. Any rider or owner who allows a horse to be present on the beach must remove and dispose of animal waste as required by Section 604-9 of the Town of Scarborough Animal Control Ordinance. Violation of Section 604-9 constitutes a violation of this Ordinance. The owner, operator or driver of horses, or horse-drawn carriages operating on the beach shall be required to attach a containment device to the rear of each and every horse so operated, to be maintained and emptied so that manure is completely contained therein, cannot and does not fall upon any surface while operating under the Permit provided for herein, and is carried away for proper disposal.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-073. Move approval on the new request for a Special Amusement Permit from D.J. Ingersoll, Jr., d/b/a Salty Bay Seafood Take Out and Tavern, located at 66 Jones Creek Drive. *[Town Clerk]*

Town Clerk

Sponsor

08/16/17

First Reading/Vote

Recommendation

N/A

Second Reading/Final Approval/Vote

TOWN OF SCARBOROUGH
Office of the Town Clerk
P.O. Box 360
Scarborough, Maine 04070-0360

TO: Town Council Members
FROM: Tracy Cole, Deputy Town Clerk
DATE: August 3, 2017
RE: **Request for a Special Amusement Permit**

The following applicant is requesting approval of their Special Amusement Permits:

- D.J. Ingersoll Jr, d/b/a Salty Bay Seafood Take Out and Tavern, located at 66 Jones Creek Drive.

The completed application is on file with the Town Clerk's Office. Sgt. O'Malley has been involved in investigating several of the complaints that have been received against this establishment and with input from some of the abutters/complainants recommends that the Town Council consider imposing some or all of the conditions below to the license.

1. No truck traffic into business until after 7:00 a.m. (To curb early morning deliveries)
2. Entertainment must be completed by 9:00 p.m. Monday through Thursday and Sunday.
3. Entertainment must be completed by 10:00 p.m. on Friday and Saturday.
4. Tavern and Takeout must have working/ published phone number.
5. Mandated closing time of 9:00 p.m. Monday through Thursday and Sunday. 10:00 p.m. on Friday and Saturday.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-074. Move approval on the new request for a Food Handlers Permit from P & E Fitness, d/b/a Lifestyles Fitness Center, located at 29 Pleasant Hill Road. *[Town Clerk]*

Town Clerk

Sponsor

08/16/17

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: Tracy Cole, Deputy Town Clerk

DATE: August 3, 2017

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

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

- P & E Fitness, d/b/a Lifestyles Fitness Center, located at 26 Pleasant Hill Road.

The completed application is on file with Clerk's Office and there are no outstanding issues. It is recommended that this license be approved. The license will be issued when applicant receives its Occupancy Permit.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-071. Move approval of the second reading on the FY2018 School Budget. *[Town Manager]*

Town Manager

N/A

Sponsor

Recommendation

08/03/17

5 Yeas, 2 Nays (Councilor Rowan and Foley)

08/16/17

First Reading/Vote

Second Reading/Final Approval/Vote

Budget Order No. 17-071 – FY2018 School Budget

Be it ordered that the Scarborough Town Council moves approval of the first reading on the Fiscal Year 2018 Budget and **schedule the public hearing for Tuesday August 8, 2017 and second reading for Wednesday, August 16, 2017.**

WHEREAS, the Scarborough Town Council adopted FY2018 Operational and Capital Budgets for the Town and the School on May 17th, with the passage of Order No. 17-030; and,

WHEREAS, pursuant to State law, the School Budget must be validated by the voters and it failed at a Special School Budget Validation Election held on June 13, 2017; and,

WHEREAS, the Scarborough Town Council adopted an amended FY2018 Operational and Capital Budgets for the Town and the School on July 5, 2017, with the passage of Order No. 17-063; and,

WHEREAS, pursuant to State law, the School Budget must be validated by the voters and it failed at a Special School Budget Validation Election held on July 25, 2017; and,

WHEREAS, the Town Council must resubmit an adjusted School Budget to the Voters for validation no less than ten (10) days and no more than forty-five (45) days from July 25, 2017, with the next School Budget Validation Referendum Election date consistent with any approval of Order 17-071; and,

WHEREAS, the budget is as follows: the Education Operating Budget in the sum of **\$47,175,168**, resulting in the Town of Scarborough raising the sum of **\$42,254,017** as the local share for the Education Operating Budget; and a Town Operating Budget of **\$32,589,519**, resulting in the local share for the municipal budget, the sum of **\$18,167,935**, resulting in a Total Net Budget of **\$62,724,112**, with a projected property tax rate increase of **2.99%**; and,

NOW THEREFORE, BE IT ORDERED, that the Scarborough Town Council moves approval of the amended Fiscal Year 2018 Town and School Budget in first reading; and,

BE IT FURTHER ORDERED, that School Budget be reduced by a total of **\$50,000** and therefore the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the new sum of **\$47,125,168**, resulting in the Town of Scarborough raising the sum of **\$42,204,017**, as the local share for the Education Operating Budget.

BE IT FURTHER ORDERED, that the final result of these changes produces a new Total Net Budget of \$62,674,112, resulting in a projected tax rate increase of 2.91%.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-075. Move approval of the first reading and refer to the Planning Board on the proposed fourth amendment to the second Contract Zoning Agreement between the Town of Scarborough and Robert Tgettis and Lucinda P. Malbon, to come back for a public hearing on receipt of the Planning Board's recommendations. *[Planning Department]*

Planning Department

Sponsor

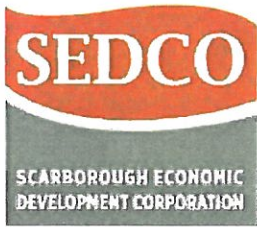
08/16/17

First Reading/Vote

Ought to Pass

Recommendation

Second Reading/Final Approval/Vote



TO: Scarborough Town Council Finance Committee
FROM: Karen Martin, SEDCO Executive Director
DATE: Aug 8, 2017
SUBJECT: **Second Amendment to Exhibit 2 of Contract Zone for Robert Tgettis and Lucinda Malbon**

Robert Tgettis and Lucinda Malbon, owners of the Scarborough Day Spa, entered into a Contract Zone with the Town of Scarborough in 1997, which allowed them to operate a "skin and nail care business" at 311 Beech Ridge Road in the Rural Residence and Farming District. The owners would like to add hair care to the services offered at the Spa.

Because the language of the original contract zone contained language specific to skin and nail care, the contract must be amended to allow hair care as a service.

The owners are not changing any other aspect of the 9.6 acre site. No request for a building expansion or an increase in employees is being requested. The only change requested is the addition of hair care at the salon.

All changes to the contract zone in this amendment pertain to the addition of hair care to the approved list of services.

SECOND AMENDMENT TO EXHIBIT 2
CONTRACT ZONING AGREEMENT
BETWEEN THE TOWN OF SCARBOROUGH AND
ROBERT TGETTIS AND LUCINDA P. MALBON

This Second Amendment to Contract Zoning Agreement (hereinafter, this "Amendment") is made as of the XXXX, 20017, by and between the Town of Scarborough, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter "the Town"), and Robert Tgettis and Lucinda P. Malbon of Scarborough, Maine, ("Tgettis and Malbon) pursuant to the Contract Zoning provisions of Section II, Subsection I of the Zoning Ordinance of the Town of Scarborough (hereinafter, the "Zoning Ordinance").

WHEREAS, Tgettis and Malbon entered into a Contract Zoning Agreement with the Town dates as of the 6th day of January 1997, subsequently amended by an amendment dated September 19, 2007, (hereinafter, this "Agreement") creating Contact Zoning District Number II (hereinafter, the "District") as described in Section XXIII of the Zoning Ordinance, said Agreement having been recorded in the Cumberland County Registry of Deeds in Book 12903, Page 122; and,

WHEREAS, Tgettis and Malbon wish to expand their existing skin and nail care business on the Property to include hair care; and,

WHEREAS, Tgettis and Malbon have requested that the Town approve this Amendment to the Agreement; to allow hair care as an approved service.

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

1. Section 2 is amended to insert hair care as an allowable use, to read as follows: "Tgettis and Malbon are authorized to operate a skin, hair and nail care business at the Property..."
2. Section 2(b) is amended to read as follows: "The uses allowed on the Property shall be skin, hair and nail care, and those uses otherwise allowable in the Rural Residence and Farming District"
3. Section 2(h)(i) is amended to read as follows: "Any increase in the square footage of the area utilized for the skin, hair and nail care business, and"
4. Section 2(h)(i) is amended to read as follows: "As used in this Contract Zoning Amendment, the term skin, hair and nail care includes:"
5. Section 2(h)(i)(i) is amended to insert "hair care" as an allowable use, and will read as follows: "(i) manicure and pedicure treatments, meaning applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, locations, creams or antiseptics to cut, trim, shape polish, color, or trim or apply artificial nails to the nails of any person or to massage, cleanse or beautify the hands or feet of any person, including application of nail art; (ii) skin treatments, meaning beautifying, massaging, cleansing, stimulating, toning, or manipulating or exercising the skin of the human body by the use of cosmetic preparations, tonics, lotions, creams, antiseptics, or clays or any device electrical or otherwise, for the care of the skin, including facial treatments; (iii) coloring treatments, including applying makeup or eyelashes, to the eyelashes or eyebrows; (iv) hair removal, by wax treatments, electrolysis or other means; (v) massage therapy as defined in state statute, 32 M.R.S.A. § 14302(4), administered by a massage

therapist certified under the state statute and licensed under the Town of Scarborough Massage Establishment Ordinance; and, (vi) hair care (vii) any other procedures, techniques or advancements for accomplishing the treatments above which may in the future become generally accepted and recognized in the fields of skin, hair and nail care.”

6. Section 2(h)(i)(i) is further amended to delete the following sentence: “The term “skin and nail care” does not include arranging, dressing, curling, waving, cleansing, cutting, trimming, singeing, bleaching or similarly treating human hair wigs, wiglets or hairpieces.”
7. The sole intent of this amendment is to allow hair care as an acceptable use. Except as specifically amended herein, all terms and conditions of the original Contract Zoning Agreement, as amended, shall remain in full force and effect.
8. Tgettis and Malbon shall record this Amendment in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first set forth above.

WITNESS:

TOWN OF SCARBOROUGH:

/s/ Thomas Hall, its Town Manage

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-076. Move approval to act on the request, pursuant to Title 23 MRSA §3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance to accept the right-of-way on Honan Road associated with the Carrier Woods Development, as depicted in Planning Board approval documents dated, July 17, 2017 and to authorize the Town Manager to sign any necessary document. *[Town Engineer]*

Town Engineer

Ought to Pass

Sponsor

Recommendation

08/16/17

N/A

First Reading/Vote

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

Planning and Code Enforcement

MEMORANDUM

TO: Scarborough Town Council

FROM: Angela Blanchette, PE., Town Engineer

COPY: Mike Shaw, Public Works Director

DATE: August 16, 2017

RE: Street Acceptance
Honan Road

Pursuant to 23 MRSA §3025 and to the requirements of Chapter 701, Section 4 of the Scarborough Street Acceptance Ordinance, Risbara Properties, LLC petitions the Scarborough Town Council to accept the land at the end of Honan Road as Town right-of-way. The Town currently benefits from an easement over this land, which includes the hammerhead turnaround. During a recent Planning Board approval process for Carrier Woods development on Mussey Road, the applicant agreed to transfer this land from an easement to be part of the Honan Road right-of-way. In addition, a snow storage easement beyond the right-of-way is being conveyed to the Town to further assist in winter operations.

Attached for your review are the warranty deed and the approved site plan dated July 17, 2017.

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that, **CARRIER WOODS APARTMENTS LLC**, a Maine limited liability company with a principal place of business at 6 Washington Avenue, Scarborough, Maine, and a mailing address of P.O. Box 483, Scarborough, Maine 04074, for consideration paid, grants to the **TOWN OF SCARBOROUGH**, a Maine municipality and body corporate, whose mailing address is P.O. Box 360, Scarborough, ME 04070, with WARRANTY COVENANTS, the land in the Town of Scarborough, County of Cumberland and State of Maine, described as follows:

A certain lot or parcel of land located at the easterly terminus of Honan Road, in the Town of Scarborough, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a 6" x 6" granite monument with drill hole found at the northerly end of the northeasterly terminus line of Honan Road and the easterly corner of land now or formerly (N/F) of Patrick Maloney as described in Book 7656, Page 63;

THENCE S22°31'47"E along the northeasterly terminus line of said Honan Road 60.00' to the northwesterly line of land N/F of Brian M. Burke and Marcelle M. Burke as described in Book 13086, Page 302;

THENCE N67°28'13"E along land of said Burke 107.88' to a point;

THENCE S22°31'47"E along land of said Burke 30.00' to a point;

THENCE N67°28'13"E along remaining land N/F of Phyllis A. Carrier and Eugene A. Carrier as described in Book 27789, Page 268, 60.00' to a #5 rebar with cap stamped "NCS 2080" proposed to be set;

THENCE N22°31'47"W along remaining land of said Carrier 90.00' to a #5 rebar with cap stamped "NCS 2080" proposed to be set;

THENCE S67°28'13"W along remaining land of said Carrier 167.88' to the POINT OF BEGINNING.

The above described parcel contains 11,873 square feet, more or less.

The basis of bearings for the above described parcel is Grid North of the Maine State Coordinate System of 1983, West Zone.

This conveyance of the fee in and to the above-described parcel of land are for highway purposes, and made without claim for damages.

Also hereby conveying a 15'-wide snow storage easement located generally at the easterly end of the above described parcel, as said easement is depicted on a plan entitled "Lot Split Plan, 79 Mussey Road and 15 Honan Road, Scarborough, Maine" prepared for Risbara

Properties, LLC, by Northeast Civil Solutions, Inc., dated February 17, 2017, revised June 27, 2017 (NCS Project No. 40964).

IN WITNESS WHEREOF, Carrier Woods Apartments LLC, has caused this instrument to be signed and sealed in its company name by Rocco C. Risbara III, its Manager, thereunto duly authorized this ____ day of July, 2017.

CARRIER WOODS APARTMENTS LLC

Witness:

By: _____
Rocco C. Risbara III
Title: Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

July ___, 2017

Then personally before me appeared the above named Rocco C. Risbara III, Manager of Carrier Woods Apartments LLC, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of Carrier Woods Apartments LLC.

Notary Public/Attorney at Law

79 Mussey Road			
Base Net Residential Density Calculations TVC3 & VR2			
Total Parcel Area in TVC3	11.10	483,488	483,488
Disturbance:			
1. Areas unavailable for common use			
2. Floodway or Coastal High Hazard areas			
3. Areas unsuitable for development in their natural state (wetlands)	3.50	152,519	331,469
4. Not Applicable in TVC			
5. Areas within RP, except land above the upland edge of wetlands			
6. Areas covered with surface water bodies			
7. Not Applicable in TVC			
8. Not Applicable in TVC			
Net Residential Area	7.6		331,169
Zoning District (TVC3)			
Base Number of Dwelling Units Per Net Residential Acre	5		
Base Net Residential Density-Dwelling Units		38.00	
Total Parcel Area in VR2	0.57	24,892	24,892
Disturbance:			
1. Areas unavailable for common use			
2. Floodway or Coastal High Hazard areas			
3. Areas unsuitable for development in their natural state (wetlands)			
4. Not Applicable in VR2			
5. Areas within RP, except land above the upland edge of wetlands			
6. Areas covered with surface water bodies			
7. Portion utilized for stormwater management facilities	0.13	4,390	20,502
8. 10% of acreage remaining after the foregoing subtracts have been made	0.03	1,250	19,252
Net Residential Area	0.44		18,352
Zoning District (VR2)			
Base Number of Dwelling Units Per Net Residential Acre	2		
Base Net Residential Density-Dwelling Units		0.88	
Total Base Net Residential Density-Dwelling Units		38.88	
Total Net Residential Density Calculations Multi-Family Dwellings			
Base Net Residential Density			38.88
Unit Composition:			
One-Bedroom Apartment (750 sq ft max) (0.5 DU per Apartment)	42	21	21
Two-Bedroom Apartment (1,000 sq ft max) (0.5 DU per Apartment)	42	21	21
Total Residential Density	84		42.72
Density Bonus			
Allowable Density	38.88		
Proposed Density	42.72		
Additional Density Needed	3.84		
Additional Residential Density - Development Transfer to Lots For Additional Residential Density - Affordable Housing	5	\$10,000 / Unit	\$100,000
	5	40% Maximum Affordable	2 Affordable Units

APPROVED BY THE TOWN OF
SCARBOROUGH PLANNING BOARD

7/17/17
7/17/17
7/17/17
7/17/17
7/17/17

TOWN STANDARD NOTES

1. NO OCCUPANCY FOR FULL OR PARTIAL OCCUPANCY SHALL BE ISSUED BY THE CODE ENFORCEMENT OFFICER UNTIL THE TOWN ENGINEER, TOWN PLANNER OR THEIR DESIGNEE ARE SATISFIED THAT THE PROPERTY HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED SITE PLAN AND CONDITIONS OF APPROVAL, OR THAT THE TOWN HAS RECEIVED A PERFORMANCE GUARANTEE FOR THE COMPLETION OF SPECIFIC OUTSTANDING SITE ELEMENTS WITHIN A SPECIFIED TIMEFRAME.

A PERFORMANCE GUARANTEE MAY BE IN THE FORM OF CASH, CERTIFIED CHECK PAYABLE TO THE TOWN OF SCARBOROUGH, OR AN IRREVOCABLE LETTER OF CREDIT IN A FORM AND FROM AN ISSUER ACCEPTABLE TO THE TOWN TREASURER. THE AMOUNT OF A PERFORMANCE GUARANTEE SHALL BE DETERMINED BY THE TOWN ENGINEER OR HIS DESIGNEE, FOLLOWING THE SUBMISSION OF A COST ESTIMATE BY THE APPLICANT, AND SHALL BE IN AN AMOUNT AT LEAST EQUAL TO THE TOTAL COST OF THE REMAINING WORK TO BE COMPLETED.

2. THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPicted ON THIS APPROVED PLAN. ALL ELEMENTS AND FEATURES OF THE PLAN AND ALL APPLICABLE SUBMISSIONS PROVIDED BY THE APPLICANT CONCERNING THE DEVELOPMENT AND USE OF THE PROPERTY WHICH PERTAIN TO THE PLANNING BOARD FINDINGS ARE CONDITIONS OF APPROVAL. NO CHANGE FROM THE CONDITIONS OF APPROVAL IS PERMITTED UNLESS ALLOWED BY ORDINANCE OR AN AMENDED SITE PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.

LEGEND	
	BOUNDARY LINE
	EDGE OF PAVEMENT
	EDGE OF GRAVEL
	RIGHT-OF-WAY LINE
	ABUTTER
	EXISTING EASEMENT
	BUILDING SETBACK
	WETLAND
	STREAM
	25' WETLAND SETBACK
	75' STREAM SETBACK
	AQUIFER PROTECTION OVERLAY DISTRICT
	EXISTING DITCH LINE
	EXISTING TREE LINE
	EXISTING TREE
	EXISTING UTILITY POLE
	EXISTING OVERHEAD UTILITY
	EXISTING HYDRANT
	EXISTING WATER SHUT OFF
	EXISTING WATER LINE
	EXISTING GAS LINE
	EXISTING SEWER MANHOLE
	EXISTING SEWER LINE
	EXISTING CATCH BASIN
	EXISTING DRAIN LINE
	TEST PIT
	PROPOSED TREE LINE
	PROPOSED DRAIN LINE
	PROPOSED CATCH BASIN
	PROPOSED DRAIN MANHOLE
	PROPOSED OUTLET CONTROL STRUCTURE
	PROPOSED EASEMENT
	WETLAND IMPACT

SITE NOTES

1. THE LAYOUT OF THE BUILDINGS AS SHOWN HEREON IS CONCEPTUAL ONLY; FINAL DESIGN AND LAYOUT IS TO BE DETERMINED THROUGH THE SITE PLAN REVIEW PROCESS.

2. THE EXISTING TURN AROUND EASEMENT AT THE END OF HONAN ROAD, IS TO BE CONVEYED TO THE TOWN OF SCARBOROUGH. THIS AREA WILL BECOME PART OF THE HONAN ROAD RIGHT OF WAY.

3. A PORTION THE PROJECT SITE IS LOCATED WITHIN THE AQUIFER PROTECTION OVERLAY DISTRICT.

4. THE LAND SHOWN AS MAP 55, LOTS 18, 19 & 19A ON THIS SITE PLAN SHALL REMAIN IN UNIFIED OWNERSHIP. THAT TERM IS USED IN THE ZONING ORDINANCE OF THE TOWN OF SCARBOROUGH, MAINE, AND CANNOT BE DIVIDED INTO SEPARATE LOTS UNLESS EACH SUCH LOT COMPLES SEPARATELY WITH ALL APPLICABLE SPACE AND BULK REGULATIONS OF THE ZONING ORDINANCE AND IS APPROVED BY THE SCARBOROUGH PLANNING BOARD. THIS CONDITION SHALL RUN WITH THE LAND AND SHALL BE INCORPORATED AS A RESTRICTIVE COVENANT INTO ANY DEED CONVEYING ANY INTEREST IN SAID LAND.

5. THIS SITE/SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE TOWN OF SCARBOROUGH POST-CONSTRUCTION STORMWATER INFRASTRUCTURE MANAGEMENT ORDINANCE, AND COMPLIANCE WITH A POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN IS A CONDITION OF APPROVAL. ANY PERSON OWNING, OPERATING, LEASING OR HAVING CONTROL OVER STORMWATER MANAGEMENT FACILITIES REQUIRED BY THE POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN MUST ANNUALLY ENGAGE THE SERVICES OF A QUALIFIED POST-CONSTRUCTION STORMWATER INSPECTOR WHO MUST CERTIFY COMPLIANCE WITH THE POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN ON OR BY JUNE 1ST OF EACH YEAR.

6. **PARKING:**
TOTAL REQUIRED = 1.5 PER 1 BEDROOM UNIT = 42 X 1.5 = 63 SPACES
2.0 PER 2 BEDROOM UNIT = 42 X 2 = 84 SPACES
TOTAL REQUIRED = 147 SPACES
TOTAL PROVIDED = 147 SPACES

7. **WETLAND IMPACT:**
IMPACT AREA A = 2,872 SF
IMPACT AREA B = 4,574 SF
IMPACT AREA C = 1,209 SF
IMPACT AREA D = 194 SF
TOTAL IMPACT = 8,849 SF

THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR RECORDING

Revision	By	Date	Change
11	SMA	6/30/17	REVISED PER TOWN REVIEW COMMENTS
6	SMA	5/25/17	REVISED PER MDEP COMMENTS
5	SMA	4/24/17	RESUBMITTED TO TOWN
4	SMA	4/18/17	SUBMITTED FOR MDEP REVIEW
3	SMA	4/3/17	REVISED PER TOWN REVIEW COMMENTS

PROJECT NUMBER: 40964 ACAD FILE: 40964-SITE.DWG SCALE: 1" = 30' DATE: FEBRUARY 17, 2017

Drawing Name:
SITE/SUBDIVISION PLAN - SHEET 2

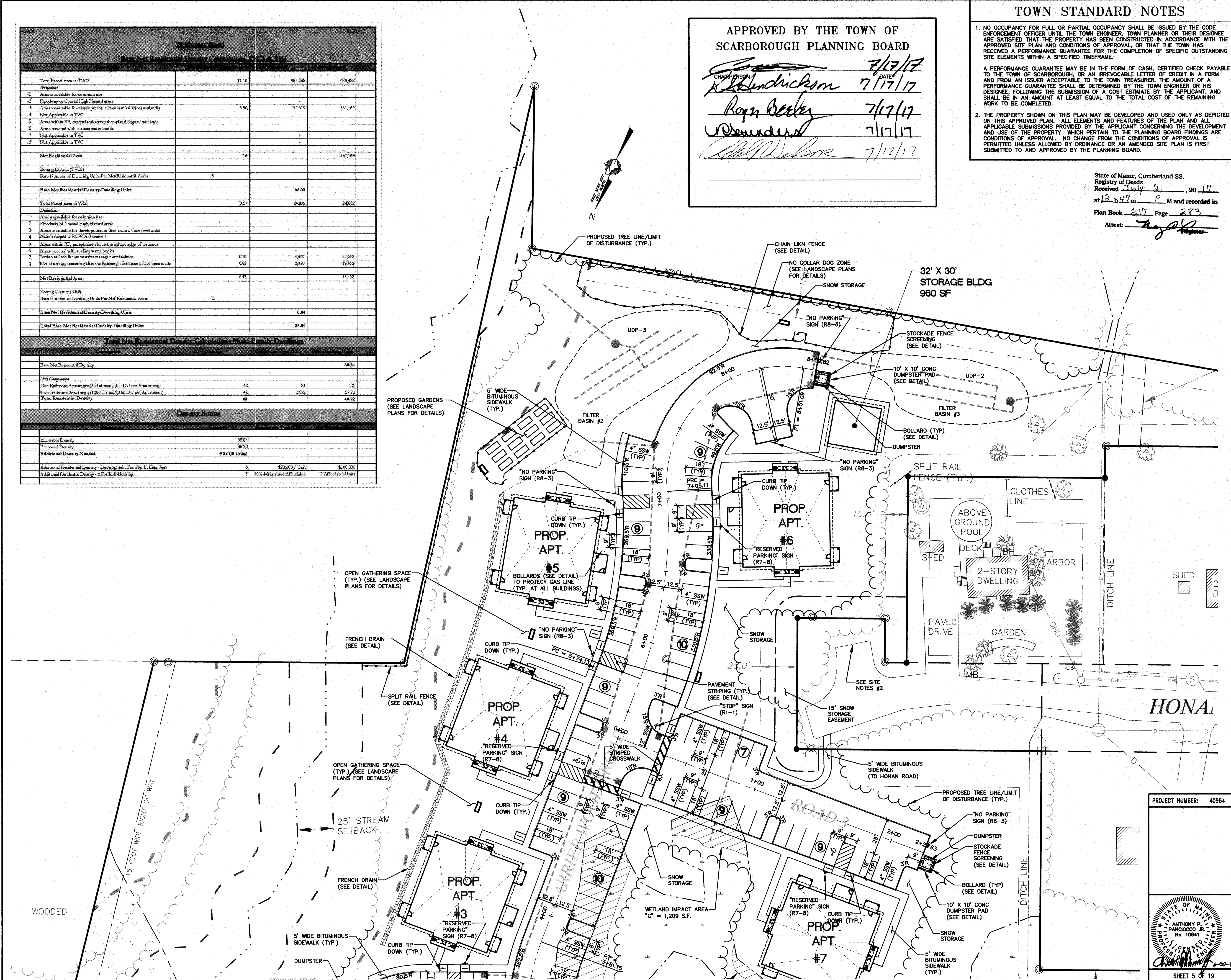
Project Name:
CARRIER WOODS APARTMENTS
79 MUSSEY ROAD, SCARBOROUGH, MAINE 04074

Applicant:
RISBARA PROPERTIES, LLC
179 US ROUTE 1, SCARBOROUGH, MAINE 04074

SURVEYING • ENGINEERING • LAND PLANNING
Northeast Civil Solutions
INCORPORATED
381 PAYNE ROAD, SCARBOROUGH, MAINE 04074
tel 207.883.1000 fax 207.883.1001 e-mail / website info@northeastcivilsolutions.com www.northeastcivilsolutions.com
800.882.2227

ANTHONY P. PANGLOSS, JR.
No. 10641
Professional Engineer
Maine
02-17

SHEET 5 OF 19



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-077. Move approval to act on the request to authorize the Town Manager to enter into a Service Agreement with the Town of Kennebunk for vehicle maintenance and to sign any and all documents. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

08/16/17

N/A

First Reading/Vote

Second Reading/Final Approval/Vote

**SERVICE AGREEMENT FOR VEHICLE MAINTENANCE AND REPAIR
BETWEEN
THE TOWN OF SCARBOROUGH
AND
THE TOWN OF KENNEBUNK**

AGREEMENT between the Town of Scarborough, Maine, with a mailing address of 259 U.S. Route 1, PO Box 360, Scarborough, ME 04070-0360 ("Scarborough") and the Town of Kennebunk with a mailing address of, 1 Summer St, Kennebunk, ME 04043 ("Kennebunk"), collectively ("the Parties"), as follows:

WHEREAS, Scarborough has the means and capacity to provide maintenance and repair services on the specialty fire suppression systems of the Town of Kennebunk's Fire apparatus; and

WHEREAS, Kennebunk wishes to contract with Scarborough for the provision of VEHICLE MAINTENANCE AND REPAIR SERVICES; and

WHEREAS, Kennebunk and Scarborough are duly authorized to enter into Service Agreements pursuant to their home rule authority under 30-A M.R.S.A. §3001; and

NOW THEREFORE, in consideration of the promises and the covenants set forth herein, the Parties agree as follows:

1. Services to be Provided:

Scarborough will furnish the qualified personnel and all necessary facilities and materials to provide Vehicle Maintenance and Repair Services to Kennebunk as more fully described in **Attachment A**.

2. Term:

The initial term of this Agreement shall commence on ~~July~~September **1, 2017** and end on **June 30, 2018**; and thereafter, this Agreement shall be automatically renewed without affirmative action by the Parties for successive one-year periods, each July 1st – June 30th, or until notice of termination as set forth in this Agreement is otherwise given. This Agreement may be extended for future additional terms by the mutual consent of the Parties. Such extensions shall be the subject of formal approvals by both Parties in writing and shall include additional terms and conditions of such extension(s), including, but not limited to, changes in the annual fees or levels of service related to the provision of Vehicle Maintenance and Repair Services.

3. Payments for Services:

Payments for services will be based on actual hourly and benefits costs and related overhead expenses as detailed in **Attachment B**. During the first year of the contract the regular hourly rate for services shall be \$56.89 and the overtime hourly rate shall be \$85.34. Thereafter, the hourly rate will increase annually by a minimum of 3% on July 1st of each year.

Repair and maintenance parts costing *less than \$1000.00* will be sold at cost plus 15%. Parts costing *more than \$1,000.00* will be sold at cost plus 10%.

Scarborough will issue invoices by the fifteenth of each month. The terms are NET thirty (30) DAYS. Balances not paid within terms are subject to a finance charge of 1.5% per month (ANNUAL PERCENTAGE RATE OF 18%). A minimum finance charge of \$.50 will apply to any past due balance. Accounts not paid in accordance with stated terms may be obligated to pay costs of collection, including all legal fees as permitted by law.

4. Scarborough's Supervisory Responsibilities:

Scarborough shall assume sole responsibility for the supervision and the performance of the Scarborough personnel who provide Vehicle maintenance and Repair Services.

5. Limitations on Waiver:

The Parties shall not be deemed to have waived any provisions of this Agreement unless expressed in writing and signed by the waiving Party. The Parties agree that they shall not assert any action relating to the Agreement that any waiver occurred between the Parties that is not expressed in writing. The failure of any Party to insist in any one or more instances upon strict performance of any of the terms and provisions of the Agreement, or to exercise an option or election under the Agreement, shall not be construed as a waiver or relinquishment for the future of such terms, provisions, option or election, but the same shall continue in full force and effect, and no waiver by any Party or anyone or more of its rights or remedies under the Agreement shall be deemed to be a waiver of any prior or subsequent rights or remedy under the Agreement.

6. Termination of Agreement:

A. In the event of Breach.

Each Party shall have the right to terminate this Agreement in the event of a material breach or default by the other Party of the other Party's obligations hereunder that is not cured within thirty (30) days from the date of receipt by the breaching Party of written notice of such breach from the non-breaching Party. If the breach or default, by its nature, cannot be cured within such thirty (30) day period, then the breaching Party shall have such additional time (not to exceed 30 additional days) as may be necessary to cure the breach or default, provided the breaching Party has

exercised reasonable efforts and taken appropriate action to begin cure of the breach or default within the initial thirty (30) day cure period.

B. At the convenience of the Parties.

This agreement may be terminated by either Party for convenience by notifying the other Party in writing at least six (6) months prior to the date of termination. Between the time of notice and the date of termination.

7. Insurance, Indemnity and Immunity:

A. The parties shall obtain and maintain, throughout the terms of this Agreement, general and professional liability insurance and automobile liability insurance in the amount of not less than Four Hundred Thousand Dollars (\$400,000) or other such amount as is established by the Maine Tort Claims Act (14 M.R.S.A. 8101 et seq.) as amended from time to time, combined single limit, to protect the Parties and any subcontractor performing Services under this Agreement from claims and damages that may arise from operations under this Agreement, whether such operations be by the Parties or by any subcontractor or anyone directly or indirectly employed by the Parties.

B. To the fullest extent permitted by Law, each Party shall defend, indemnify, and hold harmless the other Party, its officers, employees and agents, in their official and individual capacities, from and against all claims, costs, losses, and damages (including but not limited to attorney's fees), arising out of or relating to the performance of the Agreement by the Parties, their officials, employees, agents and subcontractors. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the Parties or their respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

8. Maintenance of Records:

Scarborough shall maintain records pertaining to maintenance and repairs made to each vehicle. Documentation will be retained in the Cityworks software used by Scarborough Public Works. Information will be made available at the request of Kennebunk staff.

9. Governing Law and Severability:

This Agreement shall be governed by and interpreted under the laws of the State of Maine. The invalidity or unenforceability of any particular provision or part thereof of this Agreement shall not affect the remainder of said provision or any other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

10. Entire Agreement- Full Terms and Amendment:

This Agreement contains the entire agreement of the Parties with respect to the matters addressed therein and may only be amended in writing agreed by both Parties.

11. Costs Associated with Disputes:

In the event of a dispute between the Parties under this Agreement, each Party shall be solely responsible for its own expenses, costs, and attorney fees.

12. Ongoing Oversight of Agreement:

Once authorized by the respective Town Councils and/or Boards of Selectmen, the Scarborough Town Manager and the Kennebunk Town Manager shall execute this Agreement and shall serve as the joint body responsible for the oversight and ongoing administration of this Agreement.

WHEREFORE, the Parties, after duly processing the required procedures and voting to approve this Agreement, have authorized the execution this Agreement on each respective Party's behalf on the dates set forth below:

TOWN OF SCARBOROUGH

Dated: _____

By: Thomas J. Hall, Town Manager

TOWN OF KENNEBUNK

Dated: _____

By: Michael W. Pardue, Town Manager

SPECIFICATIONS OF SERVICES TO BE PERFORMED

1. Scarborough agrees to provide facilities, equipment and personnel to adequately furnish maintenance and repair services on ~~specialty fire suppression systems of~~ fire apparatus for the Town of Kennebunk's ~~fire apparatus~~. Work will be performed on ~~water pumps and compressed foam suppression equipment~~ Fire Engines, Ladder trucks and other support vehicles..all aspects of fire apparatus, including truck chassis and preventative maintenance if it is requested. ~~water pumps and compressed foam suppression equipment.~~ Scarborough will maintain all associated items such as valves, piping and electric switching systems as needed. Repair for truck chassis-s on truck chasis and preventative maintenance may be provided on a case by case basis.
~~Repair for truck chassis and preventative chassis maintenance are not part of this Service Agreement.~~
2. Scarborough will provide an administrator responsible for scheduling vehicle maintenance repair, out-sourcing, new equipment set-ups, and warranty work. The administrator will also be responsible for coordinating parts & supplies, cost structuring, and monthly billing.
3. Scarborough will be responsible for all related record-keeping &and reporting. Scarborough will provide Kennebunk with maintenance backup documentation upon request.
4. Scarborough will provide 24-hour emergency service for vehicles being actively serviced.
5. Scarborough will initiate annual review of contract and advise annual cost increases in a timely manner.

CONTRACTED VEHICLE MAINTENANCE - HOURLY RATE WORKSHEET

Based on full-time, 2,080 hours annually.

WAGES & BENEFITS	RATE
<i>Base hourly wage</i>	\$25.72
<i>FICA</i>	\$1.59
<i>Medicare</i>	\$0.37
<i>Family Medical</i>	\$5.58
<i>Family Dental</i>	\$0.15
<i>Retirement</i>	\$3.32
<i>LTD</i>	\$0.13

MISCELLANEOUS OVERHEAD	
Stipends, Uniforms, PPE, Compliance Testing, Training	\$1.34
Fully-Loaded Cost for 2,000 Sq.Ft. Workbay	\$2.06
Administrative Costs: Scheduling, Warranty Oversight, Cityworks Reporting, Etc.	\$5.25
25% Margin	\$11.38

RATE = \$56.89/Hr.

July 1, 2017 – June 30, 2018

To recoup costs associated with parts procurement and inventory management a 15% margin will be assessed to items costing \$1,000.00 or less. Parts over \$1,000.00 will be billed at cost plus 10%.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-078. Move approval to act to submit the referendum question to construct and equip a new Public Safety Building, to the November 7, 2017, Election. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

08/16/17

N/A

First Reading/Vote

Second Reading/Final Approval/Vote

Town of Scarborough

Public Safety Building Committee

From: Kevin Freeman, Public Safety Building Committee Chair
To: Public Safety Building Committee Members
Date: August 4, 2017
Re: Town Council Meeting 8/16/17

I wanted to once again thank all of you for your work to date on this important project. As you know the Town Council has authorized the continuation of our work to help educate the public and advocate for the project. The next step is for the Town Council to consider an order to place a referendum question authorizing a not to exceed bond amount. After analyzing the balance in the reserve account for this purpose, and a very conservative anticipated sale value for the existing facility the Town Manager will be recommending the following language for the bond order:

Total estimated project cost	\$ 21,548,095
Less reserve funds dedicated for this purpose	\$ (625,000)
Less anticipated revenue from the sale of the existing public safety building	<u>\$ (1,423,095)</u>
Bond amount not to exceed	\$ 19,500,000

If the council approves sending this question to the voters in November we will have a lot of work to do in terms of public outreach and education over the next ten weeks. We have already, or are planning to reach out to the following groups: Lion's Club, Rotary Club, Kiwanis Club, Buy Local, Scarborough Chamber of Commerce, Piper Shores, Community Services' Senior Group, and the SEDCO board. We are hoping many of these groups will choose to hold their regularly scheduled meetings at the public safety building so they can see the facility themselves, but we are also willing to meet at their normal meeting locations.

We have also reached out to Superintendent Kukenberger for a date to address the Board of Education to educate them on our project, and to seek their support and assurance that they don't have any significant construction projects coming forward in the next few years. We are also planning a series of neighborhood meetings at the various fire stations, likely in conjunction with outreach meetings that some of the town councilors routinely host. One of our signature events will be an open house at the end of Fire Prevention Week on 10/14. This will be held at the Public Safety Building with fun educational activities to keep the children engaged while we conduct tours and educate the parents about the project.

Assuming a positive vote by the town council on 8/16, I would like to get the committee together at our regular meeting time on 8/23 at 8:00 in the public safety classroom to discuss these and other potential outreach ideas so we can develop a plan that leverages the experience and talent of the members of our committee.

Thank you,
Kevin

Referendum Question No. 1:

Shall the Order entitled “**ORDER AUTHORIZING ISSUANCE OF UP TO \$19,500,000 IN GENERAL OBLIGATION BONDS OF THE TOWN OF SCARBOROUGH TO FUND COSTS FOR A NEW PUBLIC SAFETY BUILDING**” be approved?

EXPLANATION AND RECOMMENDATION: Approval of this Order would authorize the issuance of up to \$19,500,000 in general obligation bonds of the Town to provide funds to construct and equip a New Public Safety Building.

Total estimated cost	\$21,548,095
Less reserve funds dedicated for this purpose	\$ (625,000)
Less anticipated revenue from sale of existing Public safety facility	<u>\$(1,423,095)</u>
Bond amount not to exceed	\$19,500,000

The Town Council recommends approval of this question.

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	\$84,460,000
B. Bonds authorized and unissued:	\$ 3,119,870
C. Bonds to be issued if this Article is approved:	\$19,500,000

2. Costs:

At an estimated maximum interest of 3.50% for a maximum thirty (30) year maturity, the estimated costs of this bond issue will be:

Principal:	\$19,500,000
Interest:	<u>\$ 9,934,750</u>
Total Debt Service	\$29,434,750

3. Validity:

The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Ruth D. Porter
Town Treasurer

You have now completed voting.

Final Report on the Public Safety Building Presented to Council

By Kevin Freeman, Chairperson

On Wednesday, July 19th the Ad-Hoc Public Safety Building Committee presented its final report to the Town Council during a workshop session prior to the regular Town Council meeting. As chair of the committee, I led the presentation with assistance from Chiefs Thurlow and Moulton, and Jeff Shaw, our consultant from Context Architecture.

We reviewed each of the charges that the committee was directed to accomplish when it was first set up in November of 2016. Those included reviewing the previous 2008 feasibility study from Gawron/Turgeon Architects, considering other municipal facility needs, the consideration of energy efficiency and life cycle costs, the incorporation of public involvement, and the exploration of best practices and tours of similar facilities.

As part of the committee's evaluation of the current site, it was clear in 2008 and again during the most recent analysis that maintaining a combined public safety complex on this site wasn't feasible due to the lot size constraints and egress/access concerns. Additionally we reviewed the municipal facility needs document to see what might be incorporated into a new public safety building, or something that might be able to repurpose the current site. An evaluation of some IT department needs were analyzed but it was determined there were other more cost effective solutions. We looked at the potential of two different size community centers on the existing site, but lot size and parking limitations discounted that option.

The town worked with a commercial real estate broker who specializes in rehabilitating current facilities to determine a reasonable estimate of the value of the current facility and land. At our last meeting the committee voted to recommend the highest and best use of the current facility was to sell it for redevelopment and to apply the proceeds from that sale as well as the remaining funds in the Public Safety Building Reserve Fund towards the cost of constructing the new facility. Based on preliminary data the committee felt that between those two sources of funding it would allow the council the option of setting a total bond amount of less than \$20,000,000 for consideration during a referendum vote.

Beyond the committee charges there were some specific deliverables that were explained in detail. The first was a site selection process. The location of a new fire station is limited by the Insurance Services Office (ISO) standards for travel distance between stations and response times within the district served from this station. We evaluated 12 different sites that were large enough to accommodate the proposed facility (including the current site) against a weighted scoring matrix analyzing 16 different variables. The site on municipally owned land just west of Town Hall was the clear top scoring site.

The second deliverable was to conduct a space needs assessment. Context started by using the 2008 feasibility study as the foundation for this process. They then worked with the Chiefs to understand current and projected staffing, and over the course of several months we worked through six different drafts. The building proposed includes a joint facility with many shared spaces including the training room/emergency operations center, dispatch, conference room, administration reception, fitness areas and others.

Once the space needs were identified the next deliverable was a schematic design where those spaces were designed into a layout that worked from an operational and security perspective. In order to

reduce the overall footprint, and take advantage of the high ceiling height required for the apparatus bays, the design included a mezzanine level where many of the mechanical and IT spaces were located making the design more efficient and cost effective. Perspective renderings from three different directions were created by an artist to illustrate a conceptual design to match Town Hall and other buildings in the area.

The 4th deliverable was a proposed site plan. This effort included cooperation between Context's civil engineering team from Sebago Technics along with a parallel effort undertaken with Terrance DeWan & Associates, who had been contracted to conduct a multi-phase study of the entire town/school campus. Due to the steep grade of the hill, traffic volumes, access/egress and safety concerns, the site plan includes an access road that runs between the car wash lot and Municipal Park so emergency vehicles can respond via the controlled intersection at Sawyer Road and Route 1.

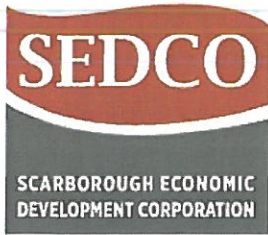
The final deliverable was a probable cost estimate. Context worked with local structural and civil engineers and a local cost estimator familiar with construction projects in our area to develop a detailed estimate of costs. Construction costs including the site work, road infrastructure (including some added value items for the campus above and beyond the public safety building), communications tower, and an escalation factor to cover cost increases out to the 2018 construction season totaled \$17,043,000. There are a total of \$2,801,000 in what is referred to as soft costs which includes architectural/engineering fees, commissioning, furnishings, equipment, network/IT, dispatch, security, and other cost. Finally there is a \$1,704,000 contingency to cover any unanticipated costs or adjustments that may need to be made for a total estimated project cost of \$21,548,000.

The committee and our consultant have met all of the charges and deliverables requested by the Town Council. They have met diligently every other week over the past nine months to finalize their report for this meeting. The committee strongly recommends that based on the clear need, low interest rates, and future construction cost escalation that the Town Council move this project to a referendum vote on this November's ballot.

Based on the original action that formed the committee, it officially ceases to exist after delivery of this final report. The committee is made up of a wide-range of Scarborough citizens with a great deal of experience and expertise. The members of the committee are more than willing to continue their work to help educate the public on this important project, and if successful to continue the detailed work of actual design and construction. At the Town Council meeting following the workshop the council did vote to continue the ad-hoc committee through the November election to assist with public outreach.

The Ad-Hoc Public Safety Building Committee has a website which can be accessed from the Town of Scarborough's home page. On the left under Town Government click on Boards & Committees, then at the bottom of the first list is a link to our site. On it you will find copies of the agendas and minutes for each meeting, the final presentation to the Town Council, an informative Questions & Answers document that was produced based on feedback received during the public presentation in June, as well as a number of other documents for those that are looking for more detailed information.

Thank you to the members of the Ad-Hoc Public Safety Building Committee, and to Jeff Shaw from Context Architecture for a job well done. We look forward to working on this project as it continues through the various steps in the approval process.



TO: Kevin Freeman, Chair
Public Safety Complex Building Committee
FROM: Karen Martin, SEDCO Executive Director
DATE: July 11, 2017
SUBJECT: Building Value of Existing Public Safety Building

Over the past two months, SEDCO has been working with a local broker to assess the potential value of the existing Public Safety complex. We have approached it from a private sector view point, trying to assess the potential uses and value of the existing property and the associated building.

Background

The current property actually consists of 2 parcels (246 US Route 1 and 9 Fairfield Road). The details on these two properties from **Town Assessor's** data set is as follows:

Parcel	Acreage	Land Value	Building Value	Total Value
9 Fairfield	0.31	\$ 98,900	0	\$ 98,900
246 US Route 1	2.27	\$681,000	\$1,413,100	\$2,094,100
Total	2.58	\$779,900	\$1,413,100	\$2,193,000

The assessor's file has the building listed as 19,700 square feet resulting in a building only value of approximately \$72/square foot. The land is valued at approximately \$302,300/acre of land.

Directly across the street from the current public safety building is the restaurant, El Rayo, which sold for \$420,000 (land and building) in 2013. The property consists of .75 acres and one structure of 4,500 square feet. The sales price in 2013 is approximately 58% of the current assessed value of land and building. The current assessed value of the property is \$723,100, which reflects significant improvements on the property since the sale in 2013. Breaking down the building from the land, the property is currently valued at \$346,000/acre and \$103/square foot of building.

Looking at other small lots in the Oak Hill area, including the Biddeford Savings Bank/Starbucks property, we find a range in value from \$250,000 to \$346,000 per acre. Building value can range \$70 to \$100 per square foot of exiting space.

Based on a combination of recent sales and assessed values, one sale scenario could be as follows:

\$350,000 * 2.58 acres = \$903,000
\$100* 19,700 sq feet = \$1,970,000
Total Value = \$2,873,000

Unfortunately there are too many variables to feel confident about a \$2.9 million dollar price tag. This number would be contingent on complete re-use of the building, with very little investment in renovations. Such a scenario is highly unlikely, if not impossible.

Building Potential

To help us understand the current market, we sought assistance from Roxane Cole of Roxane Cole Commercial Real Estate, LLC. Our request was to help us understand how to obtain the highest possible market value. In particular, we were concerned about the potential reuse of the existing 19,700 square feet of structure – would that be of use to anyone?

Ms. Cole toured the building on two different occasions, and led a group of potential investors through the property. The investors were experienced in redeveloping unique properties such as our public safety building.

In summary, here is the advice at this time on the potential market value of the property.

- 1) Oak Hill is an extremely marketable area, and conditions are favorable for the sale of land, particularly for a parcel of 2.58 acres.
- 2) The zoning is favorable, with the TVC zone providing some flexibility for both commercial and housing in a mixed-use format.
- 3) If possible, we should let the zoning do the work on promoting types of land uses for the area. If we add additional requests for specific types of use, that narrows the market.
- 4) While the existing building has its challenges, awkward layout, problem areas such as the leak in Chief Moulton's office, we should not assume that the entire building would have to be torn down.
- 5) While the building may be able to be repurposed, it will take a creative approach. Renovation will be more expensive. This building is not typical.
- 6) There appears to be significant interest in the fire station façade. The investors felt that added potential to the site.
- 7) Timing is also a factor for pricing. The building will need to be occupied for another 2-years, even if construction on the new building is authorized in November. If the building were to sell, would we be interested in a lease back situation?
- 8) While Ms. Cole developed some pricing scenarios assuming significant renovation, she recommends that we not put a specific price on the building on the sale at this point.
- 9) She did develop pricing scenarios from \$2 million to \$2.5 million with various levels of renovations. These scenarios do depend on a buyer wanting to reuse the structure.
- 10) There is always a wildcard factor in market value. Assessed value and market value can vary widely – in a great market, the price can be significantly higher than assessed value. In a down market, the market price can fall below the assessed value.

SCARBOROUGH PUBLIC SAFETY BUILDING

Preliminary Estimate of Probable Cost, 12 July 2017

	14-Jun-17	12-Jul-17
<i>Facility Size (B, 1 & 2)</i>	<i>[46,840 SF]</i>	<i>[46,840 SF]</i>
<i>Facility Size (Mezzanine)</i>	<i>[6,188 SF]</i>	<i>[6,188 SF]</i>
CONSTRUCTION COST ESTIMATES		
Building Construction (Basement, 1st & 2nd Levels)	\$11,710,000	
Building Construction (Mezzanine Level)	\$930,000	
Site Construction (reduced parking)	\$2,300,000	
Construction Estimate	-	\$16,187,595
Communication Tower Construction	\$150,000	\$150,000
Town message board	-	\$25,000 <i>Allowance</i>
Hazmat Mitigation	-	\$25,000 <i>Allowance</i>
Escalation	\$755,000	\$656,000 <i>changed from 5% to 4%</i>
Total Construction Costs	\$15,845,000	\$17,043,595
SOFT COSTS		
Design & Engineering		
Architectural and Engineering fees	\$1,189,000	\$1,279,000
Allowance for extra services and Owner changes	\$59,000	\$64,000
Reimbursable expenses	\$7,500	\$7,500
Network, Dispatch & Security Consultants	\$20,000	\$20,000 <i>Allowance</i>
Communications Tower Design	\$45,000	\$45,000 <i>Allowance</i>
<i>Total Design & Engineering</i>	<i>\$1,320,500</i>	<i>\$1,415,500</i>
Professional Services		
Clerk of the Works	\$150,000	\$150,000 <i>Allowance</i>
Geotechnical Engineering & Borings	\$20,000	\$20,000 <i>Allowance</i>
MEP Commissioning	\$30,000	\$30,000 <i>Allowance</i>
Construction Testing	\$25,000	\$25,000 <i>Allowance</i>
<i>Total Professional Services</i>	<i>\$225,000</i>	<i>\$225,000</i>
Fixtures, Furnishings & Equipment		
Furnishings & Equipment (incl HD storage)	\$375,000	\$375,000 <i>Allowance</i>
Allowance for Computer Equip. & Network	\$150,000	\$150,000 <i>Allowance</i>
Allowance for Dispatch Equipment (some reused)	\$200,000	\$200,000 <i>Allowance</i>
Allowance for Telephone System & Equip.	\$50,000	\$50,000 <i>Allowance</i>
Allowance for Security & CCTV System	\$150,000	\$230,000 <i>Allowance</i>
<i>Total Fixtures, Furnishings & Equipment</i>	<i>\$925,000</i>	<i>\$1,005,000</i>
Project Related Expenses		
Topographic and Utility Survey	\$15,000	\$15,000 <i>Allowance</i>
Printing bid sets & advertising	\$5,000	\$5,000 <i>Allowance</i>
Moving Expenses	\$40,000	\$40,000 <i>Allowance</i>
Utility Fees & Backcharges	\$75,000	\$95,000 <i>Allowance</i>
<i>Total Project Related Expenses</i>	<i>\$135,000</i>	<i>\$155,000</i>
Total Soft Costs	\$2,605,500	\$2,800,500
Project Contingency	\$1,846,000	\$1,704,000
PROJECT TOTAL	\$20,296,500	\$21,548,095



Summary of changes between 6/28 & 7/12

Construction cost changes: -\$220k

Included smaller increase for ledge removal (added 500 yds)

Included radiant heat in cost

Changed stone to CMU

Reduced amount of cast stone banding

Changed masonry to fiber cement panels at dorm

Deleted mirrors in gym

Eliminated sprinkler at carport

Switched to dry standpipes with no hose racks

Reduced cost of compressor & air piping

Removed time clocks

Removed battery backups

Added Town Message Board and sign +\$25k

Added Hazmat Allowance for homes demolished +\$25k

Added Sewer fee to utility back charges line item +\$20k

Reduced Contingency to account for ledge probing -\$250k

Reduced Contingency & A/E fees due to overall reduction in construction costs

File: 1703 7.10

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-079. Move approval of the tax commitment if Third School Budget Validation fails. *[Town Manager]*

Town Manager

Sponsor

08/16/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

Order Regarding Tax Commitment if Third School Budget Validation Vote Fails

WHEREAS, the Town of Scarborough has failed to pass a school budget validation vote two times during the summer of 2017; and

WHEREAS, in the event that the planned third school budget validation vote on September 5, 2017 fails, the Town will not be able to fulfill its financial obligations because of the delay in committing property taxes which in turn delays property tax collections; and

WHEREAS, the Town has the authority pursuant to Title 20-A M.R.S.A. § 1487 to find that property taxes must be committed based on a school budget that has not been approved by the budget validation process; and

WHEREAS, the Town Council finds that if the third school budget validation vote fails, the Town shall use such authority pursuant to Title 20-A M.R.S.A. § 1487; and

NOW THEREFORE, THE TOWN COUNCIL ORDERS:

1. If the School Budget Validation Vote planned for September 5, 2017 fails, then the Town Assessor is authorized to commit the property taxes on the basis of the latest budget approved by this Council and submitted to the voters.
2. In such circumstance, the commitment must be undertaken in this fashion in order to be timely.
3. In such circumstance, any finally approved school budget will serve as the spending authorization limit for the fiscal year and any additional amount that was raised in property taxes beyond the approved budget would go to the fund balance and be available to reduce the tax levy for the following year.



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774 - 1200
F (207) 774 - 1127

Memorandum

To: Thomas Hall, Town Manager

From: Shana Cook Mueller

Date: August 11, 2017

Re: Order Regarding Tax Commitment if Third School Budget Validation Vote Fails

The Town Finance Director, Ruth Porter, determined that the Town will not be able to fulfill its financial commitments this fall without access to cash following the planned September 5, 2017 school budget validation vote. For this reason and based on research and consultation, I recommend that the Council approve an order that will allow the Town Assessor to commit taxes even if the planned September 5, 2017 school budget validation vote fails. Ruth Porter has confirmed that this would allow the Town to fulfill its financial obligations on time because property taxes will begin to be paid shortly after the tax commitment is completed.

In order to accomplish this, the Town Council will need to approve an Order at its August 16, 2017 meeting, pursuant to 20-A M.R.S.A. § 1487, that authorizes the Assessor to commit property taxes after the upcoming third school budget referendum vote on September 5, 2017, even if the vote fails. In the event the school budget fails, the commitment will be based on the latest budget approved at a Town Council meeting and submitted to the voters for validation at referendum. The statute states:

If the budget of a regional school unit¹ is not approved and validated before July 1st and the officers of any affected municipality determine that the property taxes must be committed in a timely manner to the collector pursuant to Title 36, section 709, the municipal assessor or assessors may commit the property taxes

¹ This provision applies to the Town of Scarborough because Title 20-A M.R.S.A. § 2307 states that, "Notwithstanding any other law, municipal school budgets developed after January 1, 2008 must follow the same school budget requirements as regional school units pursuant to chapter 103-A..."

on the basis of the latest budget approved at a regional school unit budget meeting² and submitted to the voters for validation at a referendum in accordance with section 1486.

Thus the Town Council is authorized to make a finding that property taxes must be committed in a timely matter despite the failed budget validation vote. Such a finding will authorize the Assessor to commit taxes based on a school budget that has not actually been approved by the voters due to timing and circumstances. The budget on which the commitment is based may generate more in tax revenue than the school is authorized to spend in the event the proposed school budget fails and ultimately is approved at a lower amount; any additional dollars would go to the fund balance and be available to reduce the tax levy for the following year.

As you know we also investigated the only other alternative to access cash on the necessary timeframe: borrowing for cash flow on a short-term basis. We determined it was not optimal. Ruth Porter calculated that interest costs would total between \$60,000 and \$100,000, plus transaction costs, and the temporary note or line of credit would likely have to be sold to multiple banks because the Town requires such a large amount of cash that no single bank is likely to obtain quick enough approval to facilitate the time-sensitive transaction. In addition, the fact that the Town was required to undertake an unexpected short term borrowing would be included in future disclosures and discussions with rating agencies.

Please find attached proposed language for the “Council Order Regarding Tax Commitment if Third School Budget Validation Vote Fails.”

² This provision applies to the Town of Scarborough because Title 20-A M.R.S.A. § 2307 states that, “In charter municipalities the budget meeting required by section 1485, subsection 3 must be a meeting of the municipal council or other municipal legislative body established by the charter with authority to approve the budget.”

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-080. Move approval to create an Ad-Hoc Budget Advisory Committee.
[Councilor Foley]

Councilor Foley

Ought to Pass

Sponsor

Recommendation

08/16/17

N/A

First Reading/Vote

Second Reading/Final Approval/Vote

Ad-Hoc Budget Advisory Committee

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

WHEREAS, the Town and School budgets affect every person in the Town of Scarborough; and,

WHEREAS, the School Budget Validation vote has failed with the voters of Scarborough repeatedly in recent years; and,

WHEREAS, residents have been clear in their interest to better understand the process used to generate Town and School budgets and in their desire to have clearer channels to communicate with the Town Council regarding budgets; and,

WHEREAS, the Town Council form of government is a representational form of government that allows for citizen advisory groups to inform its decision making; and,

WHEREAS, in an effort to identify strategies for improving communications and outreach regarding the budget process and to create an opportunity for a diverse citizen group to report to the Council on a balanced approach to meet the above mentioned challenges,

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that there is hereby an Ad Hoc Budget Advisory Committee created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Budget Advisory Committee is to advise the Town Manager and Town Council on strategies to promote better community understanding of budget processes and support greater acceptance of results of the annual budget process shown by a positive School Budget Validation vote. The Committee will propose improvements to the budget process and will identify additional communication and outreach opportunities. The following is a general overview of the discussion points, expectations and deliverables the Committee should consider in arriving at its recommendations:
 - Establish a baseline of facts regarding the costs associated with delivery of current and historical service levels by benchmarking Scarborough's costs to those in other communities through available datasets.
 - Identify common goals among all Scarborough stakeholders
 - Consider ways to improve the current budget process
 - Develop suggested outreach and communication strategies
 - Provide ongoing feedback and support to Joint Fin. Committee throughout the budget process

The Committee's powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.

2. **Membership.** The membership intends to provide fair representation of key stakeholders across age, income, and duration of residency demographics. Members should be sought out who have unique experience in budgeting, accounting, public policy, and or community engagement. The Committee shall be limited to Scarborough residents and comprised of nine (9) members as follows:

- 2 Town Councilors (representing the Finance and Communications Comm.)
- 1 School Board Member (preferably from the School Finance Comm.)
- 1 member of the Save our Schools group
- 1 member of the SMART Taxes group
- 4 Additional members to be selected through an open application process

Although official membership is limited to members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceeding as they feel appropriate.

3. **Timeframe.** The Committee shall recommend and report their identified goals and agreed upon deliverables to the Town Council by the first Town Council meeting held in December. Upon acceptance and approval by the Council the committee will shift its focus to meeting the goals and deliverables by continuing to meet, support, and implement the identified activities, events, and outreach throughout the budget season culminating with the June referendum.
4. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.
5. **Officers.** The Committee shall elect a Chair and Recording Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
6. **Quorum and Voting.** A quorum shall consist of five (5) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
7. **Meeting and Records.** The Committee shall meet often enough, at least monthly, to complete its responsibilities within the deadline set and shall strive to meet bi-monthly on a date and time specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least three (3) members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 16, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-081. Move approval of the Town Manager’s recommendations for the Implementation of metered parking fees. *[Town Manager]*

Town Manager

Sponsor

08/16/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote



Town of Scarborough

Manager's Office Memorandum

To: Scarborough Town Council

From: Thomas J. Hall, Town Manager

Re: Proposal for Metered Parking Fee at Higgins Beach

Date: July 14, 2017

The recently adopted Schedule of Fees and FY 2018 budget institutes a \$1/hour parking fee for the metered spaces on Bayview Avenue and I have been tasked with researching the options and recommending a proposal for implementation. This memorandum will provide a discussion of the relevant issues and provide recommendations regarding the implementation of the \$1/hour fee. Given the amount of expected interest in this matter I offer these recommendations for your consideration only at this time so public input can be gathered and incorporated as desired.

Background - In 2011 the Town designated thirteen (13) one-hour time limited on-street spaces (2 of which are handicapped) and a temporary 5-minute drop-off zone on Bayview Avenue. This on-street parking occupies the area between Pearl Street and Morning Street. As a part of this project the Town constructed a sidewalk on the ocean side of the street and designated crosswalk locations to provide for pedestrian safety. Generally, the spaces have worked well, serving the intended purpose of providing short-term, convenient parking opportunities proximate to the beach. However, more recently residents in the area expressed concern regarding "behavioral issues" of some of those using the spaces as well as concerns relating to abuses of the time limit and a lack of enforcement, so in 2015 in response to these concerns the Town installed a meter to assist with tracking of the one-hour time limit and provided enhanced enforcement.

Implementation Proposal- The premise behind this proposal is to keep things as consistent as possible with the current program. The central component of the existing system is a meter station that services all of the spaces. When the system was originally purchased it came equipped to take money, but will need re-programming to meet our needs. The current system requires the input of the license plate number of the vehicle which is essential to the enforcement aspect and appears to work quite well with minimal complaints. The meter issues a ticket/receipt that identifies the license number and issues a time stamp and the ticket must be visibly displayed on the dashboard of the driver's side of the vehicle. All of these elements are important for proper enforcement and would not change with the initiation of a fee. The only real difference will be that the ticket will not be issued until payment is made or otherwise satisfied.

Method of Payment- The meter station can be programmed to take all forms of payment, but the manufacturer has strongly recommended against accepting paper currency as it creates service issues. Therefore, **I recommend we accept coins and credit cards only.** With the nominal amount on \$1, I expect coins will be the preferred choice to avoid credit card charges. Further, I would strongly **suggest that the minimum payment accepted be \$1, rather than accepting payment for increments less than one hour.**

Season Pass Holders- I recommend that **parking be free for all season pass holders**, resident and non-resident alike (obviously the time limit remains in place). Like the current system, the user would be prompted to enter the license plate and they would also be prompted to enter the four-digit number from the season pass. A time-stamped ticket would be issued and placed on the dashboard as currently required.

An option for the future would be the issuance of a card that could be purchased for a nominal fee at the time the season pass is purchased which would take the place of payment and not require entering the four-digit number from the pass. Since the majority of season passes have already been issued, this option is impractical for this season. I believe the Ordinance Committee will be considering parking fees in the off-season and this could be reviewed at the same time.

Senior Passes- For residents over age 60, the season pass is free. Rather than issuing a sticker for the window, they are issued a card (the size of a business card), so the system will be slightly different. Each card has a distinct four-digit number so the process would be the same as other season pass holders, with the exception that the **card must be visibly displayed on the dashboard along with the time-stamped ticket.** This system should be reviewed at the same time as the rest.

When is payment required? Some have suggested that we do not charge for parking during certain times of the day such as early morning or in the evening. I suspect the majority of use during these times is by frequent beach users and if so it stands to reason that these individuals will likely have a season pass and therefore parking is free already. For simplicity sake, I recommend that we **charge for all of the allowable times.**

Implementation Schedule- Given the historical interest in beach parking issues I purposely wanted to present this proposal first and allow time for public input. I would expect to have this on your agenda for the August 16 meeting, with an **effective date of September 1.** This schedule will allow for public input and once adopted, there will be approximately two weeks for education.

Staffing—We have developed a system that uses a combination of Reserve Officers and VIPs to provide parking enforcement as well as to attend to other public needs at the beach. The FY2018 budget reduced the total number of hours for paid staff; however, we believe that we will be able to manage with these reduced hours due to better scheduling and coverage during inclement weather. The proposed implementation schedule provides for several weeks of promotion before the effective date and staff at the beach will be responsible for education during this time. I expect we will use other communication vehicles as well.

Fees and Fines – I propose no change to the current fines and penalties. I do expect the Ordinance Committee to consider fees for season passes at which time these related issues may be considered as well.

CC: Chief Moulton