

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
TOWN COUNCIL WORKSHOP RE: AVENUE 2 – 6:00 P.M.
REGULAR MEETING – 7:00 P.M.

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

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: September 20, 2017 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.
- Item 8.** Non Action Items:
 - a. Report from the Scarborough Housing Alliance.

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

Order No. 17-095, 7:00 p.m. Public hearing on the proposed amendments to Chapter 901 – the Town of Scarborough Garbage and Recycling Collection and Disposal Ordinance, Article I Sections 1.09 and 1.10. *[Ordinance Committee]*

Order No. 17-100, 7:00 p.m. Public hearing and action on the requests for a Food Handlers from Flaherty's Family Farm, Inc., d/b/a Flaherty's Family Farm, located at 123 Payne Road and Willowdale Golf Club, located at 52 Willowdale Road. *[Town Clerk]*

OLD BUSINESS:

Order No. 17-075. Second reading 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. 17-086. Second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District. *[SEDCO]*

Order No. 17-087. Second reading on the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP). *[SEDCO]*

NEW BUSINESS:

Order No. 17-101. Act on the request to amend the Special Amusement Application, as recommended by the Ordinance Committee. *[Ordinance Committee]*

Order No. 17-102. Act on the request to appoint Larissa Crocket, Assistant Town Manager, as a full voting member to the Maine Municipal Association's Legislative Policy. *[Council Chair]*

Order No. 17-103. Act on the request to extend the reporting time of the Town Council Ad-Hoc Election Committee to the October 18, 2017, Town Council meeting. *[Council Chair]*

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 – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-095. The second reading on the proposed amendments to Chapter 901 – the Town of Scarborough Garbage and Recycling Collection and Disposal Ordinance, Article I Sections 1.09 and 1.10. will be held on Wednesday, October 18, 2017 [*Ordinance Committee*]

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

09/06/17 4 Yeas.

3 Nays [Councilors Foley, Hayes and St. Clair]

10/18/17

10/04/17 *Public Hearing*

First Reading/Vote/Public Hearing

Second Reading/Final Approval/Vote

AMENDMENT TO CHAPTER 901
THE SCARBOROUGH GARBAGE AND RECYCLING ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 901, the Garbage and Recycling Collection Ordinance of the Town of Scarborough is amended, as follows:

Section 1.098 TOWN TO PROVIDE CARTS

A. All garbage and recycling carts required by this Article shall be designated, provided and owned by the Town of Scarborough; all residences receiving ~~municipal-Town~~ solid waste collection services are required to use only the Town-provided carts for weekly garbage collection. The standard carts hold a capacity of up to 65 gallons and shall not be filled to a gross weight of more than 150 pounds each. Each residential unit will be allowed one Town-designated cart per pickup. Decisions to permit a second cart will be made on a case-by-case basis for exceptionally large households, and in those cases, only after a solid waste inspection by a Scarborough Public Works staff member to determine that the need remains when maximum recycling is being done. Residents may choose to mark their cart with the street address that the cart was assigned to for identification purposes. Under no other circumstance should the carts be defaced by the use of markers, stickers or paint. A cart that has been defaced will be replaced at cost to the resident to whom the cart was assigned and may be subject to further penalties under Article VI.

B. All residential buildings of 6 or more units, nonresidential or commercial users shall provide adequate carts for the weekly garbage generated by the business conducted on the premise. At a minimum, the owner shall provide a secured container or containers with closable covers to minimize the stacking and spreading of the garbage generated by the subject business. The cost of collecting commercial waste is the Property Owner's responsibility.

Section 1.1009 CARTS REQUIRED; HOURS FOR PLACEMENT AND REMOVAL; REPLACEMENT OR ADDITIONAL CARTS; OVERFLOW WASTE

A. It shall be the responsibility of the Town to provide and make available suitable and sufficient carts as described by § 1.08.09 to receive the accumulation of weekly household waste. Each cart shall be placed as instructed by the Town or its designated garbage collector along the street, sidewalk or roadside for automated collection. Town-designated garbage carts may be set out for collection the evening or day before, but must be set out by 7:00A.M. the morning of collection, and should be removed from the Town's right of way the day of collection.

B. Should a Town-owned cart be damaged, defaced, or lost by a household, the Town will make another such cart available for replacement at a fee.

C. Residents who have "overflow waste," defined as garbage set out for collection that exceeds the amount contained in the Town-provided collection cart, may take it to the Department of Public Works for disposal.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-100. Move approval on the requests for a Food Handlers from Flaherty's Family Farm, Inc., d/b/a Flaherty's Family Farm, located at 123 Payne Road and Willowdale Golf Club, located at 52 Willowdale Road. *[Town Clerk]*

Town Clerk

Sponsor

10/04/17

First Reading/Vote/Public Hearing

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

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

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: September 29, 2017

RE: Requests for a Food Handlers License

The following applicants are seeking approval on a Food Handlers License:

- Flaherty's Family Farm, Inc., d/b/a Flaherty's Family Farm, located at 123 Payne Road; and,
- Willowdale Golf Club, located at 52 Willowdale Road.

The applicants are before you as they did not meet the renewal deadline and any renewal applications not received on or before its deadline shall be processed in the same manner as a new application, which requires a public hearing and approval by the Town Council.

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

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

Planning Department

Sponsor

08/16/17 7 Yeas.

09/20/17 Public Hearing

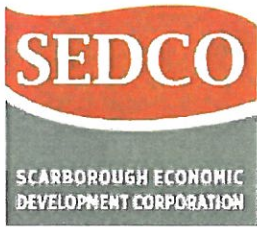
First Reading/Vote/Public Hearing

Ought to Pass

Recommendation

10/04/17

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.

PORTION OF PLANNING BOARD MINUTES FROM
MONDAY – SEPTEMBER 18, 2017

Councilor Order No. 17-075

4. The Planning Board will conduct a public hearing to receive comment on the proposed second amendment to the Contract Zone agreement for the Scarborough Day Spa. Robert Tgettis and Lucinda Malbon are seeking to modify the existing Contract Zone which is Exhibit 2 in the Town of Scarborough Zoning Ordinance*

Karen Martin, with SEDCO explained that the owners of Scarborough Day Spa are looking to amend their Contract Zone to add haircare services. Ms. Martin stated that the current Contract Zone is extremely specific and excluded haircare. Ms. Martin stated that no other changes are being made.

Mr. Fellows opened the public hearing. There was no public comment.

Board members had no comments or concerns with the request.

Mr. Fellows stated a positive recommendation by the Board would be forwarded to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-086. Move approval of the second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District. [*SEDCO*]

SEDCO

Ought to Pass

Sponsor

Recommendation

09/06/17 6 Yeas. 1 Nay [Councilor Rowan]
09/20/17 Public Hearing

10/04/17

First Reading/Vote/Public Hearing

Second Reading/Final Approval/Vote



TO: Scarborough Town Council
FROM: Karen Martin, SEDCO Executive Director
DATE: August 30, 2017
SUBJECT: Consideration of Zone Changes for Enterprise Business Park

Commercial Place LLC, owner of Enterprise Business Park, is requesting assistance in bringing a company, Bluebird Storage, to the business park. Bluebird Storage is a modern interpretation of a storage facility that serves both consumers and businesses. The owners of Bluebird Self Storage are interested in building a 75,000 to 100,000 square foot structure on a 3.79-acre lot located at 100 Enterprise Dr (Map/Lot U39 4701) in the B3 Zone.

Since new storage facilities are currently **only** allowed in the Industrial zone, Commercial Place LLC has requested that the Town make appropriate changes to the Zoning ordinance to allow Bluebird Storage in the business park. Should the Council wish to consider this concept, staff has outlined a multi-step process.

This process includes the following steps:

- 1) Add a new definition for a high-end storage facility
- 2) Add the new definition as an allowable use in the Haigis Parkway District (HPZ), subject to performance standards
- 3) Change the above referenced lot from B3 to HP

Background

There are three separate, but related, issues being addressed by the proposed changes to the zoning ordinance.

First, the Council is being asked to consider an updated definition of a subset of storage facilities which have different characteristics than the mini warehouse/self-storage facilities defined by the ordinance in 1997.

Second, the Council is being asked whether or not this new use definition is appropriate for the Haigis Parkway Zone.

Third, the Council is being asked to move the corner lot (Route One and Enterprise Drive) of Enterprise Business Park from B3 to HP. The balance of Enterprise Business Park is already in the HP zone. This is the only lot in the park, not zoned HP.

Step one: Definition of Storage

Currently, the Scarborough Zoning Ordinance allows new “Mini-Warehouse/Storage Facilities” only in the Industrial Zone. The definition, developed in 1997, envisioned the traditional mini warehouse compound with several buildings and direct external access to all units, via overhead garage doors. Traditional designs of these buildings were often utilitarian in building design and aesthetics. The visual impact of the facilities was consistent with Scarborough’s Industrial zone, rather than office parks.

Bluebird Self Storage challenged this image of self-storage. Working with the company and with research from industry groups, a new picture of modern self-storage emerged.

The industry has evolved into a new generation of facilities with the goal of fostering a stable, secure, upscale image for consumers. The new style of facilities is characterized by the following:

- Climate and humidity controlled to protect high value contents
- Limited hours of access, as opposed to 24-hour access
- Onsite management and staffing
- Internal access through corridors, rather than each unit having external access
- Higher end construction materials and design, yielding higher property values
- Landscaping as a prime consideration
- Compatible with planned office developments and business parks.

With these characteristics in mind, a new definition is proposed:

Climate Controlled/Internal Access Storage Facility

A storage facility built to a standard compatible with office and mixed use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management.

The Climate Controlled/Internal Access Storage Facility will be subject to all performance standards of the existing definition of Mini-Warehouse/Storage Facilities with the exception of Standards 1 and 3, which will be amended as follows:

1. Mini-Warehouse/Storage Facilities shall be located only in the Industrial District. *Climate Controlled/Internal Access Storage Facilities may be located in the Industrial District and the Haigis Parkway District.*

3. Impervious surfaces (any material that prevents absorption of storm water into the ground) shall not cover more than fifty percent of the lot on which the Mini-Warehouse/Storage Facility is located. *For Climate Controlled/Internal Access Storage Facilities, impervious surface Coverage will follow the underlying zone.*

The existing definition of the Mini-warehouse/Storage facility will remain in place and will be limited to the Industrial zone. Only those facilities which meet the additional definition of “Climate Controlled/Internal Access Storage Facility” would be allowed in the Haigis Parkway District.

Step Two: Amend Haigis Parkway Zone

The new definition of Climate Controlled/Internal Access Storage Facility is proposed for the Industrial District and the Haigis Parkway District.

Staff evaluated the possibility of allowing the new definition in B3, but felt the scale described by Bluebird Self-Storage and consistent with industry research, would be better suited to the Haigis Parkway District.

The Haigis Parkway District is recommended as an appropriate zone for the following reasons:

- Haigis is suited to larger scale developments (Bluebird storage is looking to build 75,000 to 100,000 square feet.)
- Haigis provides excellent logistics with respect to transportation and a central location.
- Haigis provides for a mixed-use environment.
- Haigis Parkway includes sufficient design standards to ensure a high-end building, compatible with existing and future development.

Step Three: Amend Zoning of Lot in Enterprise Business Park

The last step in this process is to consider rezoning a lot in the Enterprise Business Park from B3 to HP.

Steps one and two were about modernizing the zoning ordinance to accommodate an evolving industry. We’ve done these types of zone changes before, for example, on food processing.

Step three is about a specific proposal – Bluebird Self- Storage.

Bluebird Self-Storage is proposing to build a 75,000 to 100,000 square foot structure on a 3.79-acre lot located at 100 Enterprise Dr. (Map/Lot U39 4701) in the B3 Zone. This lot happens to be the only lot in the Enterprise Business Park which is NOT included in the Haigis Parkway Zone. The lot fronts onto the internal access road of the Enterprise Business Park, but is bordered on one side by Route One.

Since this lot is the only lot in the Enterprise Business Park that is NOT zoned as Haigis Parkway and the lot orientation and frontage is along Enterprise Drive, not Route One, a rezoning of the lot to HP would be reasonable.

LRPC Discussion

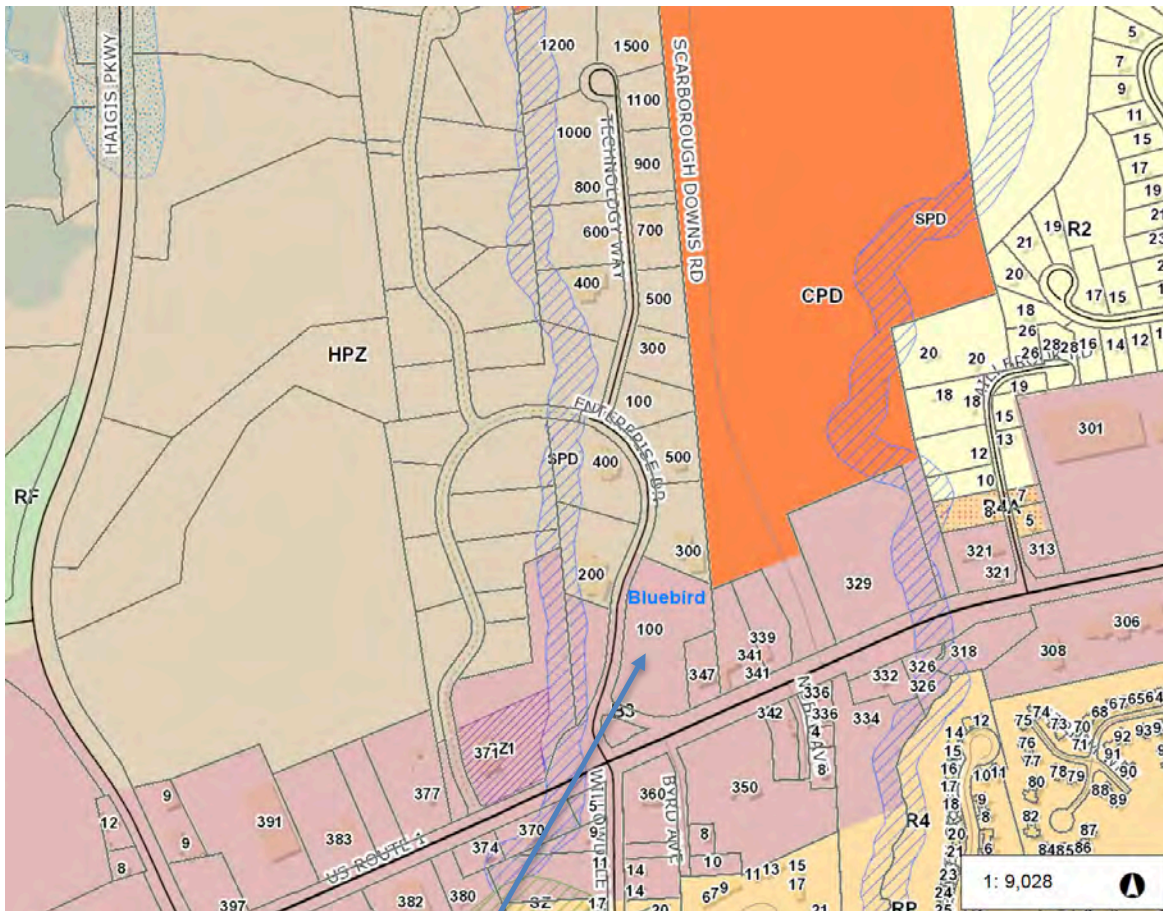
The Long Range Planning Committee (LRPC) discussed the merits of this property’s zone change, as well as the additional proposed changes to the ordinance at their July 28th meeting.

They found the addition of a new definition of a high-end storage facility and the inclusion of the use in the HP to be reasonable. Further they looked at the lot proposed for rezoning and concluded that moving the lot from B3 to HP was also reasonable and consistent with the remainder of the Enterprise Business Park zoning. They also evaluated the concept of addressing the needs of the land owner through a contract zone, but felt that updating the current zoning would be in the interest of the town. This situation did not call for a contract zone.

While committee members were supportive of the change, they wanted to ensure that lots on both sides of the entrance to Enterprise Business Park were considered for rezoning. The lot on the south side of Enterprise Drive is owned and controlled by the Land Rover Dealership and is partially subject to a Contract Zone. Given the contract zone, a re-zoning did not seem appropriate.

Attachments:

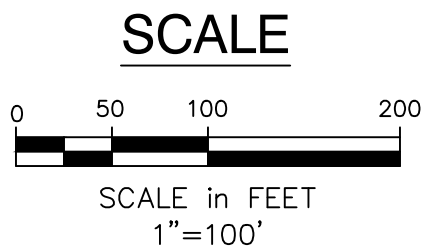
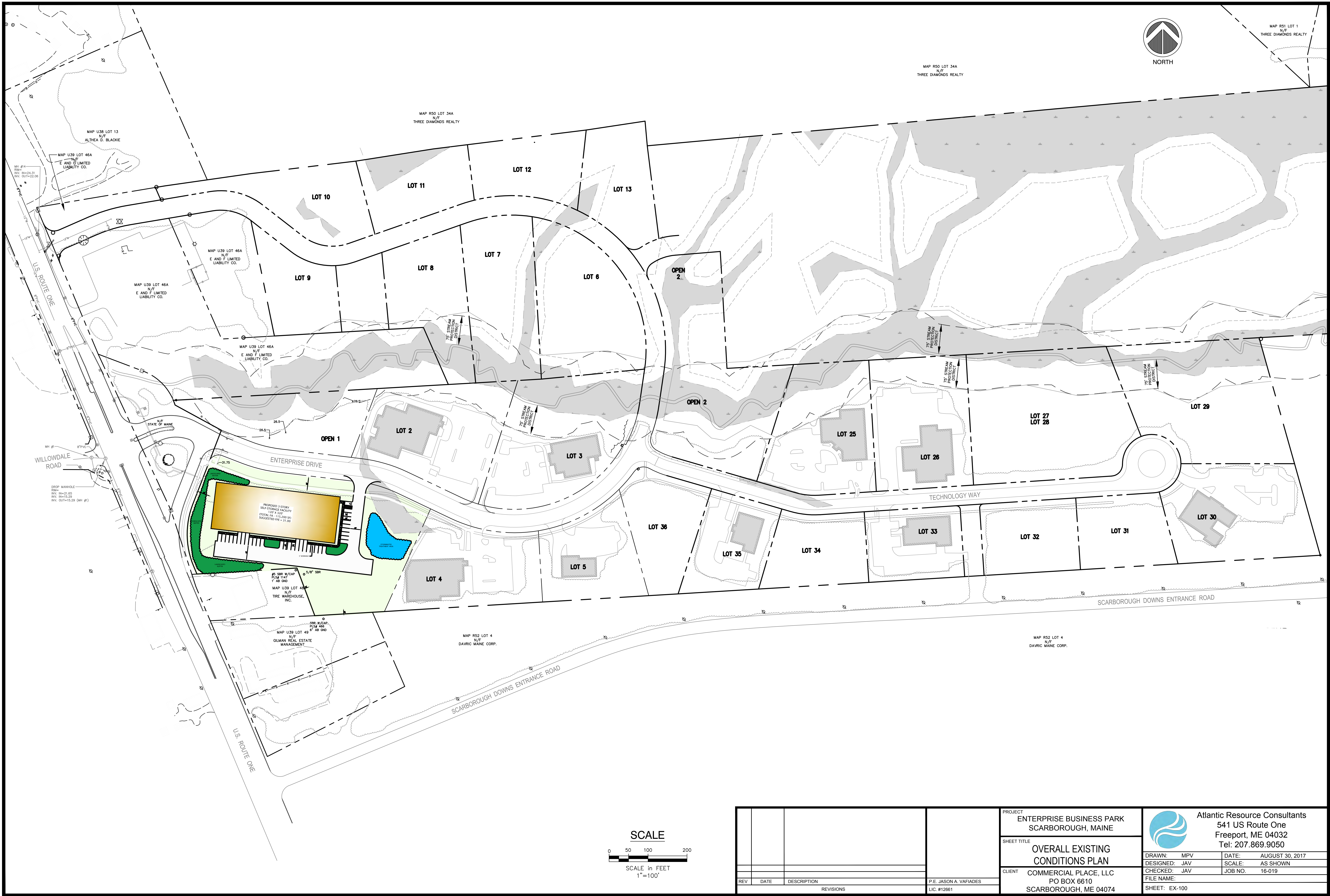
The following map shows the lot and its location within the Enterprise Business Park.



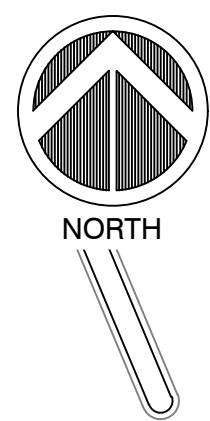
Bluebird Storage proposed location, currently zoned B3/proposed for HP

Examples of Bluebird Storage Facade





			PROJECT ENTERPRISE BUSINESS PARK SCARBOROUGH, MAINE		 Atlantic Resource Consultants 541 US Route One Freeport, ME 04032 Tel: 207.869.9050
			SHEET TITLE OVERALL EXISTING CONDITIONS PLAN		
			CLIENT COMMERCIAL PLACE, LLC PO BOX 6610 SCARBOROUGH, ME 04074		DRAWN: MPV DATE: AUGUST 30, 2017
					DESIGNED: JAV SCALE: AS SHOWN
					CHECKED: JAV JOB NO. 16-019
					FILE NAME:
					SHEET: EX-100



N/F
STATE OF MAINE

OPEN 1

LOT 2

ENTERPRISE DRIVE

U.S. ROUTE ONE

LANDSCAPED
BUFFER

PROPOSED 3-STORY
SELF-STORAGE FACILITY
120' X 320'
(TOTAL FA - 115,200 SF)
SUGGESTED FFE = 31.00

STORMWATER
TREATMENT AREA

LOT 4

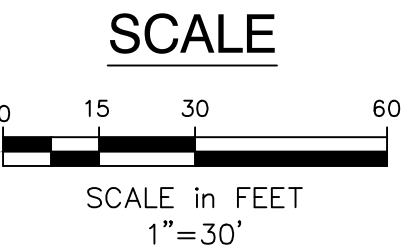
LOT 1
165,259 sq.ft.
3.79 acres

MAP U39 LOT 48
N/F
TIRE WAREHOUSE,
INC.

MAP U39 LOT 49
N/F
GILMAN REAL ESTATE
MANAGEMENT

MAP R52 LOT 4
N/F
DAVRIC MAINE CORP.

FOR ZONING REVIEW
NOT FOR CONSTRUCTION



		ENTERPRISE DRIVE SCARBOROUGH, MAINE			Atlantic Resource Consultants 541 US Route One Freeport, ME 04032 Tel: 207.869.9050	
		CONCEPTUAL SITE PLAN BLUEBIRD STROAGE			DRAWN: MPV DESIGNED: JAV CHECKED: JAV FILE NAME: SHEET: CPT-1	
		COMMERCIAL PLACE LLC P.O. BOX 6610 SCARBOROUGH, MAINE 04074				
REV	DATE	DESCRIPTION				
REVISIONS						

**Proposed Amendments to Chapter 405, Town of Scarborough Zoning Ordinance:
Request to Update Definitions, Performance Standards and Haigis Parkway District Uses
Regarding Storage Facilities**

SECTION VI – DEFINITIONS

Definitions: The Following definition will be added to the Zoning Ordinance:

Climate Controlled/Internal Access Storage Facility

A storage facility built to a standard compatible with office and/or mixed use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management.

SECTION IX (H). PERFORMANCE STANDARDS - MINI-WAREHOUSE/STORAGE FACILITIES AND CLIMATE CONTROLLED/INTERNAL ACCESS STORAGE FACILITIES [12/03/97]

The following standards shall apply to all Mini-Warehouse/Storage Facilities:

1. Mini-Warehouse/Storage Facilities shall be located only in the Industrial District.
2. Climate Controlled/Internal Access Storage Facilities may be located in the Industrial District and/or the Haigis Parkway District.
- ~~3.2. Mini-Warehouse/Storage Facilities shall be located on lots of no less than one acre and no greater than five acres total lot area.~~
4. Impervious surfaces (any material that prevents absorption of storm water into the ground) shall not cover more than fifty percent of the lot on which the Mini-Warehouse/Storage Facility is located.
5. Climate controlled/Internal Access Storage Facilities will follow the impervious surface requirements of the district where the facility is located.
6. Vehicle circulation within the facility shall allow for safe access to the individual storage units and shall include fire lanes acceptable to the Town of Scarborough Fire Chief.
7. Off-street parking shall be provided in accordance with Section XI of this Ordinance for any office space and for any dwelling unit located on the property pursuant to paragraph 6 below. Parking spaces shall not be provided for each unit, but the site shall be designed so that vehicles of customers picking up or depositing stored materials may stand temporarily in the aisles and adjacent to the storage units.
8. Notwithstanding anything to the contrary in this Ordinance, the lot on which a ~~Mini-Warehouse/~~ any Storage Facility ~~is~~ is located may contain one dwelling unit as an accessory structure and accessory

use to the ~~mini-warehouse~~/storage facility, provided the dwelling is occupied only by a resident facility manager or by on-duty employees of the facility.

9. Notwithstanding anything to the contrary in this Ordinance, a ~~Mini-Warehouse~~/Storage Facility may incorporate more than one storage building and may include an accessory dwelling unit without separately meeting the space and bulk requirements for each building.
10. No storage unit in a ~~Mini-Warehouse~~/Storage Facility may exceed five hundred square feet of floor area.
11. The owner of the ~~Mini-Warehouse~~/Storage Facility shall designate a facility manager who can be contacted at a specified address and telephone number, and shall at all times provide the Scarborough Code Enforcement Officer, the Scarborough Fire Department and the Scarborough Police Department with the current address and phone number of the facility manager. The function of the facility manager includes, but is not limited to: providing proper policing of the area for trash, debris and vandalism; reporting to the police department any evidence of storage of contraband property or materials unlawfully possessed by customers of the facility; reporting to the fire department and the code enforcement officer any evidence of storage of dangerous or hazardous materials.
12. The storage of hazardous, explosive or radioactive materials and of flammable liquid or gaseous materials is prohibited in a ~~Mini-Warehouse~~/Storage Facility. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit.
13. No activities other than rental of the storage units and pick up and deposit of the stored personal property shall be allowed on the ~~Mini-Warehouse~~/Storage Facilities property. Examples of prohibited activities include, but are not limited to: wholesale or retail sales, auctions, garage sales; the service, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other equipment; and the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment or other similar tools. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit.
14. No outside storage of customers' goods or materials is allowed on the property of the ~~Mini-Warehouse~~/Storage Facility. This provision does not prevent storage of household articles customarily stored outdoors by the manager of the facility if the manager resides on the property.
15. The use of a ~~Mini-Warehouse~~/Storage Facility or any portion thereof may not be changed to any other use, even though such use is otherwise permitted under this Ordinance, until the proposed new use is first reviewed and approved by the Planning Board under the provisions of the Site Plan Review Ordinance.
16. Each customer, at the time of rental of a unit, shall be required to sign a lease or rental agreement which reserves to the owner and the owner's representatives, agents and employees the right to enter into and inspect the unit and its contents at any time without prior notice and which authorizes the owner and the owner's representatives, agents and employees to allow the Town of Scarborough Code Enforcement Officer, Fire Chief, Police Chief and their designated representatives to enter into and inspect the unit and its contents at any time without prior notice to the customer.

Notwithstanding anything to the contrary in this Ordinance or in 1 M.R.S.A. § 302, the standards of paragraph ~~1~~ 2 through ~~16~~ 14 above shall apply to any application for a ~~Mini-Warehouse~~/Storage

Facility which has not received site plan approval from the Scarborough Planning Board prior to October 27, 1997 and to any application to expand, extend, enlarge, reconstruct, rebuild or replace a Mini-Warehouse/Storage Facility existing on October 27, 1997. (12/03/97)

SECTION: XVIII.B HAIGIS PARKWAY DISTRICT

Add the Following use to SECTION B. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS
NON RESIDENTIAL USES

27. Climate Controlled/Internal Access Storage Facility, subject to Section IX (H) performance standards, and only within an approved subdivision.

PORTION OF PLANNING BOARD MINUTES FROM MONDAY – SEPTEMBER 18, 2017

Councilor Order No. 17-086

5. The Planning Board will conduct a public hearing to receive comment on the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions, Section IX.H Performance Standards, and Section XVIII.B Haigis Parkway District.*

Karen Martin with SEDCO, stated that Commercial Place, LLC owner of Enterprise Business Park is speaking with Bluebird Storage Company about a location within the park to enable a modern version of self-storage facilities. Ms. Martin stated that storage facilities are currently only allowed within the Industrial Zone. Ms. Martin stated there are three items to consider for this request. First, changing the definition to add high-end storage facility. Ms. Martin stated the facility would be climate controlled, accessed internally with limited exterior access, limited hours of operations and on site management. Second, add the new definition as an allowable use in the Haigis Parkway District. If it is added to the HP District, proposal would have to meet the Design Standards for the District and additions would be made to the Performance Standards as presented. Lastly, changing the lot proposed for the facility from B-3 to HP.

Mr. Fellows opened the public hearing. There was no public comment.

Mr. McGee questioned number three of the Performance Standards and the reasoning for a maximum lot size. Ms. Martin stated that the provision is an existing Performance Standard and the proposal did not seek any further changes than necessary. Ms. Martin stated if she had to guess it was to prevent the look of an industrial farm. Mr. McGee indicated he had no issue with the proposal.

Mr. DuPerre asked if the units would have lights only or if other electrical services would be provided in the units. Mr. DuPerre stated that allowing electricity in the units might create other problems.

Ms. Hendrickson questioned if there will be loading docks and that could change the appearance of the proposed structure. Ms. Hendrickson also questioned the size of the units. Ms. Martin stated the units are allowed to be a maximum of 500 sf and the exterior will have limited access and if the lot is changed to HP will have the Design Standards and Performance Standards to adhere too.

Mr. Chace stated that the Long Range Planning Committee reviewed the request and felt the HP zone was an appropriate zone due to the separate and higher Design Standards.

Ms. Auglis stated it is an appropriate use for the HP zone. Ms. Auglis also commented on the color renderings provided and Board expectations when the item comes before them for review of the project.

Mr. Fellows also thought it was appropriate for the HP zone and when the project is before the Board, the details will be reviewed carefully. Mr. Fellows stated that based on Board discussion, a positive recommendation by the Board would be forwarded to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-087. Move approval of the second reading on the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP). [*SEDCO*]

SEDCO

Ought to Pass

Sponsor

Recommendation

09/06/17 6 Yeas. 1 Nay [*Councilor Rowan*]
09/20/17 *Public Hearing*

10/04/17

First Reading/Vote/Public Hearing

Second Reading/Final Approval/Vote

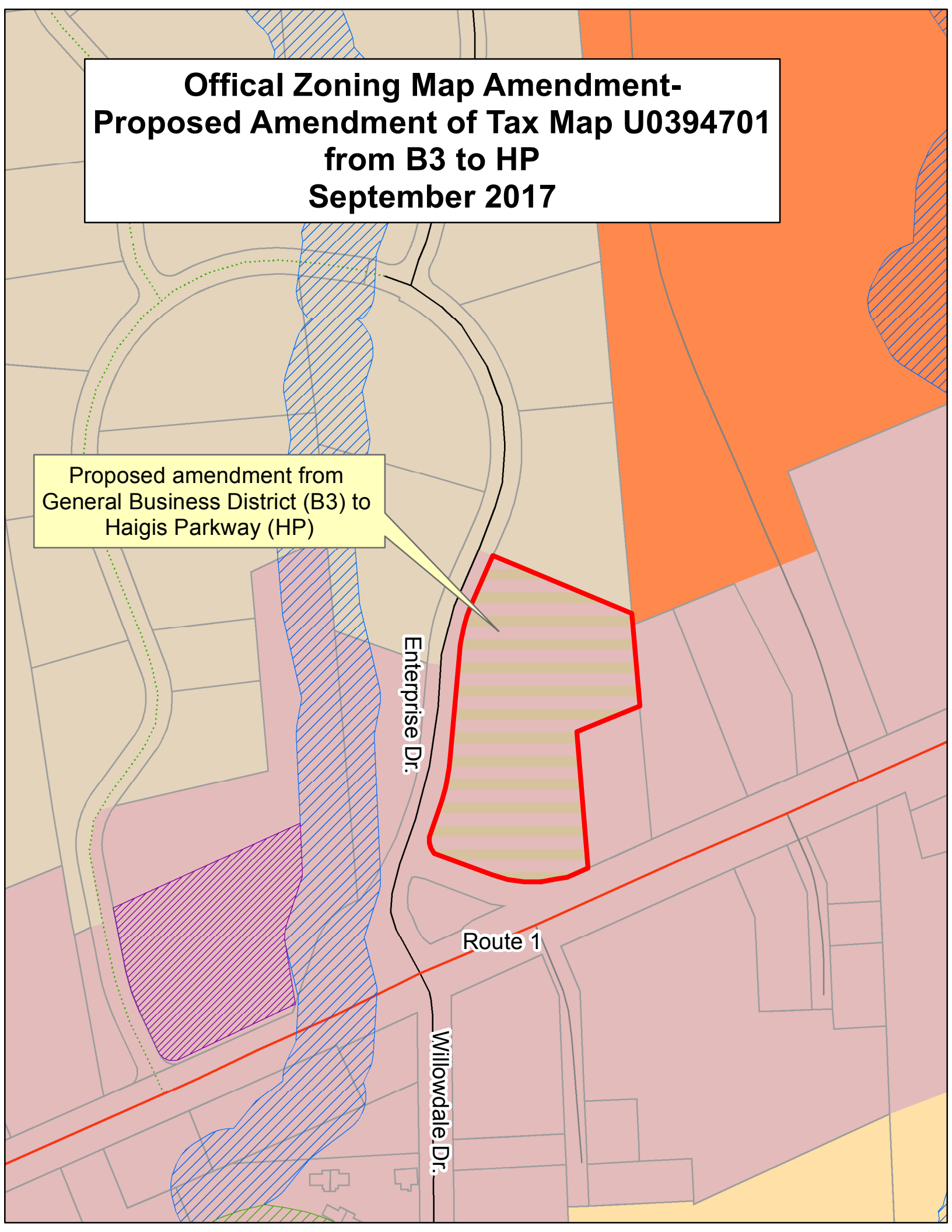
**Official Zoning Map Amendment-
Proposed Amendment of Tax Map U0394701
from B3 to HP
September 2017**

Proposed amendment from
General Business District (B3) to
Haigis Parkway (HP)

Enterprise Dr.

Route 1

Willowdale Dr.



PORTION OF PLANNING BOARD MINUTES FROM
MONDAY – SEPTEMBER 18, 2017

Councilor Order No. 17-087

6. The Planning Board will conduct a public hearing to receive comment on the proposed amendments to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39, Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP).*

Ms. Martin had included the explanation in the previous request.

Mr. Fellows opened the public hearing. There was no public comment.

Mr. Fellows stated a positive recommendation by the Board would be forwarded to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-101. Move approval on the request to amend the Special Amusement Application, as recommended by the Ordinance Committee. [*Ordinance Committee*]

Ordinance Committee

Ought to Pass

Sponsor

Recommendation

10/04/17

N/A

First Reading/Vote/Public Hearing

Second Reading/Final Approval/Vote

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Special Amusement Application for the Town of Scarborough, Maine, be and hereby is amended, as follows *(additions are underlined; deletions are struck through)*:

**TOWN OF SCARBOROUGH
SPECIAL AMUSEMENT APPLICATION
DANCING & ENTERTAINMENT FROM JUNE 1ST to MAY 31ST**

1. Name of Applicant: _____
Address of Applicant: _____
Mailing Address, if different then above: _____
2. Name of Business: _____
3. Address of Business: _____
4. Nature of Business: _____
5. Location to be Used: _____
6. Has applicant ever had a license to conduct business therein described either denied or revoked?
Yes ____ No ____
If yes, please describe circumstances: _____

7. Time of day activity/event to take place: _____
8. If a musical performance will it be electronically amplified: Yes ____ No ____

Request for exemption from the Good Neighbor ordinance:

If you believe you should be exempt from the prohibitions on noise listed in the Good Neighbor ordinance, Ordinance 616 Section B (see back), please explain the extent of the exemption sought and the reason why:

Notice of the public hearing regarding this application must be given to all property owners within 200 ft of the location identified above. The notices shall be sent out from the Town Clerk's office and shall be paid for by the applicant as part of the application fee.

STATEMENT: Applicant, by signature below, agrees to abide by all laws, orders, ordinances (including the Good Neighbor ordinance, applicable sections shown below), rules and regulations governing the above licensee and further agreed that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect to thereto.

Dated at Scarborough, Maine on this _____ day of _____, 20_____.

Fee of \$110.00 plus the cost of notification to property owners within 200 ft of the location must accompany application.

(Signature of Applicant)

(If Partnership, by members of Partnership)

(Name and Location of Corporation)

(If Corporation, by a duly authorized Officer)

Excerpt From the Good Neighbor Ordinance

B. Noise Abatement.

(1.) Loud, offensive noises prohibited.

No person shall make, continue, or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

(2.) Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings: Daytime hours means the hours between 7:00 a.m. and 9:00 p.m. Monday through Thursday; between 7:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday.

Nighttime hours means the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Friday morning; between 10:00 p.m. and 7:00 a.m. Friday evening through Saturday morning; and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

(4.) Specific prohibitions.

The following acts, among others, are declared to be loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

(b.) The using or operating or the permitting to be played, used, or operated of any radio, receiver, electronically amplified musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of music or sound which is audible outside of any structure during the nighttime hours or which broadcasts the sound in a loud and unreasonable manner during day-time hours which is audible a minimum of 200 feet from the source of the noise except as otherwise permitted, licensed or sponsored by the Town.

Application must be approved by the Municipal Officers of the Town of Scarborough, Maine.

TOWN OF SCARBOROUGH

Cumberland, ss. Dated at Scarborough, Maine on _____, 20_____.

The undersigned being the Municipal Officers of the Town Scarborough, Maine hereby approve the application in accordance with the provisions of Section 1054, of Title 28-A, Maine Revised Statutes, 1964, as amended.

_____	_____
_____	_____
_____	_____

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-102. Move approval on the request to appoint Larissa Crocket, Assistant Town Manager, as a full voting member to the Maine Municipal Association's Legislative Policy. *[Council Chair]*

Council Chair

Ought to Pass

Sponsor

Recommendation

10/04/17

N/A

First Reading/Vote/Public Hearing

Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 4, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-103. Move approval on the request to extend the reporting time of the Town Council Ad-Hoc Election Committee to the October 18, 2017, Town Council meeting.
[Council Chair]

Council Chair

Ought to Pass

Sponsor

Recommendation

10/04/17

N/A

First Reading/Vote/Public Hearing

Second Reading/Final Approval/Vote