

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 19, 2025
HYBRID REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Kristen M. Barth, Town Clerk, called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Swearing in of newly elected officials. The Town Clerk, swore in Karin B. Shupe and Michelle T. Hayes as Town Councilors, with terms to expire in 2028, The Board of Education member and the Sanitary District Trustees were sworn in earlier.

Order No. 25-112. Act on the nomination of a new Town Council Chair. The Town Clerk, called for nominations of a new Town Council Chair. Only one nomination was made.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the nomination of Councilor Fellow, as the new Town Council Chair.

Vote: 6 Yeas, 1 Nay (Councilor Shupe).

Order No. 25-113. Act on the nomination of a new Town Council Vice-Chair. Chair Fellows, called for nominations of a new Town Council Vice Chair. Only one nomination was made.

Motion by Councilor Fellows, seconded by Councilor Donovan, to move approval of the nomination of Councilor Cain, as the new Town Council Vice Chair.

Vote: 7 Yeas.

Item 4. Roll Call. Roll was called by Kristen M. Barth, Town Clerk. Thomas J. Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

Councilor Scott W. Doherty	Councilor Jonathan E. Anderson
Councilor Lawrence W. Cain - Vice Chair	Councilor William J. Donovan
Councilor Karin B. Shupe	Councilor Michelle T. Hayes
Council Chair Cory R. Fellows	

Item 5. General Public Comments.

- Michael Doyle of Portsmouth and the owner/writer of FalmouthToday News, spoke in regards to the last time he attended a Scarborough Town Council meeting a few years ago.
- Nina McKee of Black Point Road, spoke in regards to LD1829 and the Town standing up to the State to stop this.
- Jim Pritchard of Maple Avenue, would like to see this Council push back on the State for taking away Home Rule, an increase for Public Works like has been done for the Police and Fire Departments, forestry and the traffic calming policy.
- Averyl Hill of Maple Avenue, spoke in regards to concerns about the Town's Short Term Rental Policy and how it was created.
- Matthew Keith of Pleasant Avenue (via ZOOM), spoke in regards to short term rentals within the community and the effects they have.

- Stanis Moody-Roberts of County Road spoke in regards to growth, affordability, and short term rentals in the Country and within Scarborough.
- Alyson Bristol of Bayview Avenue spoke in regards growth and to push back hard on the State for taking away Home Rule.
- Stephen Zamierowski of Teresa Massey Lane and committee member of the Parks and Conservation Land Board and Housing Alliance spoke in regards to growth, Short Term Rentals, and affordable housing,
- Sue Hamill of Bay Street spoke in regards to short term rentals, LD1829, and the growth workshop.
- Denise Hamilton of Two Rod Road spoke in regards to accountability and process in three areas: roads, grant applications, and short term rentals.

Item 6. Minutes: November 5, 2025 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the minutes from November 5, 2025 regular Town Council meeting.

Vote: 7 Yeas. Motion Passes.

Item 7. Adjustment to the Agenda. None at this time.

Item 8. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Item 9. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates and answered Councilor questions:

Scottow Hill Road Closure -

- Repair Options being evaluated -
 - Conventional repair estimate \$2M +
 - Removal/Restoration Option \$200K (grant opportunity)
 - Exploring feasibility of the permanent road closure- public outreach planned
 - Meeting scheduled with abutting property owner- Flaherty
- NMRPC Grant - Award decision expected December 2025
- Road likely closed through the winter

Sawyer Street Update - Communicated with Cape Elizabeth Town Manager

- Agreement on costs incurred to date
- Cape Elizabeth open to a conversation regarding future road repair

School Building Project -

- Collaborated with School colleagues on next steps
- Financial requirements for the next 12 months - \$4.6M
 - Upcoming bond issue

Budget Software - Funding in FY2026 budget

- RFP solicitation process complete
- Intent to award to Gravity
- Pending training intention for FY2027 budget

Peterson Field Lighting Project -

- MoU with Scarborough Little League for project
- RFP process- tentative award
- Work to be performed in winter months- field playable in Spring 2026

Route One Resiliency Project - Checking on grant status

- MDOT continues with design
- Potential modification to roadway design

Workshop with Senior Staff -

- Request an opportunity to meet with the Town Council prior to goal-setting

Sparkle In The Park -

- Saturday, December 6, 5:00-7:00 PM, Memorial Park
- Meet with Santa and activities, music, fireworks
- Expanded holiday lights- Municipal complex and Memorial Park

Scarborough Land Trust Request -

- Transfer of 10 Town-owned properties - comprising 317 acres
- Initiate process required by the Real Estate Disposition Policy
- Town Council consideration in January 2026

MTA is looking to start the conversation around the Gorham Connector again and how to deal with the ongoing issues.

Nick Cloutier, Town Assessor has accepted a position as the City Manager in Waterville

GPCOG will be holding their welcome and congrats dinner on December 10.

Scarborough Chamber of Commerce will be starting their newly elected official's dinner again on December 15.

Councilor Anderson made a point of order to allow Councilor comments and questions for the Town Managers report.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Cain spoke in regards to the seven dates for Councilors and Cake events and what those will look like.
- Chair Fellows spoke in regards to LRPC last meeting which was around comprehensive plan goals and the Planning Board has a discussion at their meeting around LD427 focused on parking. Both committees will also be working on ordinance amendment reviews due to State legislation. He spoke in regards to the most recent METRO workshop.

Order No. 25-108, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section XI Off Street Parking Regulations and Section V Board of Appeals to amend parking requirements for residential uses and amend off-site parking requirements in accordance with LD 427. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Chair Fellows opened the public hearing and the following comments were made:

- Sue Hamill of Bay Street spoke in to overnight parking on public streets and what surrounding communities are doing for overnight parking.

No additional comments were made and the hearing was closed at 8:22 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section XI Off Street Parking Regulations and Section V Board of Appeals to amend parking requirements for residential uses and amend off-site parking requirements in accordance with LD 427, as follows:

CHAPTER 405 – ZONING ORDINANCE BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter

405- the Town of Scarborough Zoning Ordinance, be and hereby is amended, as follows (additions are red and underlined; deletions are red and struck through):

SECTION V. BOARD OF APPEALS

A. APPOINTMENTS AND COMPOSITION.

There shall be a Board of Appeals of Five Members and Two Associate Members all of whom shall be residents of the Town of Scarborough. The members of the Board shall be appointed by the Legislative Body of the Town of Scarborough. Terms of membership shall be for 3 years except that initial appointments shall be such that the terms of office of no more than two members shall expire in any single year. The associate members shall be appointed for a term of 3 years and shall act on said Board in place of any member who may be unable to act due to interest, absence or physical incapacity. The members shall annually elect one of their number Chairman to preside at all meetings of the Board. The members of the Board shall annually elect a secretary from its own membership who shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 4 members.

B. POWERS AND DUTIES.

Appeals shall lie from the decision of the Building Inspector to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of Maine Revised Statutes. The Board of Appeals shall have the following powers and duties:

1. Administrative Appeals.

To hear and decide where it is alleged there is an error in any order, decision or ruling made by the Building Inspector in the enforcement of this Ordinance. The action of the Building Inspector may be modified or reversed by the Board of Appeals only by majority vote of those members present and voting. In the event of a tie vote, the action of the Building Inspector shall be affirmed.

2. Special Exceptions.

To hear and decide applications for Special Exceptions permits as provided in Section IV, I of this Ordinance. A Special Exception Permit may be granted only by a majority vote of those members present and voting and may include such conditions and safeguards as are appropriate under this Ordinance.

3. Variance Appeals.

To hear and decide appeals requesting such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in undue hardship. A variance may be granted only by majority vote of those members present and voting, and may include such conditions and safeguards as are appropriate under this Ordinance. The words "undue hardship" as used in this subsection mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. That the hardship is not the result of action taken by the applicant or prior owner.

4. Miscellaneous Appeals.

To hear and decide only the following miscellaneous appeals. Such appeals may be granted only by a majority vote of those members present and voting, and may include such conditions and safeguards as are appropriate under this Ordinance.

a) To permit a nonconforming use of land, buildings or structures to be enlarged, extended, expanded, resumed or converted as provided in Section III, F, of this Ordinance.

~~**b)** To permit the location of off-street parking of passenger vehicles only on lots other than the principal buildings or use where it cannot reasonably be provided on the same lot. This shall apply only to those lots in Residential Districts which abut Business or Industrial Districts provided that: the use shall be accessory to and under control of one or more uses located in and conforming with the uses permitted in the adjacent Business or Industrial District, such control to be evidenced by deed or lease and, if a lease, the period of the parking use shall automatically terminate with the termination of the lease; no such appeal shall be in order for hearing before the Board of Appeals until the Planning Board shall have reviewed the site plan accompanying the application for building permit or certificate of occupancy for such use and shall have submitted its recommendations with respect thereto, the Board of Appeals may impose such conditions as deemed necessary to insure development compatible with that of the immediate neighborhood notwithstanding the provisions of any other section of this Ordinance, and may at its discretion limit the period of such use.~~

b d) To permit additional directional signs as prescribed in Section XII of this Ordinance.

c e) To permit variances from Flood Plain Management regulations according to the following criteria:

a. Variances shall not be issued within a regulatory floodway if any increase in flood levels during the base flood discharge would result;

b. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformance with paragraphs c, d, e, and f below;

c. Variances shall only be issued upon:

(1) a showing of good and sufficient cause;

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances;

d. Variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

e. The applicant shall be notified in writing by the Zoning Board of Appeals that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and

(ii) such conditions below the base flood level increases risks to life and property; and

f. A record of all variance actions in Designated Flood Hazard Areas, including justification for their issuance shall be maintained by the Zoning Board of Appeals, and all such variances shall be reported in the annual report to the Federal Insurance Administration.

d f) To determine the exact location of District Boundary lines on the face of the earth in cases of uncertainty or dispute as to their exact location.

e g) To grant relief from the restrictions on nonconforming signs contained in Section XII(D) of this Ordinance. The Board of Appeals may grant such relief if the Board finds that, because of unusual circumstances of the property on which the nonconforming sign is located, it would not be technically or economically feasible to bring the sign into conformity, and that bringing the sign into conformity would leave the business with no effective way to announce its presence to passing motorists. As used in this paragraph, the term “unusual circumstances” includes, but is not limited to, factors such as the proximity of the sign to the nearest street, any changes in the location of the street right-of-way abutting the property since the original placement of the sign, the size of the property, the shape of the property, the location of the buildings on the property, the number and location of other signs on the property, the location of conforming signs on neighboring properties and the effects of such neighboring signs on the sign in question, the nature of the business located on the property and the need for the business to attract “drive-by” customers. In granting relief under this subsection, the Board of Appeals may impose such conditions as the Board finds necessary and appropriate to achieve the purposes and effectuate the intent of Section XII of this ordinance and may require modifications to the existing nonconforming sign where appropriate to bring such sign into conformity as nearly as possible. [06/01/2005]

CHAPTER 405 – ZONING ORDINANCE BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 405- the Town of Scarborough Zoning Ordinance, be and hereby is amended, as follows (additions are in red and underlined; deletions are red and struck through):

SECTION XI. OFF-STREET PARKING REGULATIONS. [Amended 01/06/2010; 01/04/2023; 07/19/2023; 01/08/2025; 05/07/2025]

A. Definitions

Charging levels: Means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug
- Level 2 charging is through a 240V, AC plug
- Level 3 charging is through a 480V, direct-current (DC) plug.

EVCS-capable: Means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

EVCS-installed: Means parking spaces equipped with electrified EVCS.

EVCS-ready (non-residential): Means parking spaces with necessary conduit installed and the electrical panel and equipment where EV charger circuits are to originate be designed with sufficient space to accommodate future capacity to install required EVCS.

EVCS-ready (residential): Electrical panel with at least 50 amp service and a 240V grounded alternating current outlet installed near where cars will be parked (garage, driveway, etc.).

Electric vehicle infrastructure: Means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space: Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electrical capacity: Means, at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle: Means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Parking agreement: Means a legally binding agreement between a property developer and the owner of an off-site parking facility to provide required parking spaces within 0.25 miles of a development site.

Redevelopment: Means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

B. Off-Street Parking Required

In specific cases where two or more uses occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.

Where a use is not specifically mentioned in this provision, the applicable reviewing authority Planning Board shall determine the minimum parking requirements. The number of parking spaces required shall be determined ~~by the Planning Board~~ based on the nature of the use, the intensity of the proposed use and the parking demand expected to be generated by the specific proposal.

On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.

For all non-residential uses, the number of required EVCS spaces shall round up to an even number.

The following minimum off-street parking requirements, including EVCS requirements, shall be provided and maintained:

RESIDENTIAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Single Family	<u>1</u> ~~2~~ for each dwelling unit		100%	
Two Family	<u>1</u> ~~2~~ for each dwelling unit		100%	

Multi-family	~~1.2~~ for each dwelling unit ~~Containing 2 or more bedrooms~~ ~~1.5 for each dwelling unit~~ ~~containing fewer than 2~~ ~~bedrooms~~	5%	30%	65%
Accessory Unit	None required			
Senior Housing	1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy	10%	20%	70%

*FA=Floor Area

*GLA=Gross Leasable Area

C. Off-Street Parking Location

Off-street parking in all districts shall be located on the same lot as the principal building or a developer may satisfy municipal parking requirements through off-site parking agreements with existing parking facilities located within 0.25 miles of a development site. A developer engaged in an off-site parking agreement shall provide to the Planning Board documentation demonstrating the availability of sufficient capacity at the off-site parking facility, as determined by a professional parking study or similar evidence acceptable to the municipality. The Planning Board may not impose additional barriers to the approval of such parking agreements beyond verifying the adequacy of parking supply.

~~Required residential off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.~~

~~Required non-residential off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.~~

Required residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize residential EV spaces to be combined in a centralized location with an adjacent residential or mixed-use project so long as the parking spaces are located a reasonable distance from each principal residential structure. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

Required non-residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize non-residential EV spaces to be combined in a centralized location with an adjacent non-residential or mixed-use project so long as the parking spaces are located a reasonable distance from each principal non-residential structure. Such parking areas shall be held under the same ownership or lease as the non-residential uses served and evidence of such control or lease shall be required.

Where off-street parking for uses other than single or two-family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:-

Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

No parking shall be located within a required landscape buffer.

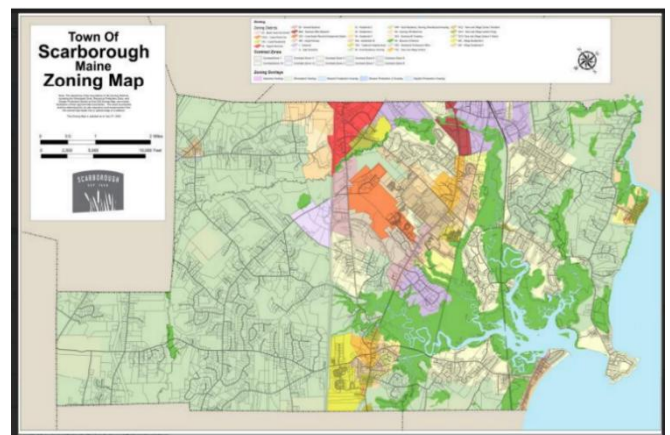
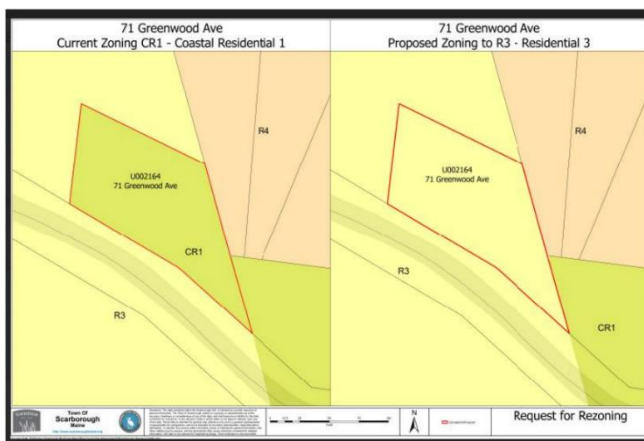
D. Shared Parking

The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

Vote: 7 Yeas. Motion Passes.

Order No. 25-109, 7:00 p.m. Public Hearing and second reading to consider a zoning change request for tax map U002, Lot 164 being an approximately .32-acre parcel located at 71 Greenwood Avenue, currently zoned Higgins Beach Character Based Zoning District (CR1) to Residential 3 (R3). [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Chair Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:27 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading on a zoning change request for tax map U002, Lot 164 being an approximately .32-acre parcel located at 71 Greenwood Avenue, currently zoned Higgins Beach Character Based Zoning District (CR1) to Residential 3 (R3), as follows:



Vote: 7 Yeas, Motion Passes.

Order No. 25-114, 7:00 p.m. Public Hearing and action on the new request for a Mobile Food Vendor License from Christopher MacDonald, d/b/a MacDaddy's Mobile Cuisine, LLC. [Town Clerk's Office] The Town Clerk gave a brief overview on this Order. Chair Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:29 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for a Mobile Food Vendor License from Christopher MacDonald, d/b/a MacDaddy's Mobile Cuisine, LLC.

Vote: 7 Yeas. Motion Passes.

OLD BUSINESS: None at this time.

NEW BUSINESS: None at this time.

Item 11. Non-Action Item. None at this time.

Item 12. Council Member Comments.

- Councilor Anderson welcomed Councilor Hayes then congratulated Councilor Shupe, Chair Fellows and Vice Chair Cain. He also showed appreciation for Tom Hall since he does take a lot of negative comments.
- Councilor Donovan spoke in regards to losing Home Rule due to new legislation. He would like to know if other municipalities share the same views.
- Councilor Cain spoke in regards to visiting the Middle School today. The 8th Grade class will be competing at a State wide Civics Bee.
- Chair Fellows spoke in regards to the school vote and visiting the middle school.
- Councilor Doherty spoke in regards to public comments exceeding their 3 minutes.

Item 13. Adjournment. Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 8:37 p.m.

Respectfully submitted,

Kristen M. Barth
Town Clerk