TOWN OF SCARBOROUGH, MAINE

MINUTES
Ordinance Committee Meeting
Wednesday, October 8, 2025 – 5:00 P.M.

Item 1. Call to Order. Councilor Shupe, called the meeting to order at 5:02pm

Item 2. Roll Call. Committee members Councilor Karin Shupe (Chair), Councilor William Donovan, and Councilor Cory Fellows were present. Liam Gallagher, Assistant Town Manager and Thomas Hall, Town Manager were also present.

Item 3. Public Comment. Councilor Shupe explained that she is going to take public comment on items that are not on the agenda at this time. No public comments were made.

Item 4. Approval of minutes from June 11, 2025. Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval of the September 10, 2025 meeting minutes as written.

Vote: 3 Yeas. Motion Passes.

Item 5. Review and consider the creation of a new ordinance establishing a registration process for short term rentals. Autumn Speer, Town Planner, Fire Chief Rich Kindelin, and Deputy Chief John Brennan provided an overview of process up to now, changes that have been made sense this was last reviewed and answered committee questions.

The following public comments were made:

- Averyl Hill of Maple Ave spoke in support of the STR draft but addressed zoning issues related.
- Ellen Jennison with Townsend Team and Higgins Beach Maine.com spoke in regards to the complaint timelines for owners who do not live in this time zone or country and additional accommodations needs to be made for emergencies vs complaint timelines.
- Allison Bayley of Bayley Vacation Rentals spoke in regards to the complaint timeline and type of complaint. She also spoke in regards to the cost, timeline of implementation, and the timeline to fix issues.

Discussion ensued between staff and committee members.

Motion by Councilor Donovan, seconded by Councilor Fellows to move the new ordinance establishing a registration process for short term rental to the full Town Council on October 15, 2025, as follows:

TOWN OF SCARBOROUGH, MAINE

CHAPTER 1020 SHORT-TERM RENTAL REGISTRATION

A. Purpose

The purpose of this ordinance is to authorize and require the annual registration of the use of a legally existing dwelling unit for the accommodation of short-term guests, for compensation, for periods of less than 28 consecutive days. This ordinance is intended to provide a registration program that enables the Town to monitor impacts on neighborhoods within the Town of Scarborough.

Persons or entities wishing to establish a short-term rental within the Town of Scarborough shall first register with the Scarborough Town Clerk and shall be subject to the provisions of this Ordinance.

B. Applicability and Permitted Short-term Rentals

Effective *January 1, 2026*, no person shall advertise, operate, or rent a short-term rental without first registering the short-term rental unit(s) with the Town of Scarborough.

Short term rentals are only permitted in legally existing dwelling units or habitable space within a legally existing dwelling unit, or in a building or structure accessory to a legally existing dwelling unit.

Short-term rentals are not permitted in accessory dwelling units nor in the dwelling on the same lot as an accessory dwelling unit approved per Chapter 405 Zoning Ordinance, Section IX.J Performance Standards Accessory Units.

Short term rentals are not permitted in sheds, tents, recreational vehicles or other similar accessory structures.

Individual spaces within a single non-owner occupied dwelling may not be rented out to separate parties at one time.

Hotels, motels, licensed campgrounds, bed and breakfasts and lodging houses are exempt from the registration and other requirements of this chapter.

C. Definitions

Section VI Definitions of the Town of Scarborough Zoning Ordinance shall apply in addition to the following:

Advertising: Any form of communication for marketing that is used to encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services as may be viewed through various media, including but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, social media or text messages.

Habitable Space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Non-Owner Occupied: A dwelling unit that is not occupied by its owner when any part of the dwelling unit is rented as a short-term rental.

Owner-Occupied: A dwelling unit that is occupied by such owner when any part of the dwelling unit is rented as a short-term rental.

Short-term Rental: The use, control, management or operation of a legally existing residential dwelling unit offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by short-term rental guests for a tenancy of less than 28 consecutive days, for compensation, directly or indirectly, excluding motels, licensed campgrounds, hotels, bed-and-breakfasts, and lodging houses.

Short-Term Rental Guest: Any person who rents, registers, occupies or has the right to occupy a dwelling unit for less than 28 consecutive days.

D. Registration Application Requirements

Complete registration and/or renewal applications shall require the following information from the applicant to be considered complete:

- Name of all owners of the short-term rental and contact information, including the owners' addresses, telephone numbers, and email addresses;
- Street address and map/lot number of the short-term rental property;
- Type of property for rent;
    - Dwelling in its entirety
    - Portion of a dwelling
    - Other habitable building or structure or portion thereof

- Whether or not the short-term rental is owner or non-owner occupied;
- Maximum planned occupancy;
- Expected duration of short-term rental status; year-round or seasonal;
- Emergency contact. The emergency contact person(s) must be able to respond within ninety ~~sixty~~ minutes to complaints regarding the condition, safety, or operation of the short-term rental, or the conduct of guests;
- Safety compliance acknowledgement and verification;
- Good Neighbor Ordinance acknowledgement;
- Parking requirement acknowledgement and provide the number of off-street parking spaces provided for the short-term rental.

E. Registration Requirements: General Standards

The short-term rental registration shall be displayed at all times in a conspicuous place in the interior of the short-term rental that identifies the short-term rental registration number, and the name, address, phone number(s), and email address of the owner of the short-term rental, and/or the owner's local contact person. In addition, a reference to the Good Neighbor Ordinance rules must be posted in all rentals. ***The Town will create a placard to hand out with registration.***

F. Registration Requirements: Safety Compliance

All short-term rental properties shall comply with the following building safety requirements.

Smoke alarms shall be installed in the following locations:

- In each bedroom
- Outside each separate sleeping area in the immediate vicinity of the bedrooms.
- On each additional story of the dwelling, including basements and habitable attics.

If a house has an attached garage or a fuel-fired appliance, a carbon monoxide detector is required.

Fuel gas detectors shall be installed in every room containing an appliance that combusts propane, natural gas or any liquefied petroleum gas

At least one portable fire extinguisher in ready condition shall be mounted in a prominent location.

G. Registration Requirements: Inspections Required

Anytime that a short-term rental application is submitted for a property, the short-term rental applicant shall certify on the short-term rental application that the proposed short-term rental property complies with the short-term rental standards above.

A safety inspection shall be provided by the Town within 45 days of the initial registration and once every three-five years thereafter, to determine compliance with the short-term standards above. If the short-term rental ownership changes, the inspection timing shall start over from the initial timing. *(Grace period allowed for the initial registration process up to 12 months)*

The short-term rental owners shall have 30 days to correct any safety compliance requirements described herein.

H. Registration Requirements: Good Neighbor Ordinance and Parking

All short-term rental tenants and owners shall adhere to the Town of Scarborough Good Neighbor Ordinance standards.

On street parking by Short-term Rental tenants or guests is prohibited per Chapter 601 – the Town of Scarborough Traffic Ordinance.

I. Registration Fees

Registrations shall include a non-refundable registration or registration renewal fee for each short-term rental as described on a fee schedule established by Town Council.

J. Registration Authority and Procedure

The Town Clerk shall have the authority to issue a short-term rental registration. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.

In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the registration.

Upon submission to the Town Clerk, an application shall be distributed to the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Tax Collector for their review and recommendation for approval or disapproval with reasons noted.

A registration shall be granted if the short-term rental use is permitted in the proposed structure, the applicant has verified the premises will be maintained in a healthful and sanitary manner, there are no ~~known~~ outstanding code violations on the premises and the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Scarborough.

K. Registration Expiration and Renewal.

Registration, when granted, shall be valid until December 31st, immediately following registration, except that new registration granted during November and December shall be valid until December 31st of the following calendar year.

Renewal applications must be submitted at least 45 days prior to the date of expiration of the annual registration. An application for the renewal of an expired registration shall be treated as a new application.

Short-term rental registrations may not be granted to a renter, lessee, or any other party who is not the owner or authorized owners' agent of the proposed short-term rental unit(s).

Registrations are not transferable to a new owner. Any change in ownership shall require a new registration.

Registrations are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

L. Violations and Penalties

Violations of this chapter include, but are not limited to, the following:

- Providing false or misleading information on an application, or renewal application, for a short-term rental registration;

For the violation of operating and/or advertising the rental of a short-term rental without a valid registration, the violator may be penalized with a per day fine of $100 for the first offense and an additional per day fine of $150 for each additional offense, to be recovered upon complaint to Maine District Court or Superior Court, for use of the Town.

For any other violation of this chapter, the violator may be penalized with a fine of $100 per day for each such violation, to be recovered upon complaint to Maine District or Superior Court in Portland, for use of the Town.

All violations shall be reported to and validated by the Code Enforcement Officer.

Vote: 3 Yeas. Motion Passes.

Item 6. Review and provide feedback to staff concerning helicopter uses. Autumn Speer, Town Planner gave an overview of this item and answered committee questions.

- Trish Brigham of Serenity Drive spoke on the confusion on if helicopters landing is prohibited or not.
- Terry Baybein of Summerfield Lane asked what the process moving forward will be if this is not an allowed use. She also spoke in regards to the conservation aspect of this, noise, property damage, hazardous waste, and property value.
- Caroline Rodrigue of Heather Lane spoke about the confusion on Town regulations and the helicopter being able to land with permission from the FAA.
- Thomas Brigham of Serenity Drive spoke in opposition and would like the town to protect their neighborhood.

Discussion ensued between staff and committee members. It was determined that this is not an allowed use in Scarborough and should not move forward.

Councilor Shupe adjourned for recess at 5:57pm and resumed the meeting at 6:04pm.

Item 7. Review and provide feedback to staff regarding the proposed Tree Care Ordinance. Autumn Speer, Town Planner gave an overview of this item and answered committee questions.

The following public comment was made:

Rebecca Hatt of Maple Ave asked questions about public right-of-ways and if that is at the cost of the Town or the host property. Tom Hall, Town Manager explained that it is Town property therefore it would be the Town's cost.

Discussion ensued between staff and committee members.

Motion by Councilor Donovan, seconded by Councilor Fellows to move the proposed Tree Care Ordinance to the full Town Council on October 15, 2025, as follows:

A. Purpose

It is the purpose of the Scarborough Tree Care Ordinance to preserve and enhance Scarborough's natural beauty and encourage healthy ecosystems; to provide air colling and purification, carbon sequestration, stormwater management and to protect public health and safety. This ordinance provides for the regulation of the planting, maintenance and removal of trees, shrubs and other plants on Town owned properties and public rights-of- way. This ordinance shall designate which plants are to be planted in order to ensure "right plant, right place" principles are achieved. This ordinance establishes the Tree Care Advisory Board and defines its membership and duties.

B. Applicability

This ordinance provides full power and authority over all trees, plants, and shrubs located within rights-of-way, parks, and public places in the town, and over trees, plants, and shrubs located on private property that constitute a nuisance or hazard as described herein.

C. Administration

1. Town Arborist

a. The Town Arborist and/or their designee shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all public streets, rights-of-way, parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any public water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
b. All Town departments will coordinate as necessary with the Town Arborist and will provide services as required to ensure compliance with this ordinance as it relates to streets, alleys, rights-of-way, drainage easements, and other public properties not under the direct jurisdiction of the Town Arborist.
c. No person shall hinder, prevent, delay, or interfere with the Town Arborist or their agents while engaged in carrying out the execution or enforcement of this Ordinance.
d. The Public Works Department shall have the right to prune, spray, maintain, and remove public trees as may be necessary to ensure public safety or to preserve or enhance the beauty of public places. Spraying shall be undertaken in accordance with State laws and the Town's Organic Pest Control Policy.
e. Pruning, planting, removing or any other tree work done on public trees by volunteers or Town employees under the supervision and operation of the Town Arborist and/or their designee is permitted.
f. Work on public trees by an electric utility company is permitted.

2. Tree Care Advisory Board Establishment and Procedures

It is hereby created and established a Town Tree Care Advisory Board for the Town of Scarborough, hereinafter referred to as the "Board."

a. **Terms.** Member shall be appointed by Town Council for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified.
b. **Council Liaison.** The Town Council shall appoint one of its members to serve as Council liaison to the Board. The Council liaison shall not be a voting member.

c. **Staff Liaison.** The Town Manager, or their designee, shall serve as staff liaison to the Board. The staff liaison shall not be a voting member.
d. **Officers**. The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
e. **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

3. Tree Care Advisory Board Duties and Responsibilities

The Board shall act in an advisory capacity to the Town Arborist and shall:

a. Coordinate and promote Arbor Day activities;
b. Support public awareness and education programs relating to trees;
c. Review Town department concerns related to tree care;
d. Submit an annual report of its activities to Town Council, including tree planting and maintenance activities;
e. Assist with the annual application to renew the Tree City USA designation;
f. Develop and maintain a list of desirable trees for planting on public property, using the Preferred species list from Chapter 405b Scarborough Site Plan Review Ordinance. The list shall be made available to the general public, and its use shall be encouraged for private planting.
g. Other duties as assigned by Town Council.

D. Public Landscape Standards

1. Tree Planting

a. Trees planted on public property by abutting property owners or other persons shall be selected and located in accordance with this ordinance and in accordance with Town policy. Notification shall be made to the Town Arborist and/or their designee and approval shall be given prior to any planting. In addition, Dig Safe, the Scarborough Public Works Department, Scarborough Sanitary District, Maine Water, CMP, and the Portland Water District shall be consulted before any planting.
b. All such designs shall be submitted to the Town Arborist and/or their designee for approval prior to any plantings.

2. Species Selection

Species shall be selected from the approved list developed by the Tree Care Advisory Board in accordance with all other Town Standards.

3. Tree Installation Requirements

The following minimum installation requirements shall be met, unless otherwise approved by the by the Town Arborist and/or their designee.

Species Size	Minimum Spacing	Minimum Soil Surface	Minimum Soil Volume
Small Trees (mature height of 30' or less)	20 ft.	36 sq. ft.	36 cu. ft.
Medium Trees (mature height of 30' -45')	30 ft.	48 sq. ft.	48 cu. ft.
Large Trees (mature height over 45')	40 ft.	60 sq. ft.	60 cu. ft.

4. Tree Spacing Requirements

The distance trees may be planted from curbs or curb-lines, sidewalks, street corners, driveways, buildings and sidewalks shall be in accordance with the species sizes listed in Definitions, Section C. of this ordinance. No trees may be planted closer to any curb, sidewalk, driveway, building, or street than the following:

Species Size	Distance to Curb or Sidewalk	Distance to Driveway	Distance to Building	Distance to Street Corner
Small Tree	2 ft.	10 ft.	10’	20 ft.
Medium Tree	5 ft.	10 ft.	15’	20 ft.
Large Tree	10 ft.	15 ft.	25’	20 ft.

No public tree shall be planted within ten feet (10’) of any hydrant or any underground utilities. Only small trees may be planted under or within 10 feet (10’) of any overhead utility wire.

5. Public Tree Maintenance

a. **Authority.** No person except the Town Arborist, their designee(s), or an approved contractor may prune, plant, transplant, or remove public trees.

b. **Pruning.** The Public Works Department shall have the right to prune any public tree if, in the opinion of the Town Arborist and/or their designee, it interferes with

visibility of any traffic control device or intersection, or interferes with pedestrian or vehicular traffic. A clearance of fourteen feet (14') above street surface or eight feet (8') above the sidewalk surface shall be maintained. If such obstructing public tree is on private property, the Town Arborist and/or their designee shall notify the property owner of the intent to prune.

c. **Tree Topping**. It shall be unlawful for any person or the Town to top any public tree. Trees severely damaged by storms or other causes may be exempted from this prohibition at the determination of the Town Arborist and/or their designee.
d. In lieu of topping, public trees under utility wires or other obstructions where other pruning practices are impractical or not considered arboriculturally sound may be removed by the Town Arborist and/or their designee.
e. **Private Property.** No property owner shall allow a tree, or other plant growing on their property, to obstruct or interfere with pedestrians or the view of drivers, thereby creating a nuisance or hazard. If an obstruction persists, the Town Arborist shall notify the property owners to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.
f. **Disease.** Upon the discovery of any destructive or communicable disease or other pestilence that endangers the growth or health of trees or threatens to spread disease or insect infestations, the Town Arborist may at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated. The notice shall require such property owner to eradicate, remove, or otherwise control such condition within a reasonable time to be specified in such notice. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.

6. Tree Preservation

Wherever practical, existing specimen trees, native species over 20" at DBH, tree clusters or other significant vegetation shall be preserved on public properties.
When preservation is proposed, the following protection must be in place to ensure survival of the preserved tree.

a. Site features must be designed to minimize disturbance to protected trees.
b. Tree wells or cut areas may be used to preserve the original grade around the tree.
c. In the drip line of protected trees, no cut or fill may be at least four (4) inches deep unless a qualified arborist or forester evaluates and approves the disturbance.
d. Finished grades must slope away from trunks to avoid water concentrated at tree bases.
e. During construction, perimeter fencing must be erected around protected trees, at least six (6) feet from the trunk or one-half of the drip line, whichever is more.

f. Storage or movement of equipment, material, debris, or fill in the tree protection zone is prohibited.
g. Damaging attachments, wires, signs or permits cannot be fastened to protected trees.
h. Trenches or footings should be at least eight (8) feet from trunk bases. Tunneling under large diameter roots may be required to prevent root damage.

7. Heritage Trees

The Town Arborist shall have as one of their duties the location, selection, and identification of any trees that qualify as heritage trees. A tree may qualify as a heritage tree if it meets one or more of the following criteria:

a. The tree (or group of trees) is associated with events that have made a significant contribution to the broad pattern of national, state, regional, or local history;
b. The tree (or group of trees) is associated with the life of a person or group of historic significance;
c. The tree (or group of trees) represents a significant and distinguishable entity within a community or location; and/or
d. The tree (or group of trees) has age, size, or species significance that contributes to its heritage status.

E. Violations and Penalties

a. **Violations.** Any failure to comply with the terms, conditions, provisions, or any notice issued pursuant to this ordinance, shall constitute a violation.
b. **Penalties.** Any person who violates any provision of this ordinance shall be subject to a fine payable to the Town of Scarborough of up to $100.00 each day of the violation. No penalty shall be assessed for failure to act during any notice period, unless remediation ordered by any notice is not accomplished within the designated timeframe. In addition, if, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a public tree occurs, the penalty shall include the replacement value of the public tree as determined by the Town Arborist and/or their designee.

F. Severability

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

Vote: 3 Yeas. Motion Passes.

Item 8. Consider proposed ordinance changes required for compliance with LD 427. Autumn Speer, Town Planner gave an overview of this item and answered committee questions.

The following public comment was made:

Rebecca Hatt of Maple Ave spoke in regards to difference in LD427 and LD1829 which might cause issues with one of the proposed (option 2) changes.

Discussion ensued between staff and committee members.

Motion by Councilor Donovan, seconded by Councilor Fellows to move the option 1 of ordinance changes required for compliance with LD 427 to the full Town Council on November 5, 2025.

Vote: 3 Yeas. Motion Passes.

Item 9. Consider proposed amendments to Chapter 612 Rules and Regulations for Use of Parks and Recreational Facilities. Nick Cliché, Community Services Director and Police Chief Mark Holmquist gave an overview of this item and answered committee questions. There were no public comments for or against the proposed amendments. Discussion ensued between staff and committee members. It was determined that this needs some work around e-bikes and will be brought back to the Ordinance Committee.

Item 7. Future Meetings and Agenda Items.

- November's meeting is cancelled
- Chapter 612 – next meeting
- Chapter 601- December/January
- Drones

Item 8. Adjournment. Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval to adjourn the regular meeting of the Scarborough Ordinance Committee.

Vote: 3 Yeas. Motion Passes.

Meeting adjourned at 6:46pm

Respectfully submitted,

Kristen Barth
Town Clerk