

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – JUNE 18, 2014  
REGULAR MEETING – 6:15 P.M.**

**Item 1. Call to Order.** Chairman Sullivan called the regular meeting of the Scarborough Town Council to order at 6:15 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager, was also present.

Jessica L. Holbrook, Vice Chair	Katherine A. St. Clair [Absent]
William J. Donovan	Edward NMI Blaise, III
Jean-Marie Caterina	James E. Benedict
Richard J. Sullivan, Jr., Council Chair	

**Order No. 14-56. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(D) regarding Labor negotiations between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894 and §405(6)(C) regarding a personnel matter.** Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(D) regarding Labor negotiations between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894 and §405(6)(C) regarding a personnel matter.

Vote: 6 Yeas.

Meeting recessed to executive session at 6:17 p.m. Chairman Sullivan reconvened the meeting at 6:58 p.m.

**Item 4. General Public Comments.** None at this time.

**Item 5. Minutes: June 4, 2014 – Regular Meeting.** Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval of the minutes of the June 4, 2014, regular Town Council meeting.

Vote: 6 Yeas

**Item 6. Adjustment to the Agenda.** The Town Clerk noted that the Council would need to adopt the School Budget Resolution which is a State requirement and also part of the School Budget Validation process. This would be Order No. 14-63 and the last Order on the agenda.

**Item 7. Items to be signed: a. Treasurer’s Warrants.** Treasurer’s Warrants were signed during the meeting.

**Order No. 14-54, 7:00 p.m. Public Hearing on the proposed changes to Chapter 601 – the Town of Scarborough Traffic Ordinance.** Chairman Sullivan opened the public hearing. As there were no comments either for or against, the public hearing was closed at 7:00 p.m. The second reading would be held on Wednesday, July 16, 2014.

## **OLD BUSINESS:**

**Order No. 14-55. Second reading to approve the expenditure, in an amount not to exceed, \$2,000,000 from the Land Acquisition Reserve Fund for the purpose of purchasing the so called Benjamin Farm, located more specifically identified by the Scarborough Tax Assessors Maps – Map 95/Lots 5A, 6 & 10, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town’s interest.** The following individuals spoke on this item:

- Melissa Anson of Haystack Circle encouraged the Town Council to support this recommendation and she noted that others in her neighborhood would also like to see this land preserved. We need to carefully select the land for preserving, for our future.
- Suzanne Foley-Ferguson of 311 Black Point Road and Chair of the Parks and Land Board gave a brief history of the voter approved money for purchase of land for conservation. The Board supports this recommendation and urged the Council to approve this order.
- Dan Brazeau of 6 Indian Rock Road, and a recent resident of Scarborough, stated that he and his family chose to live here due to the open space and the preservation of large tracks of land that had been preserved and urged the Council to approve this recommendation.
- David Beneman of Spurwink Road spoke in support of the purchase of the Benjamin Farm and urged the Town Council to support the \$2,000,000 million – fund it locally so that we can hold on to the vision of our own future.
- Eric Knott of 19 Williamsburg Lane spoke in support of the purchase of the Benjamin Farm and asked that the Town Council fund it in full.

Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval of the second reading to approve the expenditure, in an amount not to exceed, \$2,000,000 from the Land Acquisition Reserve Fund for the purpose of purchasing the so called Benjamin Farm, located more specifically identified by the Scarborough Tax Assessors Maps –Map 95/Lots 5A, 6 & 10, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town’s interest.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval to amend the main motion to replace the main motion with the following: To approve the expenditure, in an amount not to exceed \$2,000,000 from the Land Acquisition Reserve Fund for the purpose of purchasing the so-called Benjamin Farm, located and more specifically identified by the Scarborough Tax Assessor’s Maps as Map 95 / Lots 5A, 6 & 10, as recommended by the Parks and Conservation Land Board, and to authorize the Town Manager to negotiate, execute, accept and deliver any and all documents, including but not limited to deeds, covenant declarations, conservation agreements, easements, and/or such other instruments as the Manager and/or the Council deem necessary to protect, preserve, and secure the Town’s interests including the rights of the public to use the conserved property in perpetuity in a manner consistent with the Town’s Comprehensive Plan and the goals of the Land Acquisition Reserve Fund. The Town’s expenditure shall be reduced, offset, and/or reimbursed to the extent that the Scarborough Land Conservation Trust (the “Trust”) shall procure funds in excess of the Trust’s fundraising goal for the projects, which are or may be applied to the purchase and/or conservation of Benjamin Farm, or to the replenishment of the Land Acquisition Reserve Fund, and the Council shall actively encourage ongoing Scarborough Land Trust efforts in fundraising, grant procurement and/or donations in support thereof both prior to and following the conservation of Benjamin Farm.

Thomas J. Hall, Town Manager, gave a brief overview on this order and the proposed amendment.

Vote on amendment: 6 Yeas.

Main motion at amended:

Move approval to amend the main motion to replace the main motion with the following: To approve the expenditure, in an amount not to exceed \$2,000,000 from the Land Acquisition Reserve Fund for the purpose of purchasing the so-called Benjamin Farm, located and more specifically identified by the Scarborough Tax Assessor's Maps as Map 95 / Lots 5A, 6 & 10, as recommended by the Parks and Conservation Land Board, and to authorize the Town Manager to negotiate, execute, accept and deliver any and all documents, including but not limited to deeds, covenant declarations, conservation agreements, easements, and/or such other instruments as the Manager and/or the Council deem necessary to protect, preserve, and secure the Town's interests including the rights of the public to use the conserved property in perpetuity in a manner consistent with the Town's Comprehensive Plan and the goals of the Land Acquisition Reserve Fund. The Town's expenditure shall be reduced, offset, and/or reimbursed to the extent that the Scarborough Land Conservation Trust (the "Trust") shall procure funds in excess of the Trust's fundraising goal for the projects, which are or may be applied to the purchase and/or conservation of Benjamin Farm, or to the replenishment of the Land Acquisition Reserve Fund, and the Council shall actively encourage ongoing Scarborough Land Trust efforts in fundraising, grant procurement and/or donations in support thereof both prior to and following the conservation of Benjamin Farm.

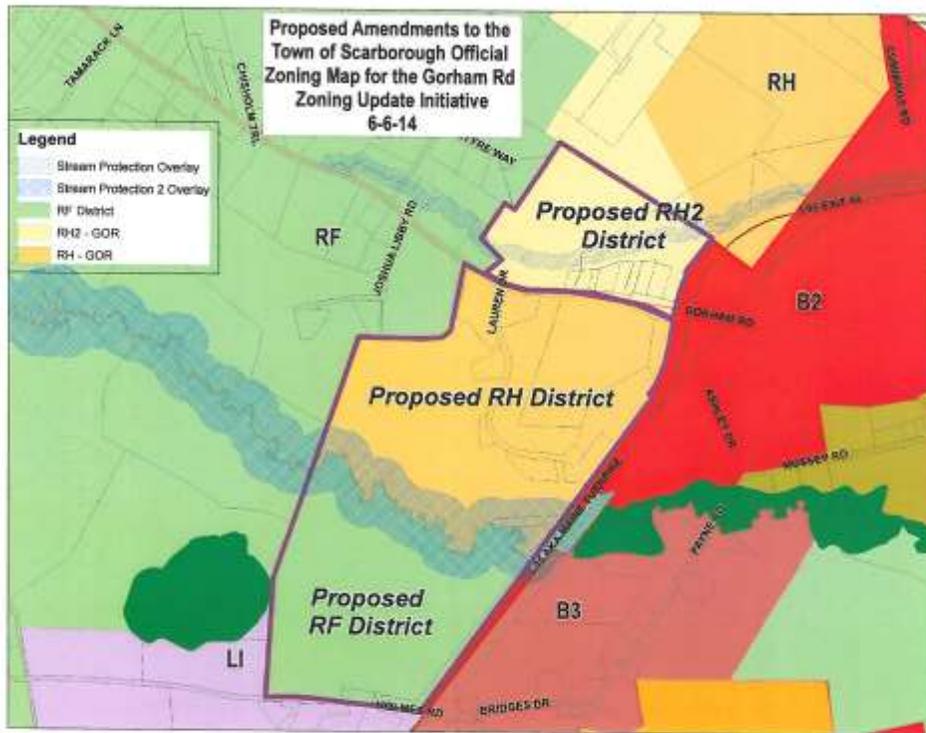
Vote: 6 Yeas.

Chairman Sullivan called for a brief recess at 7:29 p.m. The meeting reconvened at 7:32 p.m.

**NEW BUSINESS:**

**Order No. 14-57. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough Official Zoning Map to designate the RH, RH2 and RF Districts in the vicinity of the Holmes Road and Gorham Road.** Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to this order as well to the next two Orders [14-58 and 14-59] and responded to questions from the Town Council.

Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough Official Zoning Map to designate the RH, RH2 and RF Districts in the vicinity of the Holmes Road and Gorham Road and schedule the public hearing following the filing of the Planning Board recommendations, as follows:



Proposed Amendments to the Zoning Ordinance  
 Updating the Running Hill Districts (RH and RH2) and Conservation  
 Subdivision Design Standards to Implement the Comprehensive Plan  
 Recommendations for the Gorham Rd Area

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. SECTION XX.A. RUNNING HILL MIXED USE DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

Section XXA. RUNNING HILL - GORHAM ROAD MIXED USE DISTRICT, RH

**A. PURPOSE**

To provide for and encourage the Running Hill Road and Gorham Road area west of the Maine Turnpike to develop as a high-quality, well-planned mixed use center. This district is intended to

accommodate a mix of office, service, financial, research, small retail, recreational, and residential uses in an environment conducive to both pedestrians and motorists. Development is intended to be compact and interconnected with common spaces, enabling walk-ability, human activity and vibrancy as well as convenient and orderly vehicular access and circulation. Master planning for larger parcels will enable flexibility, creativity, open spaces, and an overall character for the development. The Running Hill -Gorham Road Mixed Use District (RH) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

## **B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES**

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsection I. of this district.

**1. Conventional Developments.** Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

**2. Planned Developments.** Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIII. Planned Development of this Ordinance.

**3. New Lots ~~Parcels~~.** The division of a parcel that had five (5) acres or more of area as of July 16, 2008 into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIII. Planned Development of this Ordinance. ~~Any parcel created after July 16, 2008 by dividing a larger parcel must be at least 5 acres in area and must be developed as a Planned Development.~~

## **C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS**

### **RESIDENTIAL USES**

**The following residential uses are permitted in both conventional and planned developments:**

1. Multifamily dwellings
2. Multiplex dwellings
3. Townhouses
4. Senior housing
5. Single-family dwellings existing as of September 1, 2008
6. Accessory units subject to the performance standards of Section IX.J

### **MIXED USES:**

**The following mixed uses are permitted in both conventional and planned developments:**

7. Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I) of this Ordinance

8. Live/Work Units

9. Retail sales and services establishments with less than 5,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses

10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses

11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

#### **NON-RESIDENTIAL USES:**

**The following non-residential uses are permitted in both conventional and planned developments:**

12. Professional offices

13. Business services and business offices

14. Financial, insurance and real estate offices

15. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance

16. Health clubs

17. Non-municipal government offices

18. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions

19. Funeral homes

20. Place of worship

21. Group day care homes, day care facilities, and nursery schools

22. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]

23. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required

24. Municipal buildings and uses

25. Elementary and secondary schools

26. Libraries and museums

27. General purpose farming existing as of September 1, 2008 including the retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries

28. Golf courses

29. Nursing homes

30. Boarding care facilities for the elderly

#### **D. SPECIAL EXCEPTIONS**

**The following uses are allowed as special exceptions in both conventional and planned developments:**

1. Adjunct Uses, Place of Worship
2. Public utility facilities
3. Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply
4. Telecommunication facility

## E. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to conventional developments:

### 1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Minimum Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses; senior housing	10,000 <u>with public sewer</u> 40,000 <u>with on-site sewage disposal</u>	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; 50 for lots <del>not</del> abutting <u>any other street</u> <u>Running Hill Road</u>	50
Non-Residential and Mixed Uses	10,000 <u>with public sewer</u> 40,000 <u>with on-site sewage disposal</u>	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; 50 for lots <del>not</del> abutting <u>any other street</u> <u>Running Hill Road</u>	50
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply		

**2. Yard Standards** - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road <u>and Gorham Road</u>	30 or the height of the building fronting Running Hill Road <u>or Gorham Road</u> , whichever is greater	15 <sup>1 &amp; 2</sup>
All other streets	10	15 <sup>1 &amp; 2</sup>
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply	

<sup>1</sup>When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

<sup>2</sup>When a site abuts a residential district the minimum yard for a use other than a single-family dwelling shall be 100ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

**3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height**

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet

For single-family dwellings existing as of September 1, 2008, the space and bulk regulations of Section XIV., the RF District shall apply.

**The following space and bulk regulations are applicable to Planned Developments:**

**4. Minimum Lot Area and Dimensions**

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses; senior housing	10,000	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; for lots <del>not</del> abutting <u>any other street</u> <del>Running Hill Road</del> the Planning Board shall determine the lot frontage under subsection I. of this district	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road <u>or Gorham Road</u> ; for lots <del>not</del> abutting <u>any other street</u> <del>Running Hill Road</del> the Planning Board shall determine the lot frontage under subsection I. of this district	50

**5. Yard Standards and Building Distance Requirements** ~~from Running Hill Road~~ — The following minimum front yard standards apply in conjunction with subsection I. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road <u>and Gorham Road</u> – Buildings	30 or the height of the building fronting Running Hill Road <u>or Gorham Road</u> , whichever is greater	15 <sup>1 &amp; 2</sup>
All other streets	10	15 <sup>1 &amp; 2</sup>

**6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height**

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under subsection I. of this district	85%	Determined by the Planning Board under subsection I. of this district	60 feet if the building is approved by the Planning Board under subsection I. of this district

**F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS**

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

**1. Maximum Base Residential Density** – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area <u>if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal</u> . The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
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**2. Additional Residential Density Thru Development Transfer** – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

**3. Additional Residential Density Thru Affordable Housing** – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

**4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee** – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed ten (10) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., ~~and F.3., and/or F.4.~~ are ~~both~~-used, the additional dwelling units permitted under F.3. and/or F.4. shall not also be subject to the development transfer provisions under F.2.

## **G. BUILDING ORIENTATION, STREETScape, ACCESS MANAGEMENT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS**

The design of a development site, and more specifically the orientation of buildings to Running Hill Road, and Gorham Road, the streetscape of Running Hill and Gorham Roads, access management as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

**1. Streetscape** – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. Where significant trees do not exist the buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough’s Commercial Districts and any subsequent Running Hill Road or Gorham Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

**2. Building Orientation** – The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing ~~an~~-attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads Running Hill Road in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the Running Hill Road corridors.

**3. Access Management and Interconnections** – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridors as well as to establish ~~an~~ attractive gateways into the Town of Scarborough. ~~Individual sites shall be limited to no more than one curb cut onto Running Hill Road.~~ Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road Running Hill Road in order to share an access point and reduce the number of curb cuts along the corridor. Site access shall also be designed in accordance with the Site Plan Review Ordinance.

**4. Off-Street Parking Location** – No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

Therefore on sites fronting Running Hill or Gorham Roads off-street parking shall be located to the side or rear of the building or may be incorporated into the building design as structured parking. Further, where parking lots and associated access drives are visible from these roads, Running Hill Road they shall be buffered in accordance with the Design Standards for Scarborough’s Commercial Districts.

## **H. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS**

**1. Signs** - Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

**2. Commercial Design Standards** – All development within the Running Hill -Gorham Road Mixed Use District must be consistent with the Design Standards for Scarborough’s Commercial Districts.

**3. Pedestrian, Bicycle and Mass Transit Facilities** – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough’s Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

**4. Public Sewer Service** – All new development or redevelopment within a planned development ~~this district~~ shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code, and

b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and

c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and

d. The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

## **5. General Off-Street Parking Standards -**

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

## **I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS**

The Running Hill -Gorham Road Mixed Use District (RH) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

### **1. PLANNED DEVELOPMENT STANDARDS**

A planned development shall be designed in a manner that reinforces the RH District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham -Road Streetscapes – The streetscapes along Running Hill Road and Gorham Road ~~are~~ critical to establishing an attractive gateways into Scarborough with shade trees and a generous landscaped buffer strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads ~~Running Hill Road~~ where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads ~~Running Hill Road~~ but shall be setback from and separated from the street by this landscaped buffer. In addition to

landscaping, sidewalks, pedestrian trails, freestanding signage and access drives are permitted within the buffer strip, but parking is not.

**b. Internal Street Streetscape** - The streetscape along internal streets and driveways within a planned development shall differ from the streetscapes along Running Hill and Gorham Roads and shall exhibit a more compact layout, form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a more compact, urban scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

**c. Walk-able, pedestrian-oriented design** – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill Road and Gorham Road should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be closer to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

**d. Building Orientation for Buildings 45 feet or less in Height** – Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. For buildings 45 feet in height or less, off-street parking shall not be permitted between the front line of the building and the street that the building fronts. Off-street parking shall be located to the side or rear of the building(s) or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings on one lot, the Planning Board may allow some buildings to be setback from the street(s) or driveways with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a more compact, human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards.

**e. Building Orientation and Visual Impact for Buildings Greater than 45 feet in Height** – The Planned Development provisions enable the Planning Board to review and approve of buildings greater than forty-five (45) feet in height, up to a maximum of sixty (60) feet in height, if the Planning Board finds that the building meets all of the following standards:

- 1) The apparent height of the proposed building when viewed from the Running Hill Road or Gorham Road is no greater than the apparent height of a similar building with a height of forty-five (45) feet setback forty-five (45) feet from the road Running Hill Road considering the topography of the site and the actual height of the proposed building;
- 2) The proposed building will not shadow or visually dominate the road Running Hill Road corridor;
- 3) The proposed building will not significantly alter the appearance of the natural tree line of Running Hill when viewed from the surrounding area including from South Portland; and
- 4) Any portion of the building that is taller than forty-five (45) feet will be located at least five hundred (500) feet from an RF District or other residential zone unless the Planning Board

determines that there is adequate visual buffering between the building and the RF District or other residential zone to assure that the proposed building does not have an adverse visual impact on properties in the RF District or other residential zones.

When determining the visual appropriateness of a building taller than forty-five (45) feet, the Planning Board may require graphic representations of how a building will look upon completion when viewed from various perspectives along the road corridor, from an RF District or other residential zones within five hundred (500) feet, and from surrounding viewing points in Scarborough and South Portland from which the proposed building may be visible. When buildings are setback more than one hundred (100) feet from Running Hill or Gorham Roads, the Planning Board may permit off-street parking to be located between the building and the road ~~Running Hill Road~~ provided it is screened in accordance with the streetscape requirements of subsection I.1.a above.

**f. Place-making** – A planned development shall include at least one “place” and potentially a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a planned development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a “place” unless they are available for public use.

**g. Access management and interconnections** – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads ~~Running Hill Road~~. ~~All development within a planned development shall connect to Running Hill Road at one common intersection by way of internal street and driveway connections.~~ Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, to share the use of curb cuts and intersections, and to reduce the overall number of curb cuts on ~~Running Hill Road~~ these roads.

## 2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXA. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXA.(I)(1).

**a. On-street Parking** On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

**b. Flexible maximum building footprint** – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of subsection (I)(1), in particular subsection I.1.d. Compact design.

**c. Flexible yard standards** - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill or Gorham Road or internal streets to meet the standards of subsection (I) and further the purpose of this district.

2. SECTION XX.B. RUNNING HILL MIXED USE TRANSITION DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

## **SECTION XXB. RUNNING HILL -GORHAM ROAD TRANSITION DISTRICT RH2**

### **A. PURPOSE**

To provide an area for the location of small retail, business, service and community uses as well as a range of residential uses including multifamily dwellings and dwellings that are part of mixed use developments. The goal of the district is to supplement the RH District in fostering a high-quality, mixed use center, with development at a scale and uses at an intensity which are compatible with the surrounding area. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in the RH District as well as serve as a transition to the surrounding rural residential areas. The Running Hill -Gorham Road Transition District shall be considered a ~~businesses~~ district whenever this Ordinance distinguishes between types of districts.

### **B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES**

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection E. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsections E. and I.

**1. Conventional Developments.** Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

**2. Planned Developments.** Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIII. Planned Development of this Ordinance.

**3. New ~~Lots~~ Parcels.** The division of a parcel that had five (5) acres or more of area as of July 16, 2008 into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance. ~~Any parcel created after July 16, 2008 by dividing a larger parcel must be at least 5 acres in area and must be developed as a Planned Development.~~

## **C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS**

### **RESIDENTIAL USES:**

**The following residential uses are permitted in both conventional and planned developments:**

1. Single family dwellings
2. Two family dwellings
3. Multifamily dwellings limited to no more than twelve (12) dwelling units per building
4. Multiplex dwellings
5. Townhouses limited to no more than eight (8) dwelling units per building
6. Senior housing

### **MIXED USES:**

**The following mixed uses are permitted in both conventional and planned developments:**

7. Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I)
8. Live/Work Units
9. Retail sales and services establishments with less than 1,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
11. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

### **NON-RESIDENTIAL USES:**

**The following mixed uses are permitted in both conventional and planned developments.**

**The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.**

12. Business services and business offices
13. Professional offices
14. Financial, insurance and real estate offices
15. Day care center facilities and Nursery schools

16. Group day care homes and Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
17. Health clubs

**The following non-residential uses are not limited in square footage of floor area per unit of occupancy.**

18. Municipal buildings and uses
19. Place of worship
20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
21. General purpose agriculture existing as of September 1, 2008 including retail sales of farm products located on the same premises and kennels, but exclusive of abattoirs and piggeries

**The following non-residential uses are permitted in conventional developments on lots existing as of April 1, 2014 that have frontage on Gorham Road:**

22. Retail sales and services establishments with less than 2,500 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services
23. Restaurants with no drive-through service

## **D. SPECIAL EXCEPTIONS**

**The following uses are allowed as special exceptions in both conventional and planned developments:**

1. Nursing homes.
2. Boarding care facility for the elderly.
3. Public utility facilities.
4. Telecommunication facility.
5. Adjunct Uses, Place of Worship.
6. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)
7. Non-municipal government offices
8. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
9. Funeral homes
10. Elementary and secondary schools
11. Libraries and museums

## **E. SPACE AND BULK REGULATIONS**

**The following space and bulk regulations are applicable to conventional developments:**

- 1. Minimum Lot Area and Dimensions**

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings; two-family dwellings; multi-family dwellings; multiplex; townhouses; senior housing	10,000 <u>with public sewer</u> 40,000 <u>with on-site sewage disposal</u>	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; 50 for lots <del>not</del> abutting <u>any other street</u> <del>Running Hill Road</del>	50
Non-Residential and Mixed Uses	10,000 <u>with public sewer</u> 40,000 <u>with on-site sewage disposal</u>	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; 50 for lots <del>not</del> abutting <u>any other street</u> <del>Running Hill Road</del>	50

**2. Yard Standards** - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	Minimum Front Yard (ft.)	Side and Rear Yard (ft.)
Running Hill Road <u>and Gorham Road</u>	30 or the height of the building fronting Running Hill Road <u>or Gorham Road</u> , whichever is greater	15 <sup>1 &amp; 2</sup>
All other streets	10	15 <sup>1 &amp; 2</sup>

<sup>1</sup>When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.

<sup>2</sup>When a site abuts a residential district, the minimum yard for a use other than a single-family or two-family dwelling shall be 50ft. and determined based on the use in the RH2 District in accordance with the following table. Where a buffer is required, it shall comply with the buffering requirements of Section VIII of this Ordinance ~~shall apply~~.

<u>Use of the site</u>	<u>Minimum yard and buffer width</u>
<u>Buildings and structures for all residential uses other than single- and two-family dwellings</u>	<u>50 feet</u>
<u>Buildings and structures for non-residential uses or mixed-uses with one story</u>	<u>50 feet</u>
<u>Buildings and structures for non-residential uses or mixed-uses with more than one story</u>	<u>100 feet</u>

**3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height**

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
5,000 sq. ft.	35%	85%	None	3 stories or 45 feet, whichever is less

The following space and bulk regulations are applicable to Planned Developments:

**4. Minimum Lot Area and Dimensions**

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings; two-family dwellings; multi-family dwellings; multiplex; townhouses; senior housing	10,000	200 for lots abutting Running Hill Road <u>or Gorham Road</u> ; for lots <del>not</del> abutting <u>any other street</u> <del>Running Hill Road</del> the Planning Board shall determine the lot frontage under subsection I. of this district	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road <u>or Gorham Road</u> ; for lots <del>not</del> abutting <u>any other street</u> <del>Running Hill Road</del> the Planning Board shall determine the lot frontage under subsection I. of this district	50

**5. Yard Standards** – Determined by the Planning Board under subsection I. of this district

**6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height**

Maximum individual	Maximum percent of lot	Maximum percent of lot coverage by	Minimum building	Maximum building height
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building footprint	coverage by buildings	buildings and other impervious surfaces	height	
5,000 sq. ft.	35%	85%	None	3 stories or 45 feet whichever is less

**F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS**

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building

**1. Maximum Base Residential Density** – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Single-family, two-family, multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area <u>if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal</u> . The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
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**2. Additional Residential Density Thru Development Transfer** – A development that is served by the public sewer system may incorporate up to five (5) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

**3. Additional Residential Density Thru Affordable Housing** – -A development that is served by the public sewer system may incorporate up to five (5) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

**4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee** – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development that is served by the public sewer system may incorporate up to five (5) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed ~~five~~<sup>[ME1]</sup> (5) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2., ~~and~~ F.3., and/or F.4. are ~~both~~ used, the additional dwelling units permitted under F.3. and/or F.4. shall not also be subject to the development transfer provisions under F.2.

## **G. BUILDING ORIENTATION, STREETScape AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS**

The design of a development site, and more specifically the orientation of buildings to Running Hill Road and Gorham Road and internal streets, the streetscape of Running Hill Road and Gorham Road and internal streets, as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

**1. Streetscape** – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. The buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough’s Commercial Districts and any subsequent Running Hill Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

**2. Building Orientation** - The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing ~~an~~ attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from ~~these roads Running Hill Road~~ in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the Running Hill Road-road corridors.

**3. Access Management and Interconnections** – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridors as well as to establish ~~an~~ attractive gateways into the Town of Scarborough. ~~Individual sites shall be limited to no more than one curb cut onto Running Hill Road.~~ Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road Running Hill Road in order to share an access point and reduce the number of curb cuts along the corridor. ~~These standards Site access~~ shall also be designed in accordance with the Site Plan Review Ordinance.

**4. Off-Street Parking Location** – No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection G.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection G.1. above.

This standard shall not apply to single-family and two-family dwellings that may utilize driveways for parking within the front yard.

Where parking lots and associated access drives are visible from adjacent public streets, they shall be buffered in accordance with the Design Standards for Scarborough’s Commercial Districts.

## H. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. **Signs** - Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

2. **Commercial Design Standards** – All development within the Running Hill Road-Gorham Road Transition~~Mixed Use~~ District, with the exception of single-family and two-family dwellings, must be consistent with the Design Standards for Scarborough’s Commercial Districts.

3. **Pedestrian, Bicycle and Mass Transit Facilities** – All developments shall provide for pedestrian movement to and within the site in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough’s Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. **Public Sewer Service** – All new development and redevelopment within a planned development ~~this district~~ shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

- a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code, and
- b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
- c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and
- d. The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

### 4. General Off-Street Parking Standards -

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or

joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

## **I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS**

The Running Hill Road-Gorham Road Transition District (RH2) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH2 District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

### **1. PLANNED DEVELOPMENT STANDARDS**

A planned development shall be designed in a manner that reinforces the RH2 District as a mixed use transition zone. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham Road Streetscapes – The streetscape along Running Hill Road and Gorham Road ~~are~~ is critical to establishing ~~an~~ attractive gateways and ~~a~~ transitions into the rural area of Scarborough. Running Hill and Gorham Roads shall be buffered with shade trees and a generous landscaped strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads ~~Running Hill Road~~ where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads ~~Running Hill Road~~ but shall be setback and separated from the street by this landscaped buffer. Parking is not appropriate between Running Hill Road or Gorham Road and buildings within a planned development, but sidewalks, pedestrian trails, freestanding signs and access drives are.

b. **Internal Street Streetscape** - The streetscape along internal streets and driveways within a planned development shall differ from the streetscapes along Running Hill Road and Gorham Road and shall exhibit a more compact form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are more compact in scale; human scale street lighting; frequent intersections and crosswalks; and

sidewalks as per standard I(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

**c. Walk-able, pedestrian-oriented design** – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH2 District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill and Gorham Roads should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be close to the roadway creating a more compact environment as per standard (I)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

**d. Compact building design** – Planned developments with the RH2 District shall exhibit a compact development pattern. Buildings shall be designed to front onto the internal street or driveway that provides access to the building(s). Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. The majority of off-street parking shall be located to the side or rear of buildings or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street or driveway with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. The Planning Board may determine that this standard need not apply to single-family and two-family dwellings that may seek to utilize driveways for parking within the front yard.

**e. Access management and interconnections** – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads ~~Running Hill Road. All development within a planned development shall connect to Running Hill Road at one common intersection by way of internal street and driveway connections.~~ Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, the share use of curb cuts and intersections and to reduce the overall number of curb cuts on these roads ~~Running Hill Road.~~

**f. Place-making** – A planned development shall include at least one “place” and potentially a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. “Places” shall be located at the core of the pedestrian realm of a planned development; shall an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a “place” unless they are available for public use.

## 2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXB. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXB.(I)(1).

**a. On-street Parking** On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (I)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

**b. Flexible yard standards** - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (I) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection E.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill or Gorham Roads or internal streets to met the standards of subsection (I) and further the purpose of this district.

Vote: 6 Yeas.

**Order No. 14-58. First reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance to make updates to the RH and RH2 Districts and the Conservation Subdivision Design Standards.** Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the first reading and refer to the Planning Board proposed amendments to Chapter 405 – the Town of Scarborough Zoning Ordinance to make updates to the RH and RH2 Districts and the Conservation Subdivision Design Standards and schedule the public hearing following the filing of the Planning Board’s recommendation, as follows:

3. SECTION VIIA. CONSERVATION SUBDIVISION DESIGN – FLEXIBLE DEVELOPMENT STANDARDS FOR LOWER DENSITY RESIDENTIAL DISTRICT shall be amended as follows (additions are underlined and deletions are struck through):

Section VIIA. CONSERVATION SUBDIVISION DESIGN – FLEXIBLE DEVELOPMENT STANDARDS FOR LOWER DENSITY RESIDENTIAL DISTRICTS [Amended 05/05/2010]

### ***A. PURPOSE***

Conservation subdivisions are intended to conserve and protect the town’s freshwater wetlands, watercourses, farmlands, open space and natural features, while enabling more flexibility for residential developments to design around these natural features and resources. Conservation subdivisions allow the same net residential density on a given parcel as a conventional subdivision, but

the use of alternative space and bulk requirements enable residential lots and dwellings to be clustered away from the natural or agricultural resources within a development. Conservation subdivision designs present many public benefits including: the conservation of wetlands; the avoidance of wetland impacts; the protection of watercourses and riparian corridors; the conservation of wildlife habitat; the conservation of productive agricultural uses, activities and soils; and the conservation of open space and forestlands for neighborhood use and recreation. Conservation subdivision designs also offer economic and maintenance benefits to the landowner, developer and town government through clustered development which enables shorter road lengths, less infrastructure, and less impact to the landscape. Conservation subdivision design shall be required to avoid and conserve Scarborough's freshwater wetlands and shall be encouraged to conserve Scarborough's forestlands, wildlife habitat, farms, agriculture and rural character.

## ***B. APPLICABILITY***

Conservation subdivisions are allowed in only the RFM, RF and R-2 Zoning Districts, subject to the requirements of Section VIIA. ~~A conservation subdivision within an R-2 Zoning District must be served by sewer.~~

**1. Required conservation subdivisions.** Conservation subdivision design is required in the RFM, RF and R-2 Districts when:

- a. The land to be subdivided contains one acre or more of wetlands;~~;~~
- b. Twenty percent (20%) or more of the land to be subdivided is wetlands;~~;~~
- c. Twenty percent (20%) or more of the land to be subdivided is within the Shoreland Zone under the Town of Scarborough Shoreland Zoning Ordinance;~~;~~
- d. A subdivision will alter (through lot configurations and road, driveway and utility crossings) 4,300 square feet or more of wetland if designed and developed in a conventional layout; ~~or;~~
- e. A subdivision proposes to include two-family and/or multi-family dwellings. [Adopted 05/05/10]

**2. Elective conservation subdivisions.** Where not required under Section VIIA(B)(1) above, conservation subdivision design may be permitted by the Planning Board in the RFM, RF and R-2 Districts in order to:

- a. Avoid, buffer and conserve wetlands, watercourses, water bodies, and shoreland zoned areas less in area and percentages than the thresholds requiring conservation subdivision design under Section VIIA(B)(1).
- b. Conserve agricultural fields, farming activities, forestlands, meadows, wildlife corridors, high value plant and animal habitat areas, or other natural areas, while accommodating residential development through flexible design.

- c. Establish open space to be used for active and passive recreational purposes that can complement and serve the residences within a conservation subdivision.

**C. PERMITTED USES & SPECIAL EXCEPTIONS [Amended 05/05/10]**

The Permitted Uses and Special Exceptions within a conservation subdivision shall be the same as those allowed within the zoning district in which the subdivision is approved.

**D. DENSITY DETERMINATION**

The maximum number of dwelling units permitted within the conservation subdivision shall be determined by the maximum net residential density allowed in the zoning district in which the conservation subdivision is located, and as calculated in accordance with the definition of net residential acreage. To demonstrate the number of dwelling units possible, an applicant shall submit a sketch or concept level conventional subdivision plan showing a lot layout complying with the space and bulk regulations of the applicable zoning district, the net residential density calculation, an upland area on each lot capable of sufficiently accommodating a building envelope and providing for drinking water and wastewater disposal, and a street layout in accordance with the Street Acceptance Ordinance of the Town of Scarborough. If the subdivision will be served by on-site well and wastewater disposal the lots in a sketch conventional plan shall each have at least 20,000 sq. ft. of contiguous uplands.

**E. SPACE AND BULK REGULATIONS**

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving a proposed conservation subdivision, shall apply the following space and bulk regulations.

**1. RF & RFM Districts**

Maximum net residential density	1 dwelling unit per net residential 2 acres
Minimum lot area	30,000 sq. ft.
Minimum street frontage	100 feet
Minimum front yard, all buildings	25 feet
Minimum rear and side yards, all buildings	15 feet
Maximum building height	(See Section IX,A,15)
Maximum building coverage	25%

**2. R2 Districts served by Sewer**

Maximum net residential density	2 dwelling units per net residential acre
Minimum lot area	7,500 sq. ft.
Minimum street frontage	75 feet
Minimum front yard, all buildings	15 feet
Minimum rear and side yards, all buildings <i>*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.</i>	15 feet <sup>*1</sup>
Maximum building height	(See Section IX,A,15)

Maximum building coverage	35%
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*1. The minimum side yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.*

3. For conservation subdivisions in areas of the R2 District that are not served by the public sewer system, or are not within a reasonable distance from public sewer system, the space and bulk standards of the R2 District shall apply. When determining a reasonable distance from the public sewer system, the Planning Board should consider factors such as the topography of the potential sewer line extension; subsurface conditions within the potential sewer line alignment; the residential density and number of building lots proposed within the subdivision; and other similar factors.

4. Building lots may be clustered in groupings of three to five lots or may all be clustered in one contiguous area depending on the natural characteristics of the land, the location and size of upland areas, and the function and values of the open space. The minimum width of open space between any clusters of building lots shall be 50 feet. This minimum width shall be measured between the building lots' side property lines and is intended to provide separation between clusters of building lots along a road right-of-way. The size and dimensions of the larger, contiguous open space areas shall be designed in accordance with the applicable performance standards in Section VIIA(F) below.

45. The minimum lot area in the RFM and RF Districts shall be 30,000 sq. ft. as per Section VIIA(E)(1) above, except where a greater lot area minimum may be required in order to meet the Town Plumbing Ordinance and the Maine State Plumbing Code. Lot size determinations shall be made prior to preliminary plan approval.

## **F. CONSERVATION OF OPEN SPACE**

The open space within a conservation subdivision, ~~which~~ may include freshwater wetlands, forested wetlands, saltwater marshlands, farmlands, fields, forestlands and recreation areas. Stormwater facilities including detention or retention ponds and similar facilities shall not be counted in meeting the minimum open space requirements unless the Planning Board finds that the purpose and other standards of this Section VIIA. are met. The open space shall be designed in accordance with the following performance standards depending on the purpose of the open space:

1. Within conservation subdivisions that are required pursuant to Section VIIA(B)(1) and are located in the RF District, RFM District or within a sewer area of the R2 District, at least 50% of a subdivision's total land area shall be open space. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition to these wetlands and natural features, the open space may also include agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas that will be preserved or established as part of the subdivision as well as land designed to buffer these areas. In order to be counted toward the 50% requirement, an open space area must be at least one acre in size and include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space areas shall be connected and contiguous, consistent with the connectivity and network of the wetlands, watercourses, water bodies and other natural features within the subdivision. To the extent possible, open spaces shall connect to open space lands existing or proposed on adjacent properties. The open space areas within conservation subdivisions shall also be consistent with the performance standards that apply to the type and function

of the open space. Building lots shall be designed on the accessible and contiguous upland areas in clusters according to Section VIIA(E)(3) to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs and wetland or stream crossings. The Planning Board may permit open space parcels that are not contiguous and are less than one acre in size, as per Section VIIA(G), if the intent and purpose of this Section VIIA is fulfilled.

2. Within conservation subdivisions that that are required pursuant to Section VIIA(B)(1) and are located in an unsewered area of the R2 District or conservation subdivisions that are elected pursuant to Section VIIA(B)(2) a., at least 40% of a subdivision's total land area shall be open space. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In order to be counted toward the 40% requirement, these open space areas shall include a minimum wetland buffer of twenty-five (25) feet, but the open space areas may be less than one acre in size depending on the size and configuration of wetlands or other natural features. The open space areas shall be connected and contiguous, consistent with the connectivity and network of the wetlands, watercourses, water bodies and other natural features within the subdivision. Building lots shall be designed on the accessible and contiguous upland areas in clusters according to Section VIIA(E)(3) to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs and wetland or stream crossings. The Planning Board may permit open space parcels that are not contiguous, as per Section VIIA(G), if the intent and purpose of this section is fulfilled.

3. Within conservation subdivisions that are elected pursuant to Section VIIA(B)(2)(b) or (c), at least 40% of a subdivision's total land area shall be open space. The open space areas shall encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition, the open space may encompass and buffer the agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas the conservation subdivision is intended to preserve or establish. In order to be counted toward the 40% minimum requirement, the open space areas shall be connected and contiguous and shall each be at least one acre in size. To the extent possible, open spaces shall connect to open space lands existing or proposed on adjacent properties. The open space areas within conservation subdivisions shall also be consistent with the performance standards that apply to the type and function of the open space.

4. Open space lands that are conserved to be used and maintained for agricultural activities shall meet the following standards:

- a. The open space land(s) intended for agricultural activity shall not be intermingled with a cluster of residential lots within a conservation subdivision, but rather shall be designed as larger, contiguous tracts of land appropriate in dimensions and area to enable agricultural activities to occur at a level deemed appropriate by the Planning Board. For example, agricultural fields and activities should be designated along a road at the entrance to a subdivision, within a central common between clusters of residential lots, or at the rear of subdivision behind a cluster of residential lots, as opposed to designating agricultural activities on smaller open space strips between residential lots.
- b. The specific agricultural activity shall require Planning Board approval. When determining the appropriateness of an agricultural activity within a conservation subdivision the Planning Board shall consider the noise, dust, odors, and other impacts that may result from

the proposed agricultural activity. The Planning Board may require specific buffering, hours of operation and seasons of operation, and may restrict the type and intensity of agricultural use or activity based on the above considerations. Any conditions or restrictions imposed by the Planning Board shall be consistent with best management practices as determined by the Maine Department of Agriculture, Food and Rural Resources.

- c. No access to the agricultural use by vehicles, equipment or livestock associated with the agricultural activity shall be planned or allowed over residential lots as part of the conservation subdivision. Separate access to the agricultural use for operational purposes shall be required.
- d. The size and location of any agricultural building(s) associated with the agricultural use of the open space shall be approved by the Planning Board.
- e. The open space lands may be owned jointly by the owners of the residential lots within the subdivision, or may be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots within the subdivision or to a recognized nonprofit conservation group, a land trust or the Town as approved by the Planning Board. Alternatively, open space land preserved for agricultural activity may be held in private ownership separate from the ownership of the residential lots within the subdivision, provided that all the agricultural open space within the subdivision is held in the same ownership. A deed restriction prohibiting further use and development of the open space parcel(s) beyond the specified agricultural use(s) and building(s) shall be required. Allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

**5.** Open space lands that are conserved as wetlands, forestlands, meadows and other natural areas shall meet the following standards:

- a. Conservation subdivisions utilized to preserve wetlands, forestlands, meadows, wildlife corridors, wildlife habitats and other natural features shall be designed with the open space lands encompassing the most significant wildlife areas, mature forestlands or natural features within the subdivision. The open space lands shall be as large and contiguous as possible to provide the highest wildlife habitat and passive recreation values possible.
- b. Open space lands may include a trail system for walking, hiking, biking or similar activities. This trail system shall be included on the subdivision plan, including a cross-section and limit of clearing, and should link with adjacent trails if possible.
- c. The open space lands shall be owned jointly by the owners of the residential lots within the subdivision, or shall be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots within the conservation subdivision, to be used for open space and recreational purposes, as specified above and as approved by the Planning Board, and shall not be further subdivided, used for building purposes or used for other recreational activities. A deed restriction to this effect shall be required. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

- d. As an alternative to Section VIIA(F)(5)(c), the open space lands may be preserved as such by being conveyed to a recognized non-profit conservation group, land trust or the Town as approved by the Planning Board. This conveyance shall also be accompanied by a deed restriction limiting the use of the land to the specific open space and recreational purposes approved by the Planning Board. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

6. Open space lands designed to accommodate passive and active recreational facilities or amenities shall meet the following standards:

a. The Active and passive recreational areas may include facilities exclusively for the use of the residents of the subdivision such as neighborhood commons, gardens, picnic areas, playing fields, playgrounds, courts, bikeways or a combination thereof, or for use by the general public, or may be privately owned and operated as commercial recreational facilities such as golf courses, cross country ski areas and other commercial outdoor recreational uses. shall not be commercial facilities, but rather shall be areas for use by the residents of the conservation subdivision, such as neighborhood commons, gardens, picnic areas, playing fields, playgrounds, courts, bikeways or a combination thereof.

b. Recreational areas shall be designed and located in a manner that is accessible to all of the residential dwellings in the subdivision. The open space and recreation areas may include sidewalks, footpaths, trails, driveways and parking areas to facilitate accessibility. Such amenities and infrastructure shall be reviewed and approved by the Planning Board.

c. Commercial recreational areas and facilities shall be principally identified by the use of open, outdoor space and shall have minimal structure development. If any of the facilities will be privately owned by an entity other than the owners of the dwelling units in the subdivision, permanent provisions must be established that allow residents of the subdivision use of the open space or designated facilities within the open space. Access to commercial recreational facilities for subdivision residents on a no-fee or reduced fee basis approved by the Planning Board can meet the requirement for resident access to the open space.

ed. The size, location and impervious area of any recreational facility or amenity shall be reviewed and approved by the Planning Board. The Planning Board may consider stormwater runoff, lighting, proximity to residential dwellings, buffering, traffic impacts, compatibility with the residential development, and similar factors in their review.

de. Recreation areas ~~shall~~may be owned jointly by the owners of the residential lots or units within the subdivision, or ~~shall~~ be permanently conveyed to a corporation or trust owned or to be owned jointly by the owners of the residential lots or units within the conservation subdivision, to be used for open space and recreational purposes, as specified above and as approved by the Planning Board, and shall not be further subdivided, used for building purposes or used for other recreational activities. A deed restriction to this effect shall be required. Any allowance for modification of the uses within that deed restriction shall require a subdivision amendment and Planning Board approval.

**ef.** As an alternative to Section VIIA(F)(6)(a), (c), (d) and (de), the recreation areas may be either conveyed to the Town and may be open to use by the entire community if specifically approved by the Planning Board and agreed to by the Town Council or owned by a private entity for use as a commercial recreational facility. If open to community or commercial use, the recreation areas shall be sited in a location that is easily accessible to the public with minimal traffic impacts to the residential component of the conservation subdivision; shall provide adequate visitor parking based on the recreation area's size and intended uses; and shall include buffers to the residential lots within the conservation subdivision to separate public and private space. These activities may be subject to the provisions of the Site Plan Review Ordinance.

**fg.** When parking areas are proposed, they shall be designed and constructed with pervious and semi-pervious alternatives to bituminous pavement, if possible. Such alternatives may include porous pavement blocks, grassed interlocking paving systems, re-enforced turf and stone dust materials. These alternative parking surfaces are intended to minimize storm water run-off and facilitate infiltration and natural hydrological functions to the extent feasible.

**gh.** If any portion of the open space will be owned by a private entity consisting of others than the owners of the lots or units in the subdivision, that open space shall be protected from future development or uses that are inconsistent with its function as open space that benefits the subdivision by the establishment of a permanent conservation easement to the Town of Scarborough or a land trust or conservation organization approved by the Planning Board, or the subdivision's home owners association. This easement shall be approved by the Town prior to approval of the subdivision by the Planning Board.

7. Open space lands, required pursuant to Section VIIA(B)(1), may be designed to conserve wetlands and other natural resources, while also accommodating agricultural or recreational uses and activities. The Planning Board shall have the flexibility to allow a combination of open space functions so long as these functions and uses are in conformance with all of the above performance standards in Section VIIA(F)(1) through (6).

Vote: 6 Yeas

**Order No. 14-59. First reading and schedule a public hearing for the proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance.** Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the first reading proposed amendments to Chapter 404A – the Town of Scarborough Plumbing Ordinance and schedule a public hearing for Wednesday, July 16, 2014, as follows:

Proposed Amendment to the Town of Scarborough  
Plumbing Ordinance to Revise the Limitations of Common Disposal Areas

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Plumbing Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend Article V. Section 4. Prohibited Systems so that subsection B. reads as follows (additions are underlined; deletions are struck through):

B. Common disposal areas serving multiple units are not permitted for new construction. This limitation does not apply to two-family dwellings, multifamily dwellings with four (4) or fewer dwelling units, and mixed-use buildings with four (4) or fewer dwelling units that are located in the portions of the RF, RPO, RH, RH2, and TVC2 zoning districts that are not served or cannot be reasonably served by the Town's public sewerage system provided that each building is served by one (1) or more independent subsurface sewage disposal systems so that no disposal system serves more than one (1) building. The use of common disposal areas to serve clusters of dwellings and structures shall be allowed only where existing units have malfunctioned.

Vote: 6 Yeas.

**Order No. 14-60. Act on the request to ratify the Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894.** Jaclyn Mandrake, Human Resources Director, spoke on this order and noted that both sides worked very hard to bring forward an agreement that both sides were pleased with.

Motion by Councilor Caterina, seconded by Councilor Benedict, to move approval of the request to ratify the Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894.

Vote: 6 Yeas.

**Order No. 14-61. Act on the request to see if the Town of Scarborough will vote to amend its MainePERS service retirement plan for Fire Fighters effective July 1, 2014.** Thomas J. Hall, Town Manager, gave a brief overview on this order.

Motion by Councilor Caterina, seconded by Councilor Benedict, to move approval of to amend the MainePERS service retirement plan for Fire Fighters effective July 1, 2014 and the Town of Scarborough agrees, as follows:

- a.) Effective July 1, 2014 to provide a one-time option for Fire Fighters currently in Special Plan 1C to elect Special Plan 3C for service rendered after June 30, 2014. Service rendered from July 1, 2008 through June 30, 2014 remains Special Plan 1 service, and service rendered prior to July 1, 2008 remains Regular Plan AC service. All firefighters hired after June 30, 2014 shall be covered under Plan 3C.
- b.) To authorize the Town Manager to sign the contract between the Town, and the Maine Public Employees Retirement System.

Vote: 6 Yeas.

**Order No. 14-62. Act to certify the results of the June 10, 2014, School Budget Validation Referendum.** Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to certify the results of the June 10, 2014, School Budget Validation Referendum, as follows:

Do you favor approving the Scarborough School budget for the upcoming school year that was adopted at the latest Town of Scarborough budget meeting held on June 4, 2014?

YEAS: 1,598\*

NAYS: 1,413

BLANKS: 11

Non-Binding Question:

TOO HIGH: 1,446\* ACCEPTABLE: 565 TOO LOW: 953 BLANKS: 58

Vote: 6 Yeas.

**Order No. 14-63. Act on the request to adopt the 2014/2015 School Budget Resolution, as required by State Statute, as follows:**

**Scarborough School Department  
2014-2015 Budget Resolutions  
(based on State Subsidy Funding enacted by  
Legislature as part of their biennial budget)**

**ARTICLE I.** To see what sum the municipality will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

**Recommend \$ 34,050,938**

and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

**Recommend \$ 28,508,963**

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

**ARTICLE II.** To see what sum the municipality will raise and appropriate for the annual payments on debt service previously approved by the municipality for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12.

**Recommend \$4,776,492**

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters.

**ARTICLE III.** To see what sum the municipality will raise and to appropriate that sum in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, 15690.

**Recommend \$2,629,199**

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the municipality budget for educational programs.

**ARTICLE IV.** To see what sum the municipality will authorize the School Board to expend for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.  
**Recommend \$41,990,624**

**Pursuant to Maine Revised Statutes, Title 20-A, section 1485, voters and the Town Council authorize the School Board to expend the above funds in the following State-mandated categories:**

**ARTICLE IV-A.** To see what sum the school administrative unit will be authorized to expend for Regular Instruction.  
**Recommend \$17,581,653**

**ARTICLE IV-B.** To see what sum the school administrative unit will be authorized to expend for Special Education.  
**Recommend \$6,524,981**

**ARTICLE IV-C.** To see what sum the school administrative unit will be authorized to expend for Career and Technical Education.  
**Recommend \$338,947**

**ARTICLE IV-D.** To see what sum the school administrative unit will be authorized to expend for Other Instruction  
**Recommend \$888,255**

**ARTICLE IV-E.** To see what sum the school administrative unit will be authorized to expend for Student and Staff Support.  
**Recommend \$3,908,556**

**ARTICLE IV-F.** To see what sum the school administrative unit will be authorized to expend for System Administration.  
**Recommend \$976,157**

**ARTICLE IV-G.** To see what sum the school administrative unit will be authorized to expend for School Administration.  
**Recommend \$1,584,617**

**ARTICLE IV-H.** To see what sum the school administrative unit will be authorized to expend for Transportation and Buses.  
**Recommend \$1,601,815**

**ARTICLE IV-I.** To see what sum the school administrative unit will be authorized to expend for Facilities Maintenance.  
**Recommend \$3,734,151**

**ARTICLE IV-J.** To see what sum the school administrative unit will be authorized to expend for Debt Service and Other Commitments. **Recommend \$4,776,492**

**ARTICLE IV-K.** To see what sum the school administrative unit will be authorized to expend for All Other Expenditures. **Recommend \$75,000**

**ARTICLE V.** To see if the municipality will appropriate **\$174,691** for Adult Education and raise **\$97,691** as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the Adult Education program.

**Recommend \$97,691 (Local)**

Vote:

**Item 8. Non Action Items.** None at this time.

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

- Councilor Blaise gave an update on the Senior Advisory Board meeting.
- Councilor Caterina gave an update on the GPOCOG, noting that the Town received a recognition for “Best Practices in Coast-Effective Management, Strengthening Municipal Service and Citizen Participation.”
- Councilor Holbrook gave an update on the Finance Committee and the next meeting is scheduled for August 4<sup>th</sup> at 9:00 a.m. Historic Preservation August 5<sup>th</sup> at 6:30 p.m. Appointments Committee meeting would like to post the names of Philip Christy, Troy Hendrickson and Susan Wilder.
- Chairman Sullivan gave a brief overview on the Canine Education Committee.

**Item 10. Town Manager Report.** Thomas J. Hall, Town Manager, gave the following updates:

- Mentioned a few of the educational pieces that had been implemented for the educating the public regarding the Piping Plover. These items have been forwarded to the US Wildlife.
- Flood maps appeals process have been delayed – not sure for how long.
- Had a tour of the new Wentworth School and the demolition on the old school would begin very soon.
- Noted that the Haigis Parkway repaving in under way and Pleasant Hill Road reconstruction project is also under way.
- Bid openings for intersection improvements for Hannaford Drive/Gorham Road came in a little higher than budget expected. Information on when the start date will be – will be forth coming.

**Item 11. Council Member Comments.**

- Councilor Holbrook noted that July 4<sup>th</sup> is right around the corner and gave a friendly reminder to be mindful of the Fireworks Ordinance.
- Councilor Donovan gave a brief update on the changes that have been implemented since the Plover changes had been made and went on to speak on the volunteers that have been monitoring the beaches. He commented that it has been found that those who are not abiding by the rules are more out-of-town people. Signage has been a process. He commented on the approved budget.
- Councilor Caterina also commented on the approved budget and noted that maybe next year there can be a working group between the Town and School so the process can be smoother.

She too attended the tour of the new Wentworth School. She sent a Happy 45<sup>th</sup> Anniversary to the Huffs.

- Councilor Benedict commented on the crossing lights at Pine Point and at the Eastern Trail – the lights need to be looked at as they do not always change when needed.
- Councilor Blaise commented on the purchase of the Benjamin Farm - thank you to fellow Councilors for voting on the purchase.
- Chairman Sullivan also commented on the purchase of the Benjamin Farm. He then thank all of the volunteers for their time in making the Plovers safe. He mentioned that during the budget process the comments regarding “the sidewalks to nowhere” he sees the sidewalks being used more and people are going to areas that they normally would not go. The lights that have been installed on Black Point Road and Pine Point Road at the Eastern Trail crossing are working; however, the cars do not always stop. He looks forward to seeing the new crosswalk at the Wentworth intersection.
- Councilor Donovan noted that all Councilors received letters from K-Kids thanking the council for their support for the Schools.

**Item 12. Adjournment.** Motion by Councilor Blaise, seconded by Councilor Benedict, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Yolande P. Justice  
Town Clerk