

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – AUGUST 19, 2015  
REGULAR MEETING – 7:00 P.M.**

**Item 1. Call to Order.** Council Chair Holbrook called the regular meeting of the Scarborough Town Council to order at 7:08 p.m.

**Item 2. Pledge of Allegiance.**

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

Shawn A. Babine	Katherine A. St. Clair
William J. Donovan	Edward NMI Blaise, III
Jean-Marie Caterina, Council Vice Chair	Pete F. Hayes [Absent]
Jessica L. Holbrook, Council Chair	

**Item 4. General Public Comments.**

- Geoffrey MacLean of Gorham Road made it known that his wife, Councilor Jean-Marie Caterina was celebrating her 60<sup>th</sup> Birthday today and he brought the party to the meeting. So, after the meeting there will be cake served and all are invited.

**Item 5. Minutes: July 15, 2015 – Regular Meeting and July 22, 2015 – Special Meeting.** Motion by Councilor Blaise, seconded by Councilor St. Clair, to move approval of the minutes of the July 15, 2015, regular Town Council meeting and of the minutes of the July 22, 2015, special Town Council meeting.

Vote: 6 Yeas.

**Item 6. Adjustment to the Agenda.** None at this time.

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

**Order No. 15-057, 7:00 p.m. Public hearing and second reading on the proposed Contract Zone from Avesta to establish a 50 unit affordable housing development at 577 U.S. Route One.** Councilor Chair Holbrook opened the public hearing. There being not comments either for or against the public hearing was closed at 7:12 p.m.

Dan Bacon, Town Planner, gave a brief overview on this proposal.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the second reading on the proposed Contract Zone from Avesta to establish a 50 unit affordable housing development at 577 U.S. Route One.

At this point Council Chair Holbrook read the following email into the record:

*“Hello Scarborough Town Council,*

*I am unable to attend the public hearing this Wednesday August 19th and am hoping my voice can still be heard at the meeting. I would be grateful if this could be read at the hearing in my absence.*

*My name is Erica Whiting, I am a current resident in one of the apartments at the Southgate House. I do feel Avesta's affordable housing project is a wonderful idea and only have a couple concerns. The first concern is about the proposed limited access to the site of right in/right out only. The second concern is about the parking lot size and snow removal.*

*My concerns for the right in/right out limited access are due to the difficulty finding good places to turn around on busy route 1. Not only does that area of route 1 get heavily congested with traffic but so do the businesses and their associated lots. This is especially true during busy traffic hours and in the summer. When heading northbound on Route 1 towards Portland, in order to enter the Southgate lot without turning left, one must turn around down the road on route 1 where the speed limit is 50 mph. This has proven dangerous and challenging on more occasions than not due to high speed congested traffic across the marsh in both directions.*

*Furthermore, when trying to leave the Southgate lot to travel northbound on Route 1 by first turning right out of the Southgate lot and then turning around; finding a turn around spot in a reasonable distance has also proven to be very tricky in that very congested part of Route 1. Sometimes it takes quite a distance of patience just for a motorist to make room for you to get into the left hand lane so that a left hand turn can be made after turning right onto Route 1 from the Southgate lot.*

*It seems it would make more sense to make it clear to motorists that turning traffic occurs in that location for both left turns and right turns by adding in some safety signs or safety lights such as a caution sign, a caution turning traffic sign, blinking yellow lights, blinking slow lights and/or a blinking speed limit sign. The blinking speed limit sign would be especially helpful as traffic tends to start speeding up to 50 mph for northbound traffic or keep going 50 mph for southbound traffic in front of the Southgate entrance despite the lower speed limit. Indeed, this lack of attention to the reduced speed limit has proven to be problematic even when making right turns into or out of the property. I've had cars almost hit me on numerous occasions when trying to turn right into the property.*

*My last concern is about the proposed size of the parking lot. To my knowledge there are no longer any town parking areas located near Southgate for Southgate tenants to park at for the purposes of clearing the lot during snow removal. When all apartments at Southgate were rented over the past years we needed an equal number of extra parking spaces to move our cars to so that our usual reserved parking spaces could be effectively cleared of snow, especially for storms with a lot of accumulation.*

*Thank you for taking the time to hear my feedback as a current Southgate resident.  
Erica Whiting”*

In response to the access control, Dan Riley, Senior Project Manager from Sebago Technics, noted that after looking at a number of options it had been determined to have a right turn in and right turn out. He then responded to the question with regards to the snow storage and parking question. There are areas that are designated for snow storage and parking is controlled by parking permits.

Vote on Main Motion:

**CONTRACT ZONING AGREEMENT  
BETWEEN THE TOWN OF SCARBOROUGH AND  
AVESTA HOUSING DEVELOPMENT CORPORATION**

This Contract Zoning Agreement made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the TOWN OF SCARBOROUGH, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the “Town”), and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation, with an address of 307 Cumberland Avenue, Portland, Maine 04101 (together with its successors and assigns, including subsequent record owners of the property described in this Agreement, hereinafter “Avesta”), pursuant to the Contract Zoning provisions of Section II, Subsection I of the Scarborough Zoning Ordinance:

WHEREAS, Avesta intends to purchase a parcel of real estate located at 577 U.S. Route One, Scarborough, Maine, consisting of approximately 3.05 acres with the buildings and improvements thereon, being Parcel 37 on the Town’s Tax Map U034 (hereinafter the “Property”); and

WHEREAS, the Property is currently in the Town and Village Centers Fringe (TVC3) District and a portion of the Property is also subject to the Shoreland Overlay District provisions of the Shoreland Zoning Ordinance; and

WHEREAS, the TVC3 District presently allows, as a permitted use, multifamily dwellings limited to no more than twelve (12) units per building, so long as such building is serviced by public sewer, and accessory units subject to certain performance standards, but not multifamily dwellings containing a greater number of units per building; and

WHEREAS, Avesta wishes to develop the Property as an affordable rental housing complex consisting of the existing 7-unit historic building that will be renovated to include 8 units, a to-be-constructed 42-unit building, an existing barn that will be renovated and may include community space for occupants, and a second existing barn that may be preserved due to its historic value (the “Project”). The new 42-unit building will exceed the maximum number of units per building currently permitted in the TVC3 Zone; and

WHEREAS, Avesta demonstrates that the proposed use can be carried on with fewer parking spaces than required by the off-street parking regulations in Section XI of the Zoning Ordinance; and

WHEREAS, the maximum density within the TVC3 Zone for multi-family dwellings is 5 dwelling units per acre of net lot area, and the Project will exceed this maximum density; and

WHEREAS, the Project would qualify for Additional Residential Density Thru Affordable Housing pursuant to Section XVIII.D(E)(3) of the Scarborough Zoning Ordinance, the Project as proposed would still exceed the maximum density; and

WHEREAS, the Property contains an existing multi-family building and a barn that will be rehabilitated in a good and worker-like manner; and

WHEREAS, the Planning Board, pursuant to Section II(I)(4), of the Zoning Ordinance and 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid; and

WHEREAS, the Project will serve the Town’s objective of encouraging affordable housing both generally and through density bonus provisions within the Town’s residential areas and districts (Chapter 5, Objective A.4.a. of the Comprehensive Plan) by constructing an affordable housing opportunity within a growth area; and

WHEREAS, the Project serves the goals of Chapter 5 (Objective A.2.) of the Comprehensive Plan by using public sewer and water facilities; and

WHEREAS, the Project fulfills the goals of Chapter 5 (Objective A.4.b.) of the Comprehensive Plan encouraging a choice of housing for residents of all ages and incomes by providing affordable housing within a growth area;

WHEREAS, the Project helps to achieve the objectives of Chapter 5 (Objective H.2), in which the Town endeavors to assure that at least ten percent of new housing units created in Scarborough are affordable; and

WHEREAS, the rezoning provided in this Agreement, therefore, would be consistent with the Policies and Future Land Use Plan of Part B of the Scarborough Comprehensive Plan; and

WHEREAS, the Town of Scarborough, by and through its Town Council, therefore, has determined that the said rezoning would be pursuant to and consistent with the Town's local growth program and Comprehensive Plan adopted pursuant to Title 30-A, Maine Revised Statutes, Chapter 187, Subchapter 2, and consistent with the existing and permitted uses within the original zoning district classification and has authorized the execution of this Contract Zoning Agreement.

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

1. The Town hereby amends the Zoning Map of the Town of Scarborough, by adopting the map change amendment shown on Attachment 1.

2. Avesta is authorized to create the Project, including the renovation of the existing 7-unit building such that it includes 8 units, construction of a new 42-unit building, renovation of an existing barn to provide community space for Project occupants, and preservation of a second barn on the Property. Construction and use of the Project shall be subject to the following conditions:

- (a) Building Height: The maximum building height for the new 42 unit building shall be four (4) stories and as shown on the Site Plan approved by the Town of Scarborough Planning Board. The new 42 unit building shall be a maximum height of approximately 45 feet. The final building height for the Project shall be approved by the Planning Board as part of site plan and subdivision approval.
- (b) Permitted Uses: The uses allowed or permitted on the Property shall be limited to (i) an affordable housing complex with one 8-unit building and one 42-unit building, (ii) a separate building for community space, for use by Project occupants, and (iii) accessory uses. Avesta also may either (a) retain and maintain the existing barn on the Property furthest from Route 1 which will not be converted into community recreation and/or meeting space, the use of which will be consistent with, and incidental to the affordable housing use, such as equipment storage, security or maintenance, office and staff accommodations, or merely historic preservation; or (b) remove and/or demolish said barn, provided that such removal or demolition shall be approved by the Planning Board prior to any such action.
- (c) Building Design: Project design, style and materials shall be substantially as depicted on the building elevations submitted during site plan and subdivision review, with any changes thereto as approved by the Planning Board.

- (d) Landscaping: The Property shall be landscaped to enhance the general appearance of the project from surrounding properties as determined by the Planning Board at the time of site plan and subdivision approval. The landscaping shall be maintained by Avesta or its successors or its successors in interest. After the date of approval of this Contract Zoning Agreement, there shall be no significant amount of removal of existing trees or other vegetation except as indicated on an approved Site Plan.
- (e) Density: The maximum net residential density shall be fifty (50) dwelling units, including the renovation of the existing building such that it includes eight (8) units and the construction of a new 42 unit building.
- (f) Residents: The Project shall be “Affordable Housing” as defined on the zoning Ordinance, and occupancy of the Project shall be limited to individuals or families with an income that is less than or equal to Eighty Percent (80%) of area median income as more particularly defined in Article VI of the Zoning Ordinance.
- (g) Sewer and Water: The facility will be served by both public water and public sewer.
- (h) Setbacks: The front yard shall be a minimum of 25 feet, and side and rear yards shall be a minimum of 15 feet, excluding accessory buildings and excluding the existing location of a barn within 15 feet from the sideline of the Property. The existing, nonconforming setback of the barn will be maintained. Additionally, the maximum front yard shall be increased to allow for the removal of an existing porch. All of the setbacks and building locations shall be as shown on the Site/Subdivision Plan, approved by the Planning Board.
- (i) Parking: The Project shall provide a minimum of fifty five (55) off-street parking spaces. The dimensions and arrangement of the parking spaces shall be as generally shown on the Site/Subdivision Plan, approved by the Planning Board.
- (j) Site/Subdivision Plan: The property subject to this Contract Zoning Agreement shall be developed and used only in accordance with the preliminary site and subdivision plan approved by the Scarborough Planning Board on June 22, 2015, as that site plan may be amended from time to time pursuant to the provisions of the Scarborough Site Plan Ordinance. Any amendment which involves the following changes will require an amendment to this Contract Zoning Agreement:
  - (a) any change to the use of the Property; and
  - (b) any increase in the number of units.

3. Avesta shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its execution by the Town Council.

4. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the Property except as this Contract Zoning Agreement may be amended by future written agreement with the Town of Scarborough and Avesta or its successors in interest. This Agreement shall be binding upon subsequent record owners of the Property.

The provisions of this Contract Zoning shall operate as an “overlay” zone and except as otherwise set forth in the aforesaid conditions, all other requirements of the underlying Zoning District

shall apply (other than the maximum net residential density, use, height, setbacks and parking). The restrictions, provisions and conditions of this Agreement are an essential part of the rezoning, shall run with the Property, shall bind Avesta, its successors in interests and assigns of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town of Scarborough.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Zoning Ordinance of the Town of Scarborough (as applicable) and any applicable amendments thereto or replacement thereof.

The Town shall have the power to enforce all conditions and restrictions of this Agreement, both through enforcement action pursuant to Section IV of the Scarborough Zoning Ordinance and through legal action for specific performance of this Agreement. In the event that Avesta, or its successors, or assigns, fail to develop the project in accordance with this Contract, or in the event of any other breach hereof, and such failure or breach continues for a period of thirty (30) days after written notice of such failure or breach cannot reasonably be remedied or cured within such thirty (30) day period, if Avesta, its successors or assigns, fails to commence to cure or remedy such failure or breach within said thirty (30) day period and thereafter fails to diligently prosecute such cure or remedy to completion in a reasonable time, then this Contract may be terminated by vote of the Scarborough Town Council. In that event, the Property may then be used only for such uses as otherwise allowed by law.

WITNESS:  
\_\_\_\_\_

TOWN OF SCARBOROUGH  
By: \_\_\_\_\_  
Thomas Hall, its Town Manager  
duly authorized by vote of the  
Scarborough Town Council on  
\_\_\_\_\_, 2015

WITNESS:  
CORPORATION  
\_\_\_\_\_

AVESTA HOUSING DEVELOPMENT  
By: \_\_\_\_\_  
Dana Totman, its President

STATE OF MAINE  
CUMBERLAND, SS

\_\_\_\_\_, 2015

PERSONALLY APPEARED the above named Thomas Hall, Town Manager of the Town of Scarborough as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Scarborough.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name:  
My commission expires:

PERSONALLY APPEARED the above named Dana Totman, President of Avesta Housing Development Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said nonprofit corporation.

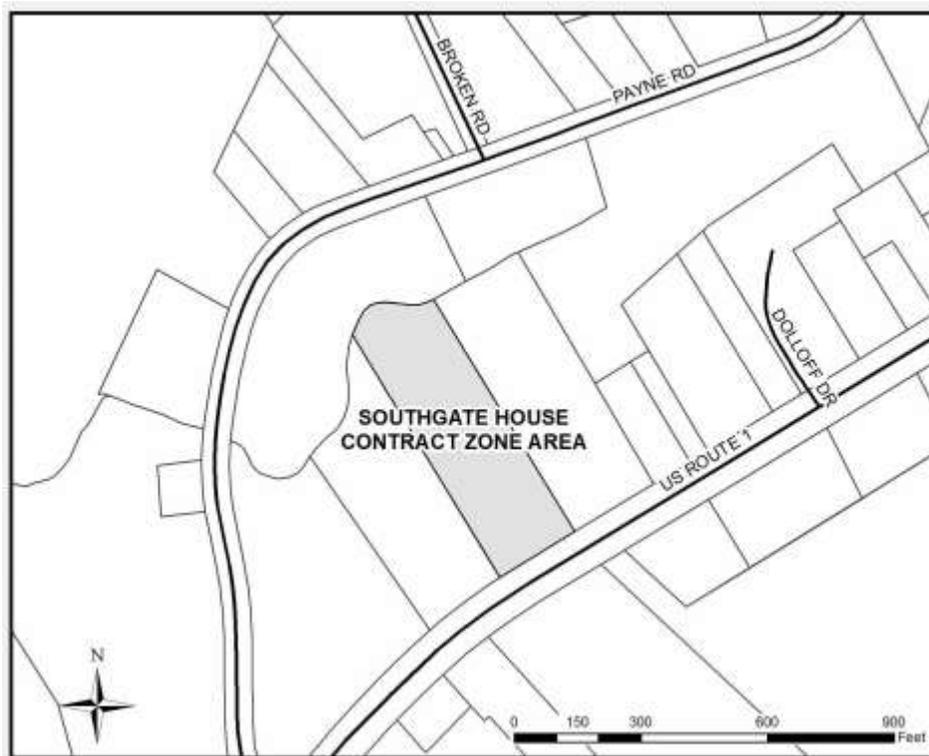
Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name:

My commission expires:

Attachment 1  
Zoning Map Amendment



Vote: 6 Yeas.

**Order No. 15-060, 7:00 p.m. Public hearing and action on the new requests for a Food Handlers License: a. Shawn Doll, d/b/a Sweet Frog Scarborough, located at 300 Gallery Blvd. and b. Scott Edwards d/b/a On The Vine Market Place, located at 591 US Route One.** Council Chair Holbrook opened the public hearing. As there were no comments either for or against, the public hearing was closed at 7:35 p.m.

Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval on the new requests for a Food Handlers License: a. Shawn Doll, d/b/a Sweet Frog Scarborough, located at 300 Gallery Blvd. and b. Scott Edwards d/b/a On The Vine Market Place, located at 591 US Route One.

Vote: 6 Yeas.

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:**

**Order No. 15-061. First reading and refer to the Planning Board the proposed amendments to Chapter 405 the Scarborough Zoning Ordinance to establish a Small Batch Processing Facilities use and definition; performance standards; and the zoning districts in which to allow these facilities.** Karen Martin, Director of SEDCO, along with Dan Bacon, Town Planner presented the requested amendments to Chapter 405 – Zoning Ordinance. She and Mr. Bacon then gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 the Scarborough Zoning Ordinance to establish a Small Batch Processing Facilities use and definition; performance standards; and the zoning districts in which to allow these facilities and schedule a public hearing and second reading upon the filing of the Planning Board recommendations, as follows:

**SCARBOROUGH PLANNING DEPARTMENT**

To: Town Councilors and Tom Hall, Town Manager  
From: Karen Martin, Executive Director of SEDCO and Dan Bacon, Planning Director  
CC: Long Range Planning Committee  
Date: June 24, 2015

**New Zoning Tools to Enable  
Small Batch Processors and Production**

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Similar to the initiative to broaden where contemporary food processing and production is allowed in town to include the Haigis Parkway (HP) District, SEDCO, the Planning Department and the Long Range Planning Committee (LRPC) have also been partnering to examine the trends and market demand for commercial space for smaller processing and production businesses. Through our review, it is evident that smaller scale food and drink production as well as other producers of small lots of consumer goods (jewelry makers, furniture makers, clothing designers, art studios etc) are on the rise. Further, many of these small-scale processors are types of businesses that may be fitting and appropriate in our commercial zones, where they can provide some retail space and can be more integrated into our activity centers. A bakery, coffee producer, craft brewery or furniture maker all come to mind, and many of which are growth industries in greater Portland.

Currently though, small and large processors are generally limited to our Industrial Districts. This creates a challenge for these smaller batch processors, not only because it isn't always the environment they are seeking, but also because our industrial land is already at a premium and our vacancy rates are some of the lowest in the state, so there is often little suitable space available.

To address this issue for a growing economic sector, SEDCO and LRPC have crafted a new use definition that categorizes these small scale processing businesses as well as a set of performance standards that limit their size, scale and operations, and provide a review process to ensure they fit in with surrounding businesses and properties.

More specifically the zoning proposal does the following:

- Establishes a definition for “Small Batch Processing Facilities”
- Establishes performance standards for small batch processing facilities that limits the size of these uses to 5,000 square feet or less and gives the Planning Board the review authority to ensure they are compatible with adjacent uses and properties. These performance standards include consistency with the Town’s commercial design standards; review and limitations on truck traffic; limitations on outdoor storage and activities; and standards for noise, odors, emissions and the like.
- Allows this new use in our business districts (the B2, B3, HP and BOR Zones) and our more commercially focused mixed use districts (TVC, CPDD and RH Zones)

This zoning proposal is intended to be a measured and controlled allowance for these small processing and production businesses that have the desire and ability to be compatible in our commercial, retail and mixed use areas, while reserving our industrial zones for the larger or more impactful processors where aesthetics and compatibility are less of a concern.

Thank you.

**Proposed Amendment to the Zoning Ordinance  
to Establish Small Batch Processing Facilities  
and Performance Standards**

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. Amend Section VI. DEFINITIONS by adding, in proper alphabetical order, a definition for Small Batch Processing Facilities to read:

**Small Batch Processing Facilities:** A category of a food processing facility or light industrial use that processes, produces or assembles small lots of consumer goods. Processors in this category include, but are not limited to, clothing design and production, small batch food production, craft brewers, jewelry makers and other product lines that have an element of handcrafted design or hand-made production. Small batch processing facilities shall not include the production or processing of medical marijuana.

2. Amend SECTION IX. PERFORMANCE STANDARDS by adding a new performance standard subsection M.3. as follows (additions are underlined; deletions are struck through):

**M.3. PERFORMANCE STANDARDS – SMALL BATCH PROCESSING FACILITIES**

Small batch processing facilities may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the following performance standards and requirements:

1. Small batch processing facilities shall be limited to no greater than 5,000 square feet of floor area including any accessory uses, such as a retail area, a tap room, sampling area, storage or warehousing;

2. The design and external appearance of the small batch processing facility and site improvements will constitute an attractive and compatible addition to the neighborhood, shall be of a scale of, and compatible with, other non-residential uses allowed in the same zone, and will be consistent with the Design Standards for Scarborough's Commercial Districts;

3. The facility will not create any unhealthy or offensive odor, emissions, dust or other airborne discharges;

4. The facility will not include any outdoor storage of equipment, materials or processing byproduct or waste;

5. The facility will not create any offensive noise or vibration, heat or glare to abutting landowners; and

6. The facility will not create unsafe traffic conditions or a volume of truck traffic in excess of other non-residential uses allowed in the same zone that would either adversely affect neighborhood character or be incompatible with abutting properties or uses.

3. Amend Sections XVIII.A. TOWN AND VILLAGE CENTERS TVC; XVIII.B. HAIGIS PARKWAY DISTRICT HP; TOWN AND VILLAGE CENTERS 4 DISTRICT TVC4; XIX REGIONAL BUSINESS DISTRICT B2; XIX.A. GENERAL BUSINESS DISTRICT B3; XX BUSINESS OFFICE-RESEARCH DISTRICT BOR; XX.A. RUNNING HILL – GORHAM RD DISTRICT RH; and CROSSROADS PLANNED DEVELOPMENT DISTRICT CPD to add Small Batch Processing Facilities to the list of permitted uses in each zoning district (additions are underlined; deletions are struck through):

Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.

Vote: 6 Yeas.

**Order No. 15-062. First reading on an order designating the Avesta Housing Affordable Housing Municipal Development and Tax Increment Financing District and Adopting the development program for such District and schedule a public hearing and second reading for Wednesday, September 2, 2015.** Thomas J. Hall, Town Manager, gave a brief overview on the proposed order relating the Avesta Housing Affordable Housing Municipal Development and Tax Increment Financing District and Adopting the development program for such District.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the first reading on an order designating the Avesta Housing Affordable Housing Municipal Development and Tax Increment Financing District and Adopting the development program for such District and schedule a public hearing and second reading for Wednesday, September 2, 2015, as follows:

**AN ORDER DESIGNATING THE AVESTA HOUSING AFFORDABLE HOUSING MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT**

**WHEREAS**, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specified area or areas within the Town as an affordable housing municipal development and tax increment financing district and adopt a development program for such district; and,

**WHEREAS**, there is a need for the development of affordable, livable housing and the containment of the costs of unplanned growth in the Town of Scarborough, in the surrounding region, and in the State of Maine; and;

**WHEREAS**, the designation of the District and implementation of the Development Program will help to improve and broaden the tax base in the Town of Scarborough and improve the economy of the Town of Scarborough and the region by attracting business development to the Town; and,

**WHEREAS**, the Town has held a public hearing on the question of establishing the District, in accordance with the requirements of 30-A M.R.S.A. § 5250, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and.

**WHEREAS**, the Town desires to designate the *Avesta Housing Affordable Housing Municipal Development and Tax Increment Financing District* (the “District”) and adopt a development program for the District (the “Development Program”); and,

**WHEREAS**, the Development Program includes a description of the Credit Enhancement Agreement the Town desires to enter into with the developer of the project to be located in the District on terms that include a split of tax increment financing revenues of 50% to the Town and 50% to the developer for a term of seventeen (17) years; and,

**WHEREAS**, it is expected that approval will be obtained from the Maine State Housing Authority (“MaineHousing”) approving the designation of the District and the adoption of the Development Program for the District; and,

**NOW THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF SCARBOROUGH, MAINE:**

**Section 1.** The designation of the District and pursuit of the Development Program will create affordable, livable housing within the Town of Scarborough, and therefore constitutes a good and valid public purpose.

**Section 2.** Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates *Avesta Housing Affordable Housing Municipal Development and Tax Increment Financing District* and hereby adopts the Development Program for the District described as more particularly set forth in the documents presented to the Town Council in conjunction with this Order.

**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in accordance with the Development program is hereby established as set forth in the Development Program.

**Section 4.** The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to MaineHousing for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and further is authorized and directed to execute a Credit Enhancement Agreement consistent with the provisions of *Avesta Housing Affordable Housing Municipal Development and Tax Increment Financing District* Development Program as presented and approved herein and to create the accounts and take all the actions

described in such agreement, if and when the Town Manager is presented with a written copy of the MaineHousing “Notice to Proceed” with respect to the Project to be located in the District.

**Section 5.** The Town Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the District by MaineHousing, or for any other reason, so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program. The Town Manager is also hereby authorized and directed to submit any reports to MaineHousing regarding the District and Development Program throughout the term of the District.

**Section 6.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the proposed District by MaineHousing without requirements of further action by the Town, Town Council or any other party.

**Section 7.** The Town hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for residential use, blighted area or is in need of rehabilitation or redevelopment; and,
- b. the total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town, and the total area of all development districts within the Town does not exceed five percent (5%) of the total acreage of the Town; and,
- c. The original assessed value of the District plus the original assessed value of all existing affordable housing development districts within the Town does not exceed five percent (5%) of the total acreage of the Town.
- d. The District and pursuit of the Development Program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town has considered all evidence, if any, presented to it with regard to any substantial detriment to another party’s existing property interests in the Town and has found and determined that such interested party’s property interests in the Town are outweighed by the contribution made by the District or Development Program to the availability of affordable housing within the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

**Section 8.** The Town Manager is authorized to file the yearly reports required by Title 30-A M.R.S.A. §5250-E and otherwise to take all lawful actions required in the administration of the District and Development Program.

Dated First Reading: August 19, 2015

Dated Second Reading: September 2, 2015

Vote: 6 Yeas.

**Order No. 15-063. Act on the review of a dangerous building located at 341 U.S. Route One and schedule a public hearing for Wednesday, September 16, 2015, pursuant to Title 17 M.R.S.A. §2581.** Thomas J. Hall, Town Manager, gave a brief overview on this Order noting that the property owner is willing to sign a “Consent Agreement” with the Town, which would not require a public hearing and recommended that the Council replace the information that had been received in the Council Packet with the Order that had been presented this evening.

Councilor Babine asked to be recused due the property owner being a very dear friend and felt that he could be unbiase; however, he felt that he would not to be part of the discussion and vote on this Order.

Motion by Councilor St. Clair, seconded by Councilor Blaise to recuse Councilor Babine from being part of the discussion and vote on this Order.

Vote: 5 Yeas.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval to replace Order No. 15-63 that was received in the Town Council Packet with the following new Order No. 15-63 as described by the Town Manager and as follows: It is hereby ordered that the Town Manager is authorized, at his discretion in consultation with the Zoning Administrator, to enter into an agreement for the removal of the dangerous building located at 341 Route One, Scarborough, Tax Map U039, Lot 049 (the “Itsa Good Motel”) pursuant to 17 M.R.S.A. 2858, and to take all actions necessary to effect the removal pursuant to such agreement, or to otherwise schedule a public hearing for October 7, 2015, pursuant to Title 17 M.R.S.A. §2581.

Brian Longstaff, Zoning Administrator, gave a quick overview on the events that had taken place that led to this order this evening.

Vote on Main Motion: 5 Yeas.

**Order No. 15-064. Act on the request from the Scarborough Senior Advisory Committee to increase the number of members to seven with two alternates, for a total of nine members.** Motion by Councilor Babine, seconded by Councilor St. Clair, to move approval on the request from the Scarborough Senior Advisory Committee to increase the number of members to seven with two alternates, for a total of nine members, as follows:

**CHAPTER 302A  
TOWN OF SCARBOROUGH  
TOWN COMMITTEES/BOARDS MANUAL**

Be it hereby ordained, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302A - the Town of Scarborough Town Committees/Boards Manual is amended as follows:

**SENIORS PROGRAM ADVISORY BOARD**

[Adopted September 5, 2007, Amended October 1, 2008]

**Established**

The Seniors Program Advisory Board is hereby established.

**Purpose**

Provide directional advice for development of seniors programs and services to the Seniors Program Coordinator.

## **Organization and/or Membership**

### **Appointment & Qualifications**

- Shall have ~~five [5]~~ seven [7] voting members ~~one [1]~~ two [2] alternate members.
- Members will be appointed by the Town Council in three-year terms.
- The terms shall be staggered.
- Members shall serve without pay.
- Community members should have expertise in the following areas as they pertain to senior interests:
  - Activities
  - Education
  - Intergenerational
  - Health and Wellness
  - Outreach
  - Communications
  - Funding
  - Transportation
  - Facilities
- The ~~one [1]~~ two [2] alternate members shall serve according to Article I – General - Alternates on page 2 of this manual.

### **Duties and Powers**

- Meet at a consistent time agreed upon by members of the Board to discuss the planning, development, and implementation of senior programs, taking into consideration the monthly volunteer committee reports presented to the Board by the Seniors Program Coordinator.
- Review budget at all meetings.
- Special subcommittees of the Board shall be created by the Board as needs arise.
- Conduct periodic reviews of Senior Center Without Walls programs and services using data such as attendance records, cost analysis, and program evaluations.
- In cooperation with the Seniors Program Coordinator, develop an annual work plan for the Senior Center Without Walls.
- Keep accurate records of monthly meetings to be filed with the Seniors Program Coordinator.

### **Procedures**

- The Board shall conduct its meetings using Robert's Rules of Order or such other rules of procedure as the Board may adopt from time to time.
- Any recommendations or advice issued by the Board must come out of a majority decision.
- Five members of the Board constitute a quorum at any regular or special meeting.
- All meetings are open to the public and shall be advertised as required.

### **Chair and Vice-Chair**

- A Chair and Vice-Chair shall be elected by the Board each year during the August meeting.
- The Chair shall preside at all meetings of the Board, represent the Board at public affairs, and shall maintain the dignity and efficiency of the Board in all possible ways.

- The Chair may cancel a monthly meeting of the Board should there be no business to transact.
- The Chair may call a special meeting of the Board.
- The Vice-Chair shall have all duties of the Chair, should the Chair be unable, for any reason, to fulfill his or her duties, whether on a one-time basis or long term.
- The Vice-Chair will be responsible for keeping meeting minutes.

Vote: 6 Yeas.

**Order No. 15-065. Act on the request to certify the results of the School Budget Validation Referendum that was held on Tuesday, August 4, 2015.** Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval to certify the results of the School Budget Validation Referendum that was held on Tuesday, August 4, 2015, as follows:

Yes:	1,679	No:	1,053	Voids:	22
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Total Votes casts: 2,754      Percent of Voter Turnout: 18%

Vote: 6 Yeas.

**Order No. 15-066. Act to authorize the use of Land Bond Funds for the Historic Preservation of the “Danish Village Archway” in an amount not to exceed \$25,000.** Thomas J. Hall, Town Manager, gave a brief overview on this recommendation.

Motion by Councilor Babine, seconded by Councilor St. Clair, to move approval to authorize the use of Land Bond Funds for the Historic Preservation of the “Danish Village Archway” in an amount not to exceed \$25,000.

Vote: 6 Yeas.

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

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

- Councilor Babine gave a brief overview on the Finance Committee that had been held on Tuesday, August 18<sup>th</sup>. Upcoming meetings are posted on the Town’s website. A few topics for discussion would a review on legal services and audit services.
- Councilor Donovan gave a brief overview on the Senior Property Tax Program and changes that needed to be made at the State level and were not made. He then worked with a fellow resident who is an attorney to work on an ordinance for property tax assistance that would work for Scarborough.
- Councilor Caterina gave an update on the Conservation Commission as well as the Long Range Planning Committee.
- Councilor St. Clair noted that the Ordinance Committee that had been scheduled for this month had been postponed to September. The discussion would be on the Fireworks Ordinance.
- Council Blaise gave an update on the Eastern Trail Management Meeting.
- Council Chair Holbrook gave an update on the Housing Alliance Committee as well as the Historic Implementation Committee.

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

- Two public hearing with DMR on the renewal and expansion requests of two aquaculture leases located in the Scarborough River.

- Planning Staff and Public received a grant to study Philips Brook and develop a watershed plan similar to Red Brook Watershed area.
- The Supreme Judicial Court would be hearing appeals at the Scarborough High School on Tuesday, October 8<sup>th</sup> the start time is 9:00 a.m.
- Noted the Flyer on Summerfest that had been given to the Council this evening. The event is scheduled for Friday, August 21<sup>st</sup> from 5:00 to 10:00 p.m. with a rain date of Saturday, August 22<sup>nd</sup> – same time.

**Item 11. Council Member Comments.**

- Councilor St. Clair wished a Happy Birthday to Councilor Caterina. She then went on to comment further on the Fireworks Ordinance and how residents are having issues in their neighborhoods.
- Councilor Caterina thank everyone for the birthday greetings.
- Councilor Donovan felt the Budget season was terribly long and felt that everyone learned a lot as well. He would not eliminate the “Golden Locks” question as he felt the Council needed this information to see how the voters felt.
- Councilor Babine thanked the Council for allowing him to recuse. Happy Birthday to Councilor Caterina and nomination papers are available for local offices.
- Council Chair Holbrook sent condolences to the families of Gertrude Pooler, Ramzi Karam, Peter Vanier, Will Hale, Robert Doherty and Emma Googins. Councilor Caterina also sent condolences the family of Stanley Mattatall.

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

Vote: 6 Yeas.

Meeting Adjourned at 8:38 p.m.

Respectfully submitted,

Yolande P. Justice  
Town Clerk