

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

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

Shawn A. Babine, Vice-Chair	Katherine A. St. Clair
Robert W. Rowan	Peter F. Hayes
Jean-Marie Caterina	Christopher J. Caiazzo
William J. Donovan, Chairman	

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

Item 5. Minutes: November 18, 2015 – Regular Meeting. Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the minutes of the November 18, 2015, regular Town Council meeting.

Vote: 7 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. 15-093, 7:00 p.m. Public hearing and action on the new request for an Innkeepers License and a Food Handlers from Portland Hospitality, LLC d/b/a Candlewood Suites Portland, located at 700 Roundwood Drive. Chairman Donovan opened the public hearing. There being no comments either for or against, the hearing was closed at 7:02 p.m.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the new request for an Innkeepers License and a Food Handlers from Portland Hospitality, LLC d/b/a Candlewood Suites Portland, located at 700 Roundwood Drive.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 15-084. Second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a new Section XVI.B. Higgins Beach Character-Based Zoning Districts and Building Standards. Dan Bacon, Town Planner gave a brief overview on this Order and the following two orders [Order 15-085/15-086] and responded to questions from the Town Council.

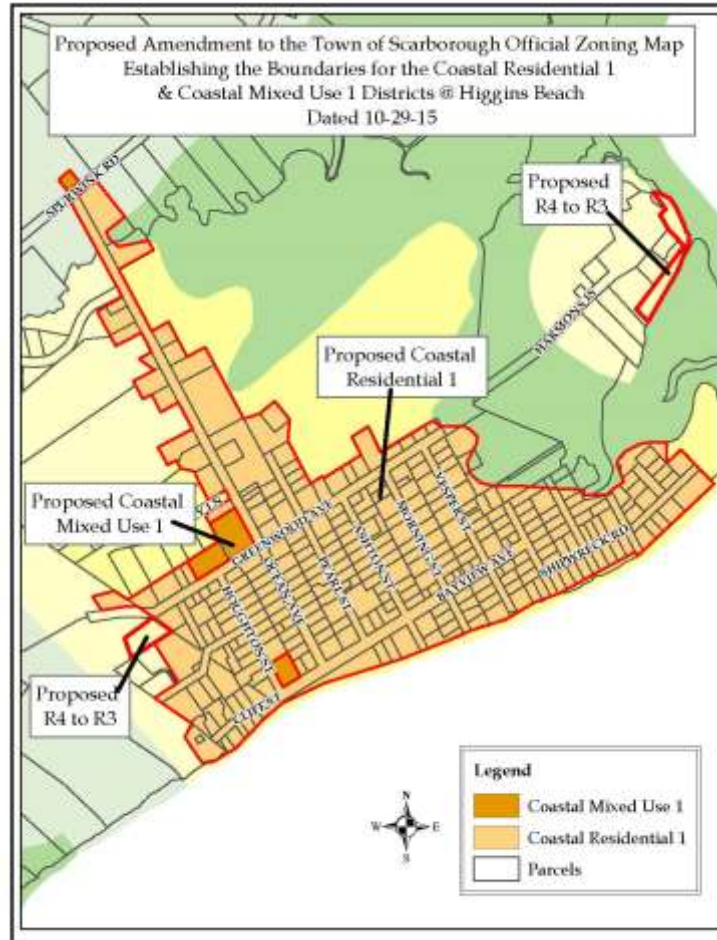
Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a new Section XVI.B. Higgins Beach Character-Based Zoning Districts and Building Standards.

Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval to amend the motion to approve the final draft dated November 24, 2015, and as presented by the Town Planner.

Vote on amendment: 7 Yeas.

Vote of 7 Yeas on main motion as amended. Approved document is attached herewith.

Order No. 15-085. Second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts. Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the proposed [redacted] to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts, as follows:



Vote: 7 Yeas.

Order No. 15-086. Second reading on the proposed amendments to Chapter 405C, the Town of Scarborough Shoreland Zoning Ordinance to address the development coverage allowance in the Higgins Beach area. Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the proposed amendments to Chapter 405C, the Town of Scarborough Shoreland Zoning Ordinance to address the development coverage allowance in the Higgins Beach area, as follows:

**Amendment to the Shoreland Zoning Ordinance
regarding Development Coverage at Higgins Beach**

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

Amend Section 14.B.4 as follows (additions are underlined; deletions are struck through):

4. The total footprint area of all structures, parking lots, driveways and other nonvegetated surfaces within the Shoreland Zone shall not exceed twenty (20) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed except as provided for in the following subsections:

a. In the Shoreland Overlay District, when the property is located east of the railroad right-of-way and the underlying zoning district is the Town and Village Centers Pine Point District – TVC-4 and/or the Industrial Overlay District – I-O, the total footprint area shall not exceed seventy-five (75) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed. (amended 09/05/2012)

b. The total footprint area for functionally water-dependent uses shall not exceed seventy (70) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed. (amended 09/05/2012)

c. In the Shoreland Overlay District, when the property is also located in the Coastal Residential 1 (CD-CR1) District or Coastal Mixed Use-Limited (CD-CML) District, the total footprint area shall not exceed thirty-five (35) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 15-094. First reading and refer to the Planning Board for a public hearing the proposed amendment to Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine – Section XVIII. Town and Village Centers District - Subsection C. Permitted Uses, Conventional and Planned Developments Residential Uses. Dan Bacon, Town Planner, gave a brief overview on this Order and responded to questions from the Town Council.

Elliott Chamberlain of Nottingham Drive thanked the Long Range Planning Committee and really appreciated their work on this. The one area that we have not been able to address is the smaller units in more than one building. We find that those who can afford to buy they would rather rent than buy. They have to be built affordable to the market. He further stated that when looking at a townhouse would be a two bedroom and no more than 8 units long.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the first reading and refer to the Planning Board for a public hearing the proposed amendment to Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine – Section XVIII. Town and Village Centers District - Subsection C. Permitted Uses, Conventional and Planned Developments Residential Uses and schedule a public hearing upon the filing of recommendations from the Planning Board; as follows:

**Proposed Amendment to the Zoning Ordinance
Regarding Multi-Family Housing in the Town and Village Center District (TVC)**

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:

Amend SECTION XVIII. TOWN AND VILLAGE CENTERS DISTRICT subsection C. as follows (additions are underlined; deletions are struck through):

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS
RESIDENTIAL USES

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

1. Multifamily dwellings, ~~limited to no more than twelve (12) dwelling units per building~~
2. Multiplex dwellings
3. Townhouses, limited to no more than eight (8) dwelling units per building
4. Senior housing

MIXED USES

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

5. Dwelling units in 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) of this Ordinance.

Vote: 7 Yeas.

Order No. 15-095. Act on the recommendations for Council Chair Liaison Committee/Board Appointments. Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the Council Liaison and Committee/Board Appointments as follows:

2016 Council Standing Committee Appointments

Appointments Committee

Councilor St. Clair – Chair
Councilor Caiazzo
Councilor Rowan

Fair Hearing Authority

Councilor St. Clair – Chair
Councilor Donovan
Councilor Caterina

Rules & Policies Committee

Councilor Hayes - Chair
Councilor Babine
Councilor Rowan

Finance Committee

Councilor Babine - Chair
Councilor Hayes
Councilor Caiazzo
Chairman Donovan - Alternate

Ordinance Committee

Councilor Caterina – Chair
Councilor St. Clair
Councilor Rowan
Chairman Donovan – Alternate

Council Liaison Appointments:

ADA Advisory:

Councilor Rowan

Chamber of Commerce:

Councilor Caterina
Alternate: Councilor Babine

Communications:

Councilor Caterina

Board of Education:

Councilor Caiazzo

Coastal Harbor Committee:

Councilor Hayes

Conservation Commission:

Councilor Hayes

Eastern Trail Committee:

Councilor Babine

Energy Committee:

Councilor Caiazzo

Health Safety & Security Advisory Committee:

Councilor St. Clair

Housing Alliance Committee:

Councilor Rowan

Long Range Planning Committee:

Councilor Caterina

SEDCO Board:

Councilor Babine

[Alternate: Councilor Rowan]

Shellfish Conservation Commission:

Councilor Hayes

Employee Incentive Committee:

Chairman Donovan

Firing Range Committee:

Councilor Caterina

Historic Preservation Committee:

Councilor Rowan

Library Board:

Councilor Babine

Planning Board:

Chairman Donovan

Senior Advisory Committee:

Councilor Hayes

[Alternate: Councilor Rowan]

Transportation Committee:

Councilor Hayes

Outside Committees/Boards:

COG - General Assembly:

Councilor Babine

Ecomaine Board:

Mike Shaw, Public Works Director -Term expires 2016

Councilor Babine - Term expires 2016

MMA Legislative Policy Committee:

Councilor Caterina [Alternate - Chairman Donovan]

PACTS Policy Committee:

Councilor Caterina

[Alternates: Thomas J. Hall, Town Manager and Dan Bacon, Town Planner]

Vote: 7 Yeas.

Order No. 15-096. Act on the request to approve the new Town of Scarborough Outside Agency Funding Policy. Thomas Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval on the request to approve the new Town of Scarborough Outside Agency Funding Policy, as follows:

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval to amend the main motion to have this policy reviewed annually.

Vote on Amendment: 7 Yeas.

Main Motion as Amended:

**Town of Scarborough
Outside Agency Funding Policy
[Adopted December 2015]**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the new Outside Agency Funding Policy is hereby adopted as follows:

Introduction - The Scarborough Town Council may fund outside agencies in a given fiscal year that meet the criteria set forth herein.

Program Eligibility - Requests will only be considered from agencies that are Scarborough-based and whom provide the majority of their services to Scarborough residents.

The services must meet a documented material need(s) of the Scarborough community, such as food, shelter, safety or healthcare. Needs shall be identified annually by reviewing 2-1-1 call data or by other methods such as surveys.

Application Required- Applicants must submit a proposal to the Town Manager outlining the specific financial request and detailed rationale in support of each request.

Evaluation of Applications- The following are additional evaluation criteria:

- The program or service reduces costs to the Town;
- The program or service will be more cost-effective than a Town administered program due to volunteerism, other aid grants, or other means;
- The program or service will provide quality, non-discriminatory service that demonstrates qualities such as cooperation between providers or innovation;
- The applicant has material support from other sources;
- Funds shall be used for program activities, not capital expenses.

Process for Determining Awards - The following process shall be employed to determine awards under this program:

The Town Manager shall present recommendations to the Town Council in conjunction with the submission of a proposed budget. Approval shall occur through the budget approval process. In presenting recommendations it is within the discretion of the Town Manager to give such weight as the Town Manager deems appropriate to the program eligibility criteria.

Annual Evaluation – All awards will be reviewed to determine if expected outcomes were achieved. The results of the evaluation will be considered in the evaluation of future awards.

Review of Policy – This Policy will be reviewed on an annual basis.

Vote 7 Yeas.

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

Item 9. Standing and Special Committee Reports and Liaison Reports. None at this time.

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

- The Avesta Housing Group did not get the funding from the State; however, there is a second chance for funding and the Group will be re-submitting its application.
- The Tree Lighting would be held this Saturday, December 5th at 5:00 p.m. in Memorial Park.
- He thanked the Council for being able to attend the forum earlier this evening and looks forward to working with the Council.

Item 11. Council Member Comments.

- Councilor Babine thought the retreat that had been held earlier was successful. He encouraged residents to adopt a fire hydrant for the winter season.
- Councilor Rowan thanked the Murphy Family for collecting food over Thanksgiving for the backpack program. He noted that he had a tour of public safety and public works and thanked Public Works Director and both Chiefs. He went on to thank the Chairman Donovan and the Town Manager for the Council Retreat.
- Councilor Caterina also thanked everyone for attending the Councilor Retreat. She found it very helpful. The tree lighting is scheduled for Saturday, December 5th at 5:00 p.m. in Memorial Park. She thanked the organizers of the Scarborough Kindness Project – to find out more about this group they have their own Facebook page. She acknowledged Stephanie Cox, Director of Project GRACE was present and wanted to remind the residents not to forget the fuel assistance program. There are Clynk Bags located in the Clerk's Office – proceeds go to the fuel assistance program. She commented on Project HOPE and that she also attended the forum along with State Representation.
- Councilor St. Clair also spoke on Project HOPE, noting that there are no facilities in the State of Maine; therefore, we have to send them out of state.
- Councilor Hayes also thanked everyone for investing the time for the retreat. He too attended the meeting on Project HOPE adding that there were three recovering addicts that spoke – it was really impactful.
- Councilor Caiazzo thanked Chairman Donovan for the committee assignments. He thanked everyone for the effort today felt there had been a great process. He and Councilor Caiazzo would be hosting a Coffee on Sunday, December 6th at 11:00 a.m. at Scarborough Grounds and urge residents to come out. He had met with Fire Chief Thurlow, Police Chief Moulton and Public Works Director Mr. Shaw, it is eye opening to how efficient the town is run. He wanted to reiterate that there are no town funds being used for Project HOPE, all donations.
- Chairman Donovan mentioned the Council retreat. He noted that the City of Portland had also implemented a Project HOPE program. Scarborough was the leader in this.

Item 12. Adjournment. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to adjourn the regulars meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:29 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk