

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 17, 2008
REGULAR MEETING – 7:30 P.M.

Item 1. Call to Order. Chairman Messer called the regular meeting of the Scarborough Town Council to order at 7:31 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens, Town Manager, was also present.

Ronald D. Ahlquist, Vice Chair	Michael J. Wood
Carol S. Rancourt	Judith L. Roy
Richard J. Sullivan, Jr.	Sylvia J. Most
Jeffrey A. Messer, Chair	

Item 4. Minutes: September 3, 2008 – Special Meeting and September 3, 2008 - Regular Meeting. Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval of the September 3, 2008, special meeting of the Scarborough Town Council, as written.

Vote: 7 yeas.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the September 3, 2008, regular meeting of the Scarborough Town Council, as written.

Vote: 7 yeas.

Item 5. Items to be signed: a. Treasurer's Warrants. Treasurer's warrants were signed during the meeting.

Chairman Messer asked the Council if they would object to take Resolution 08-14 prior to the public hearings. With no objection from the Council, Councillor Roy to read Resolution 08-14 into the record, as follows:

Resolution 08-14. Recognition of the Girls Little League Championship win. Motion by Councillor Roy, seconded by Chairman Messer, to move approval of Resolution 08-14, in recognition of the Girls Little League Softball All Star Team.

RESOLUTION 08-14

Scarborough Girls 11-12 Little League Softball All Star Team

BE IT RESOLVED by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

WHEREAS, the Scarborough Girls Little League Softball All Star Team did invest many hours of training in preparation for the 2008 District 6 Little League Championship; and,

WHEREAS, the Scarborough Girls Little League Softball All Star Team did compete and win the 2008 District 6 Little League Championships; and,

WHEREAS, the Scarborough Girls Little League Softball All Star Team did invest many hours of training in preparation for the 2008 State of Maine Little League Championship; and,

WHEREAS, the Scarborough Girls Little League Softball All Star Team did compete and win the 2008 State of Maine Little League Championship; and,

WHEREAS, the Scarborough Girls Little League Softball All Star Team did invest many hours of training in preparation for the 2008 New England Little League Championship; and,

WHEREAS, the Scarborough Girls Little League Softball All Star Team did compete and win the 2008 New England Little League Championship, being the first Maine 11-12 Little League Softball All Star Team to play in the New England Little League Championship; and,

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council, in Town Council assembled, that the following members of the Scarborough Girls 11-12 Little League Softball All Star Team and their coaches are hereby recognized for the great honor they have brought to their team, their school, their families and the Town of Scarborough. The Scarborough Town Council is proud of their efforts and hard work.

Girls League Age 11: Brenna Kent, Shannon Mars, Danielle Plummer, Samantha Sparda and

Alyssa Williamson

Girls League Age 12: Emily Carpenter, Kate Daniels, Grace Farnkoff, Erin Giles, Sydney Litrocapes, Paige Moore-Haskell and Marisa O'Toole

Coaches: **Bob Williamson**

Phil Kent

Charles Litrocapes

Signed and sealed this the 17th day of September, 2008, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. By Jeffrey A. Messer, Council Chair and attested by Yolande P. Justice, Town Clerk.

Coach Williamson spoke on the accomplished of the team during the season. Council comments were made congratulating the team and thanking the team for bringing such an honor to the Town of Scarborough. Coach Williamson introduced the team and handed out the recognition to each member.

Vote: 7 yeas.

Order No. 08-121, 7:30 p.m. Public Hearing and second reading regarding the Repeal of Town of Scarborough Sewer Assessment Ordinance (Town Center and Eight Corners Development Districts). Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:43 p.m.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the second reading regarding the Repeal of the Town of Scarborough Sewer Assessment Ordinance (Town Center and Eight Corners Development Districts), as follows:

**REPEAL OF TOWN OF SCARBOROUGH
SEWER ASSESSMENT ORDINANCE**

BE IT HEREBY ordained by the Town Council of the Town of Scarborough, Maine in Town Council assembled, as follows:

1. The Town of Scarborough Sewer Assessment Ordinance (Town Center and Eight Corners Development Districts) as adopted on February 1, 1989, ratified on March 8, 1989 and amended on November 7, 1990, is hereby repealed.
2. Notwithstanding Title 1, Section 302, this repeal shall apply to any actions or proceedings pending at the time of the repeal vote.
3. This repeal takes effect at 12:01 A.M. on Thursday, September 18, 2008.
4. This repeal has no effect on any fees, rates or charges imposed by the Scarborough Sanitary District.

Vote: 7 yeas.

Order No. 08-125, 7:30 p.m. Public Hearing on a referendum question, submitted by petition, to amend the Scarborough Zoning Ordinance, Section XIX, Subsection B and D. Chairman Messer stated that prior to the hearing there were a few items that need to be addressed and that this hearing would be continued to Wednesday, September 24, 2008. At this point Rob Crawford, Town Attorney noted that there had been different views taken on this item and went on to give his opinion on the question as proposed by the proponent.

Chairman Messer opened the public hearing. The following individuals spoke on this Order: Mark Maroon of Evergreen Farm Road spoke in opposition of this proposed referendum; Martin Tripp of 26 Ocean Wood Drive spoke in favor of this referendum; Karen D'Andrea of 40 County Road spoke in opposition of this referendum; Jen Mains resident of Westbrook, but a member of a Scarborough Church spoke in opposition; Harvey Rosenfeld, President of SEDCO, spoke in opposition of this proposal; Brian Freccero of 3 Meeting House Road noted that he supports the process and let the voters vote in November; Gary O'Donnell of 19 Pine Ledge Drive does not support this recommendation; Jim Damicis of 11 Hampton Circle opposes the zone change but not the vote; Robert Dyer of 11 Libby Street supports the proposal; Sara Nehila of 97 Holmes Road supports the proposal and invited the Council to open Farm Day on October 19th from noon to 4:00 p.m.; Tom Beals of 4 Juneberry Lane spoke in opposition to this proposal; Bob Tourangeau of 1 Burnham Woods Circle spoke in favor of this referendum; Abbie Ordway of 11 Burnham Woods Circle spoke in opposition; Rick Loisel of 7 Sextant Lane spoke in opposition; Art Dillion of 180 Black Point Road spoke in opposition; Gene Beaudoin – developer of certain areas of the Haigis Parkway and of this proposal, spoke on the opportunity that this proposal would bring; David Benaman of 105 Spurwink Road spoke in opposition; Harry White of 135 Running Hill Road spoke in opposition and Fred Kilfoil resident of Portland spoke in opposition of this item.

A five-minute recess was called by the Council Chair. Chairman Messer reconvened the meeting at 9:12 p.m.

OLD BUSINESS:

Order No. 08-94. Second reading on the proposed amendments to Chapter 405, the Zoning Ordinance to establish a Running Hill Mixed Use District (RH). Dan Bacon, Town Planner, gave a brief overview on this Order as well as the on Order No. 08-95. The following individuals spoke on this Order: Harry White of 135 Running Hill Road indicated that he could not locate the changed documents on the website and could not address the changes and Frank Smart of 25 New Road voiced concerned regarding the traffic issue.

Motion by Chairman Messer, seconded by Councillor Wood, to move approval of the second reading and substitute the new draft dated September 12, 2008, as the working document on the proposed amendments to Chapter 405, the Zoning Ordinance to establish a Running Hill Mixed Use District (RH).

Councillor Most read the following into the record for those who wanted to know what changes had been made since this document was brought to the Council:

Overview of Revisions to the RH District, RH2 District and Zoning Map Amendments since First Reading

Since the Town Council's first reading of the proposed Running Hill Mixed Use District (RH), Running Hill Transition District (RH2) and the Zoning Map amendments for these districts, the Council, Planning Board and CPIC have received and considered a number of comments and questions regarding the zones at the three public hearings that have been conducted. This memo outlines the changes that have been made to the two zoning districts and the zoning map

in response to public, Town Council and Planning Board comment:

Revisions to the Running Hill Mixed Use District (RH)

The RH District version dated August 14, 2008 and presented at the two Town Council Public Hearings included the following changes:

- Concerns were expressed about existing single-family homes becoming non-conforming uses and limiting expansion of existing dwellings. Single family dwellings existing as of September 1, 2008. were added as permitted uses.
- A property owner questioned why the zone specified that Running Hill Road be a landscaped boulevard. That language in the zone was deleted.
- Concerns were expressed about the RH District allowing buildings taller than 45' in height on the north side of Running Hill Road, but not on the south side. The zoning standards were changed to enable the Planning Board to allow buildings up to 60' in height on both sides of Running Hill Road if the development is reviewed as a planned development and meets standards relating to visual impacts.

The RH District version dated September 12, 2008 that is being provided to the Town Council for 2nd reading includes the following changes in addition to the three listed above:

- Comments were made about ensuring existing properties can continue uses that are allowed in the current RF District, but not in the proposed RH District. "General purpose farming" existing as of September 1, 2008 as been added to the list of permitted uses so that any farming activities that are currently occurring in this zone can continue without becoming non-conforming.
- Harry White's e mail dated 8 29 08 to the Town Planner and Town Council Chair expressed opposition to the 30' minimum building height requirement. CPIC has revised this minimum height requirement to 20' for buildings reviewed as a conventional development and have also
- changed the provision for building height in planned developments to enable applicants to propose single story buildings and the Board to approve them if the development meets the planned development standards.

Revisions to the Running Hill Transition District (RH2)

The RH2 District version dated August 14, 2008 and presented at the two Town Council Public Hearings included the following changes:

- A property owner questioned why the zone specified that Running Hill Road be a landscaped boulevard. That language in the zone was deleted.

The RH2 District version dated September 12, 2008 that is being provided to the Town Council for 2nd reading includes the following changes in addition to the change listed above:

- Comments were made about ensuring existing properties can continue uses that are allowed in the current RF District, but not in the proposed RH2 District. “General purpose farming” existing as of September 1, 2008 as been added to the list of permitted uses so that any farming activities that are currently occurring in this zone can continue without becoming non-conforming.
- Comments were received by Councilor Roy suggesting that a range of permitted non residential and community type uses be either eliminated or reclassified as special exception uses. CPIC carefully considered these comments and agree that placing non municipal government offices, nonresidential institutional uses, funeral homes, schools, libraries and museums under the special exception category is a fitting change for this district. The committee felt that a reorganization of how group day care homes, day care facilities and nursery schools are listed was necessary but felt these uses should remain as permitted uses in the zone given that these businesses are often well suited for the reuse of existing homes and that they are generally compatible with residential uses and can act as good transitions from commercial to residential areas.

Revisions to the Running Hill Zoning Map

The Running Hill Zoning Map version dated August 11, 2008 was presented at the two Council public hearings and includes the following changes from 1st Reading:

- Left the rear of the lot adjacent to the New Road homes (Mar R35 Lot 9) zoned RF to provide a transition to the New Road properties.
- Included one additional lot on the south side of the Running Hill Road (the Arbo lot Map R35 Lot 20B) in the RH2 district per the request of that lot owner.
- Changed the last two lots at the westerly end of the RH District on the north side of Running Hill Road (Map R36 Lots 2 & 3) from RH to RH2 to provide a transition to the adjacent RF area.

The RH District with the revision date September 12, 2008, the RH2 District with revision date September 12, 2008 and the Running Hill Zoning Map Amendment with the revision date August 11, 2008 all include the above updates and CPIC recommends these versions to the Town Council for 2nd Reading.”

Main Motion:

Proposed Amendment to Chapter 405, The Zoning Ordinance

WHEREAS, the Town's adopted Comprehensive Plan proposes a new mixed use growth area in the Running Hill Road area of Scarborough;

AND WHEREAS, a RH District needs to be established to accomplish this,

AND WHEREAS, the Town desires to make the changes in the Zoning Ordinance necessary to bring it into conformance with the adopted Comprehensive Plan,

THEREFORE BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Zoning Ordinance, is amended as follows:

Add a new Section XXXA. RUNNING HILL MIXED USE DISTRICT (RH) to read:

Section XXA. RUNNING HILL MIXED USE DISTRICT, RH

A. PURPOSE

To provide for and encourage the Running Hill area 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, 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 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 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 VIIE. Planned Development of this Ordinance.

3. New Parcels. 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

MIXED USES

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

6. 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
7. Live/Work Units
8. 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
9. Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses
10. Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses

NON-RESIDENTIAL USES:

11. Professional offices
12. Business services and business offices
13. Financial, insurance and real estate offices
14. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
15. Health clubs
16. Non-municipal government offices
17. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
18. Funeral homes
19. Place of worship
20. Group day care homes, day care facilities, and nursery schools
21. Accessory uses (excluding outdoor storage)
22. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
23. Municipal buildings and uses
24. Elementary and secondary schools
25. Libraries and museums
26. 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

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	200 for lots abutting Running Hill Road; 50 for lots not abutting Running Hill Road	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting Running Hill Road; 50 for lots not abutting Running Hill Road	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	30 or the height of the building fronting Running Hill Road, whichever is greater	15 ^{1&2}
All other streets	10	15 ^{1&2}
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of Section XIV., the RF District shall apply	

¹When 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.

² When a site abuts a residential district the minimum yard 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; for lots not abutting Running Hill Road 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; for lots not abutting Running Hill Road 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 – Buildings	30 or the height of the building fronting Running Hill Road, whichever is greater	15 ^{1 & 2}
All other streets	10	15 ^{1 & 2}

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. 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 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 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.

The Planning Board may allow a development 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. are both used, the additional dwelling units permitted under F.3. 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, the streetscape of Running Hill Road, 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. 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 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 Road is critical to establishing an attractive gateway into the Town of Scarborough. Buildings fronting Running Hill Road 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 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 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 corridor.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill Road corridor as well as to establish an attractive gateway 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 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 Road. 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 Road 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 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 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 this district shall be served by public sewer. 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 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 Road Streetscape – The streetscape along Running Hill Road is critical to establishing an attractive gateway 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 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 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 streetscape along Running Hill Road 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 Road and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill 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 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 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 Running Hill Rod 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 Road, the Planning Board may permit off-street parking to be located between the building and 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 shall be strictly controlled to limit the number of curb cuts on 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.

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 Road or internal streets to meet the standards of subsection (I) and further the purpose of this district.

Vote: 7 yeas.

Order No. 08-95. Second reading on the proposed amendments to Chapter 405, the Zoning Ordinance to establish a Running Hill Mixed Use District (RH2). Dan Bacon, Town Planner, gave a brief overview on this Order. Martin Feeney of 99 Running Hill Road voiced concern about any proposed changes regarding small businesses.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the second reading and substitute the working document as presented, on the proposed amendments to Chapter 405, the Zoning Ordinance to establish a Running Hill Mixed Use District (RH2), as follows:

PROPOSED AMENDMENTS TO CHAPTER 405, ZONING ORDINANCE

WHEREAS, the Town’s adopted Comprehensive Plan proposes a new mixed use growth area in the Running Hill Road area of Scarborough;

AND WHEREAS, a RH2 District needs to be established to accomplish this,

AND WHEREAS, the Town desires to make the changes in the Zoning Ordinance necessary to bring it into conformance with the adopted Comprehensive Plan,

THEREFORE BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Zoning Ordinance, is amended as follows:

Add a new Section XXXB. RUNNING HILL TRANSITION DISTRICT (RH2) to read:

SECTION XXB. RUNNING HILL 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 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 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 VIIE. Planned Development of this Ordinance.

3. New Parcels. 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
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

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	200 for lots abutting Running Hill Road; 50 for lots not abutting Running Hill Road	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting Running Hill Road; 50 for lots not abutting Running Hill Road	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	30 or the height of the building fronting Running Hill Road, whichever is greater	15 ^{1 & 2}
All other streets	10	15 ^{1 & 2}

¹When 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.

²When a site abuts a residential district the minimum yard shall be 50ft. 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 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 (sq. 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; or lots not abutting Running Hill Road 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; or lots not abutting Running Hill Road 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 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

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. 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 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 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.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed five (5) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections F.2. and F.3. are both used, the additional dwelling units permitted under F.3. 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 internal streets, the streetscape of Running Hill 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. 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 Road is critical to establishing an attractive gateway into the Town of Scarborough. Buildings fronting Running Hill Road 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 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 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 corridor.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill Road corridor as well as to establish an attractive gateway 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 Running Hill Road in order to share an access point and reduce the number of curb cuts along the corridor. These standards 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 Road. 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 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 this district shall be served by public sewer. 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 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 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 Road Streetscape – The streetscape along Running Hill Road is critical to establishing an attractive gateway and a transition into the rural area of Scarborough. Running Hill Road 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 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 Running Hill Road but shall be setback and separated from the street by this landscaped buffer. Parking is not appropriate between Running Hill 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 streetscape along Running Hill 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 Road and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill 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 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 shall be strictly controlled to limit the number of curb cuts on 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 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.

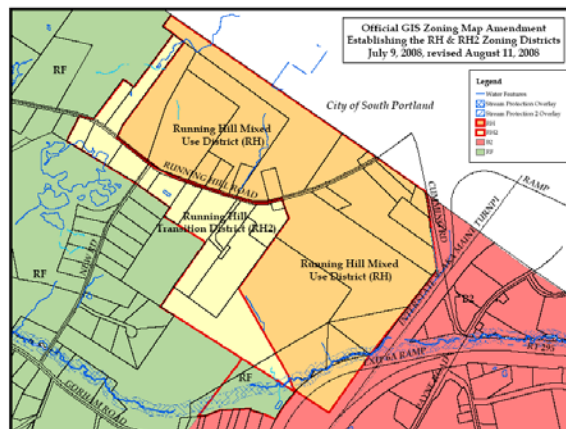
2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

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 Road or internal streets to meet the standards of subsection (I) and further the purpose of this district.

Vote: 7 yeas.

Order No.08-96. Second reading on the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the new zone changes to the Running Hill Area. Motion by Chairman Messer, seconded by Councillor Most, to move approval of the second reading on the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the new zone changes to the Running Hill Area, as follows:



Vote: 7 yeas.

Order No. 08-107. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map to rezone the Scarborough Downs property that is currently zoned B-2 to TVC. [Tabled from the August 20, 2008, meeting.] Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval to table Order No. 08-107, to Wednesday, November 19, 2008.

Vote: 7 yeas.

Order No. 08-122. Second reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2009. Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval of the second reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2009, as follows:

**BOND ORDER FOR
MUNICIPAL CAPITAL IMPROVEMENTS**

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, a the following Municipal Capital Items are hereby approved:

OTHER	
Clean & Repair Brick Walls	\$ 45,000
Restroom Renovations	\$ 20,000
Street Side Sign Replacement	\$ 40,000
PUBLIC SAFETY	
Site Study for New Public Safety Building	\$ 100,000
F.D. Pumper Truck E1, (replacement schedule)	\$ 398,500
PUBLIC WORKS / TRANSPORTATION	
Mid-Level Road Rehabilitation (3 miles per year)	\$ 400,000
Hillside Drainage Improvements	\$ 1,358,000
West Beech Ridge Road	\$ 120,600
Holmes Road Paving (Turnpike Overpass - Beech Ridge Rd)	\$ 710,000
Broadturn Road (Supplemental to FY08)	\$ 61,700
Seawall at Higgins Beach	\$ 400,000
TOTAL ALL MUNICIPAL CAPITAL IMPROVEMENTS	\$ 3,653,800

BE IT FURTHER ORDERED, That a sum, not to exceed \$3,653,800 is hereby appropriated to provide for the costs of said projects; and

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$3,653,800 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of

said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Roll Call Vote: Councillor Ahlquist - Yea Councillor Wood - Yea
 Councillor Sullivan - Yea Councillor Roy - Yea
 Councillor Most - Yea Councillor Rancourt - Yea
 Chairman Messer - Yea

Order No. 08-123. Second reading on the Bond Order for the School Capital Improvement Projects for FY 2009. Motion by Chairman Messer, seconded by Councillor Wood, to move approval of the second reading on the Bond Order for the School Capital Improvements Projects for FY 2009, as follows: **BOND ORDER FOR**

EDUCATION CAPITAL IMPROVEMENTS

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Education Capital Improvement Projects are hereby approved:

TECHNOLOGY	
Replacement of Equipment & Applications	\$ 210,460
New Equipment & Applications	\$ 39,500
WENTWORTH	
WI Asbestos Abatement & Flooring	\$ 25,000
WI Electrical	\$ 50,000
WI Mechanical & Plumbing	\$ 80,000
WI Interior Finishes	\$ 50,000
SCHOOL FACILITIES	
Security & Access Management Systems	\$ 35,000
District-wide Flooring & HS Gym Floor Covering	\$ 170,000
District-wide Movable Equipment	\$ 75,000
District-wide Building Envelope & WI Building Envelope	\$ 65,000
Middle School HVAC	\$ 50,000
Gym Renovation: Telescopic Bleacher Safety Rails/MS Gym	\$ 45,000
Auditorium wall & stage support equipment	\$ 25,000
HS Café Air Conditioning	\$ 125,000
MS and WI Program Support & Building Modifications	\$ 100,000
TOTAL ALL MUNICIPAL CAPITAL IMPROVEMENTS	\$ 1,144,960

BE IT FURTHER ORDERED, That a sum, not to exceed \$1,144,960, is hereby appropriated to provide for the costs of said projects; and

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$1,144,960 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Roll Call Vote: Councillor Ahlquist - Yea Councillor Wood - Yea
 Councillor Sullivan - Yea Councillor Roy - Yea
 Councillor Most - Yea Councillor Rancourt - Yea
 Chairman Messer - Yea

NEW BUSINESS:

Order No. 08-126. First Reading and refer to the Planning Board the proposal to amend in Chapter 405, the Town of Scarborough Zoning Ordinance, Section VI. Definition of “Place of Worship” and Section XXIB. Permitted Uses in the Industrial District. Dan Bacon, Town Planner, gave a brief overview on this Order.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the first reading first Reading and refer to the Planning Board the proposal to amend in Chapter 405, the Town of Scarborough Zoning Ordinance, Section VI. definition of “Place of Worship” and Section XXIB. Permitted Uses in the Industrial District and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**AMENDMENTS TO THE SCARBOROUGH ZONING ORDINANCE
REGARDING PLACES OF ASSEMBLY IN INDUSTRIAL DISTRICT**

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Section VI, definition of “Place of Worship” is amended by deleting the language in strikeover type, as shown below:

A building or structure designed and used primarily for conducting organized religious services. The term “Place of Workshop Worship” includes customary accessory facilities located within the principal building, such as meeting rooms, assembly space, administrative offices, classrooms for religious education and living quarters for clergy, but does not include uses, activities, buildings or structures defined in this Ordinance as “Adjunct Uses, Place of Workshop Worship.” ~~A Place of Worship is allowed only in those zoning districts where “Place of Worship” is listed as a permitted use or special exception, and is not allowed under the use category “Places of Assembly, Amusement, Culture or Government.”~~

Section XXI(B) (permitted uses in the Industrial District - I), paragraphs 9 and 12, are amended by adding the underscored language and deleting the language in strikeover type, as shown below:

~~9. Places of assembly, amusement, culture or government fully enclosed within a building or buildings, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting.~~

12. Municipal Buildings and Uses, not including places of assembly.

Vote: 7 yeas.

Order No. 08-127. First reading and schedule a second reading to amend the Library's CIP Budget for FY 2009. Tim Ouellette, a member of the Library Board of Trustees and Stan Gawron of Gawron Turgeon Associates presented a power point presentation on the proposed amendments to the Library CIP.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the first reading to amend the Library's CIP Budget for FY 2009 and schedule a second reading for Wednesday, October 1, 2008.

Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval to amend the main motion to move approval of the first reading and refer to the Finance Committee for review and to bring a recommendation back to the Town Council.

Vote on amendment: 7 yeas.

Vote on main motion as amended: 7 yeas.

Motion by Chairman Messer, seconded by Councillor Most, to move approval to suspend the rules to continue past 10:00 p.m. to dispense with the next to Orders.

Vote: 7 yeas.

Order No. 08-128. Act to set the date, time, and location of the Special Municipal Referendum Election on the proposed a referendum question, submitted by petition, to amend the Scarborough Zoning Ordinance, Section XIX, Subsection B and D. Motion by Chairman Messer, seconded by Councillor Wood, to move approval to set the date, time, and location of the Special Municipal Referendum Election on the proposed a referendum question, submitted by petition, to amend the Scarborough Zoning Ordinance, Section XIX, Subsection B and D for Tuesday, November 4, 2008, to coincide with the Regular Municipal Election for the purposes of discussion.

Motion by Councillor Most, seconded by Councillor Wood, to move approval to table Order No. 08-128 to the Special Council meeting scheduled for Wednesday, September 24, 2008.

Vote: 7 yeas.

Order No. 08-129. Act on the request to put forth to voters a nonbinding referendum question asking Scarborough Voters if they would be in favor of changing the current Scarborough High School mascot name "Red Storm" to a name with Native American Heritage. Bruce Bell, of Beech Ridge Road spoke in favor of this request and asked the Council to amend the wording by striking "Red Storm" to a name with Native American Heritage."

Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval on the request to put forth to voters at the November 4, 2008, Municipal Election, a nonbinding referendum question asking Scarborough Voters if they would be in favor of changing the current Scarborough High School mascot name "Red Storm" to a name with Native American Heritage.

Motion by Chairman Messer, seconded by Councillor Most, to move approval to amend the main motion by striking the following: “Red Storm” to a name with Native American Heritage” from the question.

Vote on amendment: 7 yeas.

Vote on main motion as amended: 7 yeas.

Item 6. Non-Action Items. None at this time.

Item 7. Committee Reports: Standing Committee Reports and Other Committee Reports.

- Councillor Roy noted that the Pine Point Study Committee is looking for a member at large; gave a brief update on GPCOG.
- Councillor Ahlquist stated that the Finance Committee would meet at 2:00 p.m. on Thursday, September 25, 2008 at the Library and report back to the Council at the first meeting in October.
- Councillor Rancourt noted a request from the Senior WOW Group on reducing their members.

Item 8. Public Comments.

- Bruce Bell of Beech Ridge Road thanked the Council for their vote on the mascot issue.

Item 9. Town Manager Report. Update on a possible land acquisition by the Land Bond Committee and then went on to explain that the Council would need to fill out paperwork pertaining to the LD-1 legislature in that current tax cap exceeded the amount allowed by LD-1requiring the Council to take formal action on this.

Item 10. Council Member Comments. Closing comments were made by Council members.

Item 11. Adjournment. Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 yeas.

Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk

