

**MINUTES**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 21, 2009**  
**COUNCIL GOALS WORKSHOP – 6:00 P.M.**  
**REGULAR MEETING – 7:30 P.M.**

**Item 1. Call to Order.** Chairman Wood called the regular meeting of the Scarborough Town Council to order at 7:30 p.m.

**Item 2. Pledge of Allegiance.**

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

Ronald D. Ahlquist	Shawn A. Babine
Carol S. Rancourt, Vice Chair	Judith L. Roy
Richard J. Sullivan, Jr.	Karen A. D’Andrea
Michael J. Wood, Chairman	

**Item 4. Minutes: January 7, 2008.** Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval of the January 7, 2009, regular Town Council meeting, as written.

Vote: 7 yeas.

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

**Order No. 09-09, 7:30 p.m. Public Hearing on the renewal request for a liquor license from Libby-Mitchell Post 76 American Legion located at 46 Manson Libby Road.** Chairman Wood opened the public hearing. As there were no comments either for or against, the hearing was closed at 7: 31 p.m.

Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval on the renewal request for a liquor license from Libby-Mitchell Post 76 American Legion located at 46 Manson Libby Road.

Vote: 7 yeas.

**Order No. 09-10, 7:30 p.m. Public Hearing on the new request for a Food Handlers Permit from Nat Getchell, d/b/a It’ll Be Pizza, located at 5 Lincoln Avenue.** Chairman Wood opened the public hearing. As there were no comments either for or against, the hearing was closed at 7: 32 p.m.

Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval on the new request for a Food Handlers Permit from Nat Getchell, d/b/a It’ll Be Pizza, located at 5 Lincoln Avenue.

Vote: 7 yeas.

**Resolution 09-01. Resolution in support of a Community Development Block Grant for an affordable housing loan project.** Thomas Hall, Assistant Town Manager, gave a brief overview on this recommendation. Jay Chase, Assistant Town Planner,

Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval of Resolution 09-01, in support of a Community Development Block Grant for the Scarborough Homeownership Assistance Program (SHAP) and authorize the Town Manager to sign all documents pertaining to this Grant, as follows:

**RESOLUTION 09-01**  
**COMMUNITY DEVELOPMENT BLOCK**  
**GRANT APPLICATION**

**Town of Scarborough**

**BE IT RESOLVED**, by the Town Council of the Town of Scarborough, in Town Council assembled that we support the Community Development Block Grant (CDBG) application which will be submitted to the Cumberland County Community Development Program. Through this grant, the Town of Scarborough is seeking funding for the Scarborough Homeownership Assistance Program (SHAP) to fund zero interest deferred loans to low-moderate income families.

Signed and sealed this the 21<sup>st</sup> day of January, 2009, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Michael J. Wood, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 7 yeas.

**Resolution 09-02. Resolution in support of a Community Development Block Grant for road improvements on a portion of Pine Point Road.** Thomas Hall, Town Manager, gave a brief overview on this recommendation.

Motion by Councillor D’Andrea, seconded by Councillor Roy, to move approval of Resolution 09-02, in support of a Community Development Block Grant for road improvements on a portion of Pine Point Road and authorize the Town Manager to sign all documents pertaining to this Grant, as follows:

**RESOLUTION 09-02**  
**COMMUNITY DEVELOPMENT BLOCK**  
**GRANT APPLICATION**

**Town of Scarborough**

**BE IT RESOLVED**, by the Town Council of the Town of Scarborough, in Town Council assembled that we support the Community Development Block Grant (CDBG) application which will be submitted to the Cumberland County Community Development Program. Through this grant, the Town of Scarborough is seeking funding to provide for local infrastructure improvements on a portion of Pine Point Rd. (between Jones Creek Drive and King Street).

Signed and sealed this the 21<sup>st</sup> day of January, 2009, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Michael J. Wood, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 7 yeas.

**OLD BUSINESS:**

**Order No. 09-04. Second reading to amend the Budget for FY2009 to create a line item for the Scarborough Economic Development Fund, a non-lapsing town account for economic and business development activities within the Town of Scarborough.** Thomas Hall, Town Manager, gave a brief overview on this request. Harvey Rosenfeld, President of SEDCO, responded to questions from the Council.

Motion by Councillor Rancourt, seconded by Councillor Roy, to move approval of the second reading to amend the Budget for FY2009 to create a line item for the Scarborough Economic Development Fund, a non-lapsing town account for economic and business development activities within the Town of Scarborough.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval to amend the main motion and approve of the second reading to amend the SEDCO Budget for FY2009, as follows: Be it hereby ordered by the Town Council, of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the SEDOC Budget for FY2009 of the Town of Scarborough, is hereby amended by the expending \$20,000 in interest earnings from the Scarborough Economic Development Fund and appropriating the \$20,000 to the SEDCO Marketing line.

Vote on amendment: 6 yeas. 1 nay [Councillor Ahlquist]

Roll Call Vote: Councillor Ahlquist - nay Councillor Babine - yea  
Councillor Rancourt - yea Councillor Roy - yea  
Councillor Sullivan - yea Councillor D'Andrea - yea  
Chairman Wood - yea

**NEW BUSINESS:**

**Order No. 09-11. First reading and refer to the Planning Board the proposed amendments to Chapter 305, the Zoning Ordinance by adding a new Section XV.C Village Residential 4 District.** Dan Bacon, Town Planner, presented a power point presentation, which covered Order No. 09-11 and Order No. 09-12 and gave a brief overview on the recommended new section to Chapter 305, the Zoning Ordinance.

Motion by Councillor , seconded by Councillor , Move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405, the Zoning Ordinance by adding a new Section XV.C Village Residential 4 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 ZONING ORDINANCE  
ESTABLISHING A NEW VILLAGE RESIDENTIAL 4  
DISTRICT – VR4**

WHEREAS, the Town’s adopted Comprehensive Plan proposes that the Town establish a medium density residential district in the vicinity of Sawyer and Gorham Roads;

AND WHEREAS, a new VR4 – Village Residential 4 District has been created 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 XV.C VILLAGE RESIDENTIAL 4 DISTRICT (VR4) to read:

**Section XV.C Village Residential 4 District – VR4**

**A. PURPOSE**

To provide residential neighborhoods of a higher density to a manner which will promote a wholesome living environment and accept a significant share of the Town’s residential growth. To this end, residential development shall not exceed 4 dwelling units per net residential acre, plus additional density through development transfer or affordable housing. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of households, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All developments in the VR4 District shall be serviced by public sewer and public water supply.

**B. VILLAGE DEVELOPMENT STANDARDS**

1. Residential developments shall be designed in a pattern of substantially rectangular blocks forming a grid layout with interconnected streets and communal space as defined by buildings, landscaping and streetscapes, natural features, and pedestrian ways that establishes a traditional village design. The Planning Board may waive the standard for a grid layout of interconnected streets if the Board finds that topographical, wetland or other natural constraints inhibit this design or if the scale of a particular residential development is not conducive to an interconnected street layout.

2. Residential developments shall include low-volume streets designed for lower vehicle speeds in order to increase pedestrian safety, discourage non-local through traffic and maintain a village character. In order to achieve these design standards, the Planning Board shall have the authority to reduce the pavement width of local residential streets to 20 feet. Streets approved by the Planning Board under this Section shall be deemed to comply with the Street Acceptance and Subdivision Ordinances.

3. The street network in a residential development, or a private access road or driveway located in the VR4 District, shall not provide or create vehicular access from Sawyer Road to serve non-residential development located outside of the VR4 District.

**4.3** Sidewalks and shade trees shall be provided on both sides of the streets within a development and shall connect to the pedestrian amenities of abutting neighborhoods to the extent feasible. The Planning Board may allow alternative pedestrian amenities, such as a sidewalk on one side of a street, footpaths and trails, if the Board finds the above standard is not necessary due to special circumstances of a site or the nature or scale of a particular residential development.

**5.4** The Planning Board may allow the establishment of “private alleyways” to provide access to parking facilities for various residential units. These alleyways may be 14 feet in pavement

width with an additional 6 feet of non-paved drivable surface (totaling 20 ft.), in accordance with Scarborough Fire Department requirements. These alleyways shall be owned and maintained by a homeowners association and shall be subject to an easement allowing Town use and access. These alleyways shall not be considered streets under this Ordinance, the Street Acceptance Ordinance or the Scarborough Subdivision Ordinance.

**6.5** At least 10% ~~to 20%~~ of the net residential ~~area-acreage~~ of a development shall be allocated as ~~designated open space accessible to all residential units. The open space shall consist of both village green space and surrounding open space for conservation for active and passive recreation.~~ These village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The village green space shall be integral to the development and shall be sited in a central location available and desirable for use by the residents of the development. ~~.~~

**7.** Development shall be clustered away from wetlands, watercourses and water bodies and impacts to these resources shall be avoided. Contiguous wetland areas of 15,000 square feet or greater shall be protected as common open space. These open space areas shall include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space lands may include a trail system for walking, hiking, biking or similar activities subject to Planning Board approval. Where no practical alternative exists, the Planning Board may allow the crossing of wetlands for roads, driveways or utilities to provide access to, or use of, an upland area within a development.

~~The surrounding open space shall be connected and contiguous where feasible, and shall be restricted for conservation and recreation in perpetuity. It shall function as protection for natural resources, buffers to adjacent incompatible uses, forested, natural distinctions between this zoning district and adjacent less dense zoning districts, and linkages to neighboring green spaces or recreational amenities.~~

### **C. PERMITTED USES**

1. Single family detached dwellings, exclusive of individual mobile homes
2. Two-family dwellings
3. Multiplexes (minimum site size of five (5) acres required)
4. Townhouses limited to no more than eight (8) dwelling units per building (minimum site size of five (5) acres required)
5. Place of Worship
6. School, library, museum
7. Community buildings not operated for private gain
8. Residential recreation facility
9. Family Day Care Homes, subject to the standards and conditions of Section IV (I)(6), except that Board of Appeals review is not required
10. Municipal Buildings and Uses
11. Golf Course
12. Accessory Uses

### **D. SPECIAL EXCEPTIONS**

1. Nursing homes, orphanages, hospices
2. Charitable institutions
3. Public utility facilities including substations, pumping stations and sewage treatment facilities, except that Board of Appeals review is not required if the facility is proposed, reviewed and permitted by the Planning Board as part of an original residential development.

- 4. Home occupations
- 5. Group Day Care Homes and Nursery Schools
- 6. Day Care Center Facilities
- 7. Adjunct Uses, Place of Worship
- 8. Accessory units subject to the performance standards of Section IX.J.
- 9. Telecommunication Facility

**E. SPACE AND BULK REGULATIONS**

**1. The following Space and Bulk Regulations are applicable to developments reviewed by the Planning Board under the Scarborough Subdivision Ordinance:**

**1-a. Minimum Lot Area, Dimensions and Yard Standards**

Housing & Use Type	Lot Area (square ft)	Lot Frontage (ft.)	Lot Width (ft.)	Front Yard (ft)	Rear & Side Yard (ft.)
single-family	5,000	50	50	5	15 <sup>1</sup>
two-family	7,500	50	50	5	15 <sup>1</sup>
multiplex	15,000	75	75	5	15 <sup>2&amp;3</sup>
townhouses	15,000	75	75	5	15 <sup>2&amp;3</sup>
non-residential <sup>3</sup> residential <sup>4</sup>	15,000	75	75	5	15

<sup>1</sup> May be reduced to 5 feet for single-family and two-family dwellings with the same residential development if the dwelling and the abutting dwelling meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard

<sup>2</sup> May be reduced to 10 feet for multiplex and townhouse dwellings if the dwelling and the abutting dwelling meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard

<sup>3</sup> When the yard abuts a lot or parcel that is not part of the development the minimum yard shall be 25 feet and the buffering requirements of Section VIII of this Ordinance shall apply

<sup>4</sup> As used in this subsection E., the term “non-residential” does not include home occupations and other uses accessory to a residential use

**b. Maximum Building Coverage 40%**

**2. For development that does not require subdivision review and approval by the Planning Board the Space and Bulk Regulations of the R-4 District shall apply.**

**23. Maximum Building Height Thirty-five (35) feet, and not to exceed three (3) stories**

**~~3. Maximum Building Coverage~~ 40%**

**F. RESIDENTIAL DENSITY REGULATIONS**

**1. For development that is not subject to Planning Board review and approval the residential density shall be governed by the R-4 Space and Bulk Regulations.**

2. For development that is subject to Planning Board review and approval the following residential density regulations shall apply:

a. Residential Density Factors - Within this zoning district The Residential Density Factors in Section VII C. A. of the Zoning Ordinance shall apply to multiplex and townhouse dwelling units. For development that does not require subdivision review and approval by the Planning Board the residential density shall be governed by the R-4 Space and Bulk Regulations, for all other residential development the following density standards shall apply:

**1b. Maximum Base Residential Density** – The maximum base residential density shall be four (4) dwelling units per net residential acre. This is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

**2c. Additional Residential Density Thru Development Transfer** – A development may incorporate up to three (3) additional dwelling units per net residential acre, beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

**3d. Additional Residential Density Thru Affordable Housing** – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area, or net residential acre if applicable, 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 three (3) dwelling units per net residential acre beyond the maximum base residential density. If subsections F.2. and F.3. are both used, the additional dwelling units permitted under F3. shall not also be subject to the development transfer provisions under F.2.

## **G. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except that the Planning Board shall have the authority to allow residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot be reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. This allowance shall not require approval by the Board of Appeals under Section XI(C) in this zoning district.

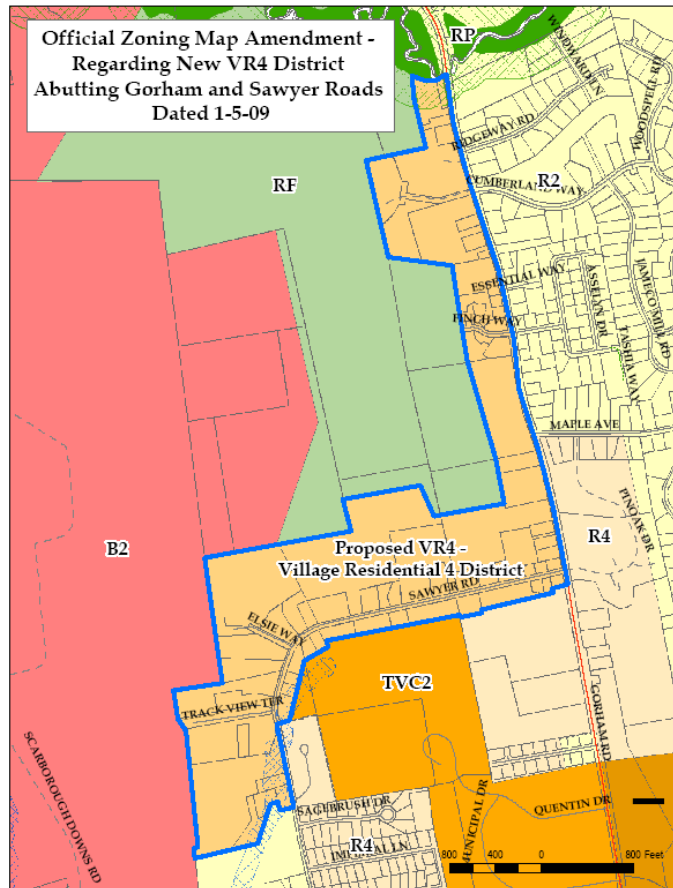
Given the village-style development pattern of the residential development, residential parking spaces need not measure more than 9 feet by 18 feet and valid parking spaces shall include spaces located in private driveways leading into garages, notwithstanding the otherwise applicable provisions of Sections VI and XI of this Ordinance.

## **H. SIGNS**

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

Vote: 7 Yeas.

**Order No. 09-12. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map designating a new VR4 District (Village Residential 4 District).** Motion by Councillor Rancourt, seconded by Councillor Roy, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map designating a new VR4 District (Village Residential 4 District) and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

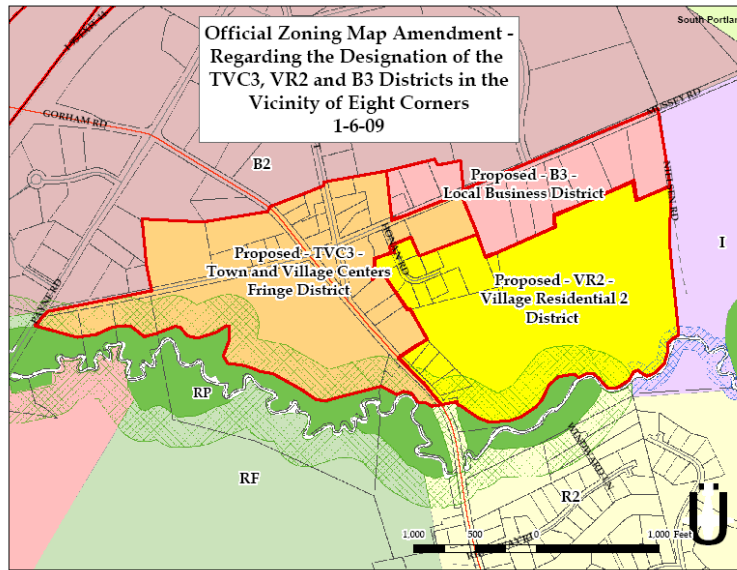


Vote: 7 yeas.

**Order No. 09-13. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map designating the TVC3, VR2 and B3 Districts (Town and Village Center 3; Village Residential 2 and Business District 3).** Dan Bacon, Town Planner, presented a power point presentation, which covered Order No. 09-13, Order No. 09-14 and Order No. 09-15; he gave a brief overview on the recommended new section to Chapter 305, the Zoning Ordinance.

A representative for Mr. Darling [owner of property located at the corner of 114 and Mussey Road] spoke against the proposed amendments.

Motion by Councillor Rancourt, seconded by Councillor Ahlquist, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map designating the TVC3, VR2 and B3 Districts (Town and Village Center 3; Village Residential 2 and Business District 3) and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:



Vote: 7 yeas.

**Order No. 09-14.** First reading and refer to the Planning Board the proposed amendments to Chapter 305, the Zoning Ordinance, Section XVIIIID – Town and Village Centers Fringe District; subsection D.1. Minimum Lot Area and Dimensions. Motion by Councillor Rancourt, seconded by Councillor Ahlquist, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405, the Zoning Ordinance, Section XVIIIID – Town and Village Centers Fringe District; subsection D.1. Minimum Lot Area and Dimensions and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**Proposed Amendment to the Zoning Ordinance  
To Revise the Lot Frontage Requirement and the  
Site Layout Requirements in the TVC3 District**

WHEREAS, the Town’s adopted Comprehensive Plan proposes that the Town encourage the Eight Corners area to evolve as a mixed-use neighborhood center,

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

AND WHEREAS, the TVC3 District is appropriate for this purpose with minor modifications,

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

1. Amend Sub-section D.1. Minimum Lot Area and Dimensions of Section XVIIIID. Town and Village Centers Fringe District TVC3 to read (additions are underlined; deletions are struck through):

***D. SPACE AND BULK REGULATIONS***

## 1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family and two-family detached dwellings	10,000	50 feet	50
Multi-family dwellings, multiplex, townhouses	10,000	200 feet for lots abutting on <u>Rte. 1, Rte. 114, Mussey Road or Spring Street</u> ; 50 feet for lots not abutting <u>Rte. 1, Rte. 114, Mussey Road, or Spring Street</u>	50
Senior housing	80,000	200 feet for lots abutting on <u>Rte. 1, Rte. 114, Mussey Road, or Spring Street</u> ; 50 feet for lots not abutting <u>Rte. 1, Rte. 114, Mussey Road, or Spring Street</u>	100
Non-Residential and Mixed Uses	10,000	200 feet for lots abutting on <u>Rte. 1, Rte. 114, Mussey Road, or Spring Street</u> ; 50 feet for lots not abutting <u>Rte. 1, Rte. 114, Mussey Road or Spring Street</u>	50

2. Amend Sub-section G. Site Layout and Off-Street Parking Standards of Section XVIII.D. Town and Village Centers Fringe District TVC3 to read (additions are underlined; deletions are struck through):

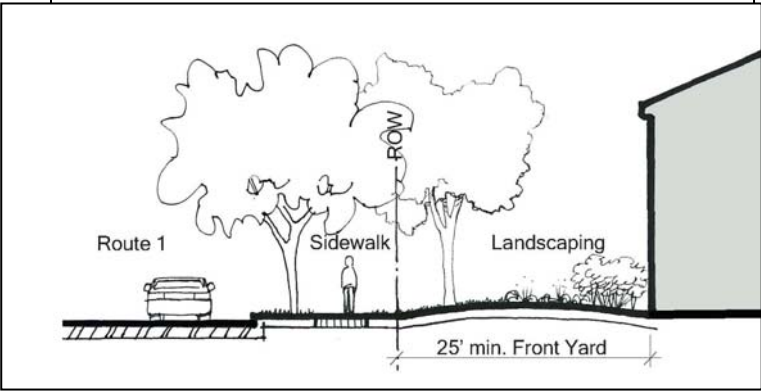
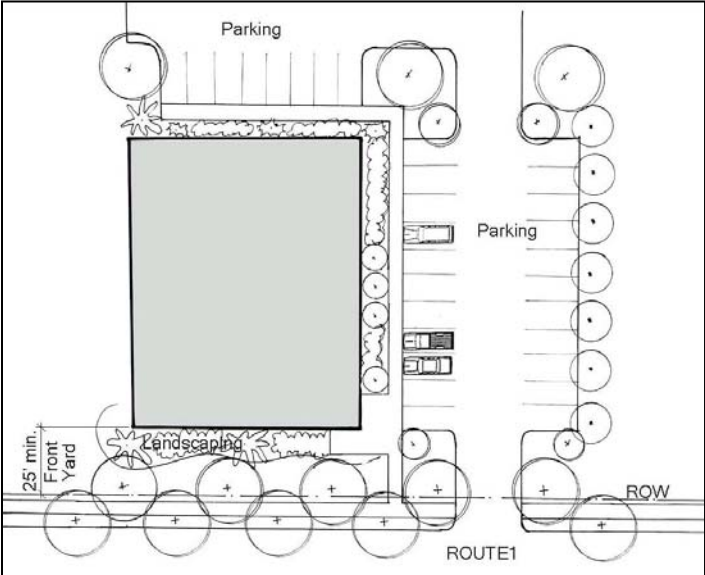
### **G. SITE LAYOUT AND OFF-STREET PARKING STANDARDS**

The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (D)(2) Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and other arterial and ~~major~~ collector streets, including Route 114 and Mussey Road.

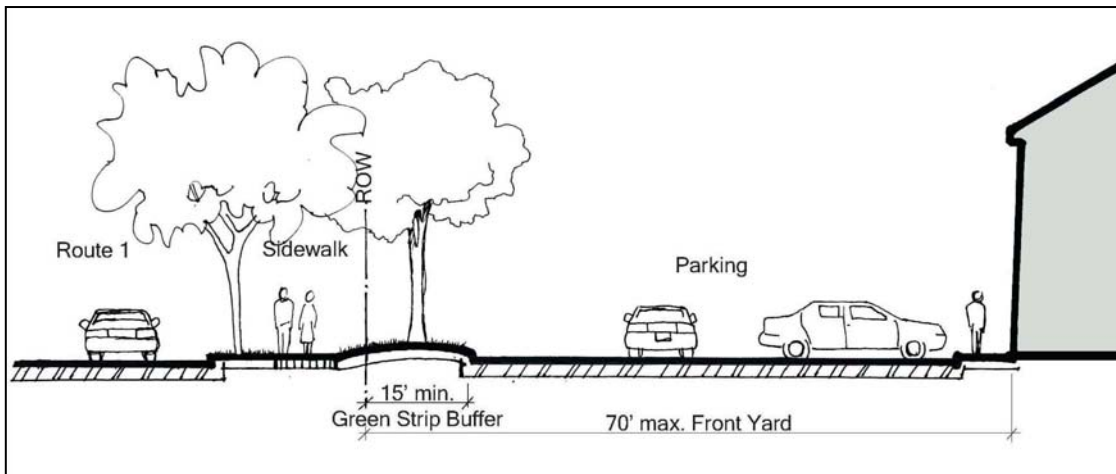
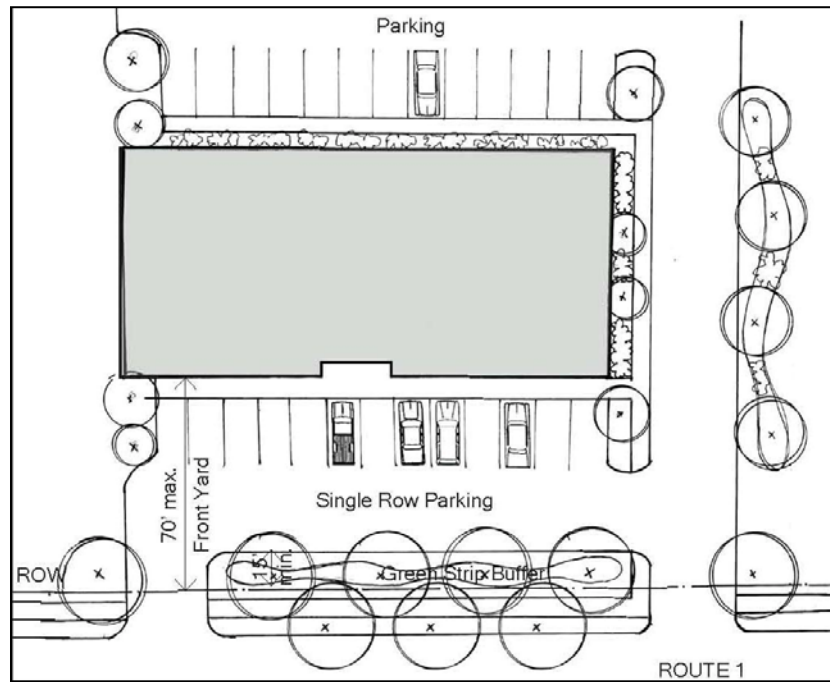
The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection (D)(2) of this district. In developments with more than one principal building, the requirements for the location of the off street parking shall only apply to the principal building or group of principal buildings, located closest to the abutting street(s):

**Standards for Front Yards and Off-Street Parking on Lots abutting Route 1 and other arterial and major collector streets, including Route 114 and Mussey Road:**

**1.** When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or “green strip buffer”, from the front property line shall be at least 15 feet.



Vote: 7 yeas.

**Order No. 09-15. First reading and refer to the Planning Board the proposed amendments to Chapter 405, the Zoning Ordinance, Section XVB, Dunstan Village Residential District to rename this District to the Village Residential 2 District and amend subsection E, the Space and Bulk Regulations.** Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405, the Zoning Ordinance, Section XVB, Dunstan Village Residential District to rename this District to the Village Residential 2 District and amend subsection E, the Space and Bulk Regulations and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**Proposed Amendment to the Zoning Ordinance  
To Revise the Name and Residential Density Standards of the DVR District**

WHEREAS, the Town's adopted Comprehensive Plan proposes that the Town encourage the Eight Corners area to evolve as a mixed-use neighborhood center,

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

AND WHEREAS, the DVR District is appropriate for this purpose with minor modifications,

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

1. Amend the title of the zoning district and the residential density provisions as follows (additions are underlined; deletions are struck through):

**Section XV.B – ~~The Dunstan~~ Village Residential 2 Zoning District – ~~DVR~~ VR2 [06/01/2005]**

### **A. PURPOSE**

To provide residential neighborhoods of a moderate density to a manner which will promote a wholesome living environment and accept a significant share of the Town's residential growth. To this end, residential development shall not exceed 2 dwelling units per net residential acre. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of household types, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All developments in the VR2 District shall be serviced by public sewer and public water supply.

### **B. VILLAGE DEVELOPMENT STANDARDS**

1. Residential developments shall be designed in a pattern of substantially rectangular blocks forming a grid layout with interconnected streets and communal space as defined by buildings, landscaping and streetscapes, natural features, and pedestrian ways that establishes a traditional village design.

2. Residential developments shall include low-volume streets designed for lower vehicle speeds in order to increase pedestrian safety, discourage non-local through traffic and maintain a village character. In order to achieve these design standards, the Planning Board shall have the authority to reduce the pavement width of local residential streets to 20 feet. Streets approved by the Planning Board under this Section shall be deemed to comply with the Street Acceptance and Subdivision Ordinances.

3. Sidewalks and shade trees shall be provided on both sides of the streets within a development and shall connect to the pedestrian amenities of abutting neighborhoods to the extent feasible. The Planning Board may allow alternative pedestrian amenities, such as a sidewalk on one side of a street, footpaths and trails, if the Board finds the above standard is not necessary due to special circumstances of a site or the nature or scale of a particular residential development.

4. The Planning Board may allow the establishment of "private alleyways" to provide access to parking facilities for various residential units. These alleyways may be 14 feet in pavement

width with an additional 6 feet of non-paved drivable surface (totaling 20 ft.), in accordance with Scarborough Fire Department requirements. These alleyways shall be owned and maintained by a homeowners association and shall be subject to an easement allowing Town use and access. These alleyways shall not be considered streets under this Ordinance, the Street Acceptance Ordinance or the Scarborough Subdivision Ordinance.

5. Between 10 - 20% of the net residential area of a development shall be allocated as designated open space accessible to all residential units. The open space shall consist of both village green space and surrounding open space for conservation. The village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The surrounding open space shall be connected and contiguous where feasible, and shall be restricted for conservation and recreation in perpetuity. This open space may contain recreation areas, ballfields, recreation trails, and the like. It shall function as protection for natural resources, buffers to adjacent incompatible uses, forested, natural distinctions between this zoning district and adjacent less dense zoning districts, and linkages to neighboring green spaces or recreational amenities. The final open space percentage within the 10 - 20% range shall be determined by the Planning Board.

### **C. PERMITTED USES**

1. Single family detached dwellings exclusive of mobile homes.
2. Two-family dwellings.
3. Multiplexes.
4. Townhouses.
5. Place of Worship.
6. School, library, museum.
7. Community buildings not operated for private gain.
8. Residential recreation facility.
9. Family Day Care Homes, subject to the standards and conditions of Section IV (I)(6), except that Board of Appeals review is not required.
10. Municipal Buildings and Uses.
11. Post office facilities.

### **D. SPECIAL EXCEPTIONS (Amended 02/21/2007)**

1. Nursing homes, orphanages, hospices. [Amended 08/17/2005]
2. Charitable institutions.

3. Public utility facilities including substations, pumping stations and sewage treatment facilities, except that Board of Appeals review is not required if the facility is proposed, reviewed and permitted by the Planning Board as part of an original residential development.
4. Home occupations.
5. Group Day Care Homes and Nursery Schools.
6. Adjunct Uses, Place of Worship.
7. Accessory units subject to the performance standards of Section IX.J.
8. Telecommunication Facility.

**E. SPACE AND BULK REGULATIONS**

~~Maximum net residential density — 2 dwelling units per net residential acre~~

**1. The following Space and Bulk Regulations are applicable to developments reviewed by the Planning Board under the Scarborough Subdivision Ordinance:**

**a. Minimum lot dimensions and yard requirements in sewerred areas:**

<b>Housing &amp; Use Type</b>	<b>Lot Area (square ft.)</b>	<b>Lot Frontage (ft.)</b>	<b>Lot Width (ft.)</b>	<b>Front Yard (ft.)</b>	<b>Rear &amp; Side Yard (ft.)</b>
single-family	5,000	30	40	5	15 <sup>1</sup>
two-family	7,500	50	60	5	15 <sup>1</sup>
multiplex	15,000	70	80	5	15 <sup>2</sup>
townhouses	15,000	70	80	5	15 <sup>2</sup>
non-residential <sup>3</sup>	15,000	70	80	5	15

**Minimum lot dimensions and yard requirements in unsewerred areas:**

<b>Housing &amp; Use Type</b>	<b>Lot Area (square ft.)</b>	<b>Lot Frontage (ft.)</b>	<b>Lot Width (ft.)</b>	<b>Front Yard (ft.)</b>	<b>Rear &amp; Side Yard (ft.)</b>
Single-family	80,000 <sup>4</sup>	100	100	10	15 <sup>1</sup>
Two-family	80,000 <sup>4</sup>	100	100	10	15 <sup>1</sup>
multiplex	160,000 <sup>4</sup>	150	150	10	15 <sup>2</sup>
Townhouses	160,000 <sup>4</sup>	150	150	10	15 <sup>2</sup>
non-residential uses <sup>3</sup>	80,000 <sup>4</sup>	100	100	10	15

<sup>1</sup> May be reduced to 5 feet for single-family dwellings within the same residential development if the dwelling and the abutting dwellings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code.

<p><sup>2</sup> May be reduced to 10 feet for two-family dwellings if the structures meet the Fire Rating requirements as per the NFPA 101 Life Safety Code. The Planning Board may also allow lesser separation between two-family and multi-family dwellings than the setback requirements dictated above if these dwellings are located on the same lot and the structures meet the Fire Rating requirements for the lesser separation as per the NFPA 101 Life Safety Code.</p>
<p><sup>3</sup> As used in this subsection E., the term “non-residential” does not include home occupations and other uses accessory to a residential use.</p>
<p><sup>4</sup> The lot area requirements shall be considered minimums. The Planning Board may require additional lot areas in order to meet the Town Plumbing Ordinance &amp; the Maine Subsurface Waste Water Disposal Rules depending on the density of housing and use types.</p>

**b. Maximum Building Coverage**            60%

**2. For development that does not require subdivision review and approval by the Planning Board the Space and Bulk Regulations of the R2 District shall apply.**

**3. Maximum Building Height**    Thirty-five (35) feet, and not to exceed three (3) stories

**~~4. Maximum Building Coverage~~**            ~~60%~~

**F. RESIDENTIAL DENSITY REGULATIONS**

**1. For development that is not subject to Planning Board review and approval the residential density shall be governed by the R2 Space and Bulk Regulations.**

**2. For development that is subject to Planning Board review and approval the following residential density regulations shall apply:**

**a. Residential Density Factors** - Within this zoning district the Residential Density Factors in Section VII C. A. of the Zoning Ordinance shall apply to multiplex and townhouse dwelling units.

**b. Maximum Base Residential Density** – The maximum base residential density shall be two (2) dwelling units per net residential acre. This is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

**c. Additional Residential Density Thru Development Transfer** – A development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density (subsection F.2.b.) by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

**d. Additional Residential Density Thru Affordable Housing** – A development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density (subsection F.2.b.) provided at least forty percent (40%) of those additional 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 twenty percent (20%) beyond the maximum base residential density allowed.**

**FG. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except that the Planning Board shall have the authority to allow residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot be reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. This allowance shall not require approval by the Board of Appeals under Section XI(C) in this zoning district.

Given the village-style development pattern of the residential development, residential parking spaces need not measure more than 9 feet by 18 feet and valid parking spaces shall include spaces located in private driveways leading into garages, notwithstanding the otherwise applicable provisions of Sections VI and XI of this Ordinance.

**G.H. SIGNS**

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

**H. DENSITY BONUS FOR AFFORDABLE HOUSING**

~~In approving a subdivision in this district, the Planning Board may grant a density bonus, meaning an additional number of dwelling units beyond the permitted number calculated in accordance with subsection E. of this zoning district, by incorporating affordable housing units, in accordance with the following standards and requirements:~~

- ~~1. The number of dwelling units may be increased by up to 10% of the total number allowed under subsection E, provided at least 40% of those additional units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing. The affordable housing units shall be dispersed throughout the development and shall be of the same design and construction as the market rate dwellings. A mix of both affordable rental and homeownership units should be provided.~~

**I. DENSITY BONUS THROUGH THE TRANSFER OF DEVELOPMENT RIGHTS**

~~In addition to, or independent of, a density bonus for affordable housing under subsection H., the Planning Board may allow the number of dwelling units to be increased by up to 10% of the total number allowed under subsection E. of this zoning district through the use of the following transfer of development rights program. This transfer of development rights program is allowed pursuant to 30-A M.R.S.A. § 4328, and is established to allow the transfer of development from limited residential growth and farming areas to residential growth areas for higher density and village style development, in a localized manner.~~

~~Specifically, the transfer of development rights program allows the transfer of development rights, or credits, from the Rural Residence and Farming District (RF) in Dunstan<sup>+</sup> to the Dunstan Village Residential Zoning District (DVR). The provisions of this program are established to provide a mechanism for dwellings that could be developed on existing farmland, forestland or open space within the Dunstan RF Districts to be built instead in the DVR District, which is intended to accommodate higher density residential development. The transfer of development rights program, unique to this zoning district, is intended to maintain the integrity, character and mix of land uses in Dunstan by only allowing the transfer of development to occur in and around Dunstan Village.~~

## **~~1. Dwelling Unit Credits~~**

- ~~a. Dwelling unit “credits” may be established in Dunstan’s RF zoning districts in accordance with the following provision:~~

~~One (1) credit shall be allowed for each lot of undeveloped land that meets the minimum zoning, space and bulk requirements, net residential acreage, and the subdivision regulations for a buildable lot in the RF zoning district, as per § VI. and § XIV of this Ordinance. The use of this undeveloped land shall be for either agriculture, forestry, undisturbed open space or a combination thereof.~~

- ~~b. Dwelling unit “credits” may be transferred to the Dustan Village Residential District and shall have the following values:~~

~~One (1) credit shall equal one (1) dwelling unit that complies with subsection E. of this zoning district.~~

## **~~2. Procedure~~**

~~The transfer of development rights program shall require Planning Board review and approval in accordance with the following provisions:~~

- ~~a. An application for transfer of development rights shall be submitted by the applicant for subdivision approval in the Dunstan Village Residential District. This application shall include:~~

~~A Boundary Survey that indicates the boundary lines, dimensions and waterbodies of the RF zoned land from which development rights are proposed to be transferred sealed by a professional land surveyor licensed by the State of Maine.~~

~~A net residential acreage calculation demonstrating the number of buildable lots that could be created on the RF zoned land in accordance with § VI and § XIV of this Ordinance, as outlined in subsection I(1)(a) of this zoning district.~~

~~A sketch plan depicting an approvable subdivision of the RF zoned land and the number of buildable lots it can accommodate, as per the net residential acreage calculation required above.~~

~~Documentation that indicates the owner of the RF zoned land is willing to convey a specific number of development rights; a copy of the deed; and evidence of a clear title on the property.~~

~~A draft conservation easement to govern the portion of the RF zoned land that is proposed to be restricted from development. The easement shall prohibit residential, commercial and industrial uses and development in perpetuity, with the exception of agricultural, forestry and recreational activities. The proposed conservation easement shall be granted to the Town of Scarborough or a non profit conservation organization approved by the Town.~~

- ~~b. Based on the information submitted in accordance with subsection I. 2. a. of this zoning district, the Planning Board shall determine the number of dwelling unit credits that will be eligible for use as density bonuses in the DVR zoning district, not to exceed 10% of the total number of dwelling units allowed under subsection E of this zoning district.~~

~~The content and conditions of the conservation easement shall be reviewed and approved by the Planning Board in collaboration with the Town Council, Town Staff and the Town Attorney.~~

- ~~e. Following the Planning Board's determination of the number of dwelling unit credits eligible for use in the DVR district, the Planning Board shall review the additional dwelling units proposed as part of the overall development in accordance with this zoning district, the Town of Scarborough Site Plan Review Ordinance, the Town of Scarborough Subdivision Ordinance, and any other applicable regulations.~~

### ~~3. Recording of Conservation Easement~~

~~The Town Planner shall not release for recording the final subdivision plan of a development incorporating a density bonus based on transfer of development rights until the applicant has submitted evidence that the approved conservation easement has been recorded in the Cumberland County Registry of Deeds.~~

### ~~J. DENSITY BONUS THROUGH FUNDING FOR LAND CONSERVATION~~

~~1. In lieu of the transfer of development rights program outlined in subsection I., the Planning Board may approve a density bonus of up to 10% of the total number of units allowed under subsection E. of this zoning district through the contribution of funds dedicated to land conservation within Dunstan<sup>5</sup>. Specifically, a cash payment shall be made to the Town of Scarborough to be used for either the outright purchase of undeveloped land or the purchase of development rights through conservation easements to be held by the Town or a non-profit conservation group or land trust approved by the Town.~~

~~2. The density bonus under this subsection J. shall be calculated as follows:  
An applicant for subdivision approval may obtain dwelling unit credits for use on the parcel being subdivided by making a contribution of funds for land conservation as described in subparagraph 1. above, to be paid at the time of posting of the performance guarantee for final subdivision approval or if approved with multiple phases, 50% at the posting of the performance guarantee for Phase I and 50% at the posting of the performance guarantee for any subsequent phase or upon issuance of any building permit in a subsequent phase. For contributions paid during the calendar year 2005, each contribution of \$17,000 entitles the applicant to one dwelling unit credit. For contributions paid in subsequent calendar years, the required contribution for each dwelling unit credit shall be adjusted by a price adjustment factor for inflation using the U.S. Department of Labor's Bureau of Labor Statistics Consumer Price Index—All Urban Consumers, Northeast Urban Area, All Items, base period 1982-84 = 100 (not seasonally adjusted) or similar consumer price index selected by the Town Manager if such index does not exist. Each dwelling unit credit may be used to develop one dwelling unit, up to the maximum 10% allowed in subparagraph 1 above.~~

Vote: 7 yeas.

### **Item 6. Non-Action Items.**

**a. Presentation from SEDCO and the Scarborough Community Chamber on how the two organizations are working on an Economic Vision for Scarborough.** Harvey Rosenfeld, President of SEDCO presented the process for an Economic Development Vision Plan for the Town of Scarborough. Mr. Rosenfeld that SEDCO and the Scarborough Community Chamber would be working on this project together. The project began in the Fall of 2008 with its anticipated completion for the Fall of 2009.

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

- Councillor Roy noted that the Appointments Committee had held a meeting Wednesday, January 14<sup>th</sup> and the committee would like to post the following names with action by the Council at the next Town Council meeting of Wednesday, February 4<sup>th</sup>:

**Board of Assessment Review:**

Re-appoint Alan Peoples as a full voting member, with a term to expire in 2011  
Move Kathy Fuente from Alternate to a full voting member, with a term to expire in 2009  
*(Two Vacancies available – 1<sup>st</sup> Alternate with a term to expire in 2010 and 2<sup>nd</sup> Alternate with a term to expire in 2011)*

**Personnel Appeals Board:**

Re-appoint Jennifer Beedy and Steve Dougherty as full voting members, with terms to expire in 2011  
Re-appoint Daniel Dwyer as 2<sup>nd</sup> Alternate with a term to expire in 2011  
*(No vacancies available)*

**Community Services and Recreation Advisory Board:**

Re-appoint Richard Murphy, Jr. as a full voting member, with a term to expire in 2011  
Move Mary Dyer from Alternate to full voting member with a term to expire in 2009  
Appoint Iver Carlsen as 1<sup>st</sup> Alternate with a term to expire in 2011  
*(One Vacancy available – 2<sup>nd</sup> Alternate with a term to expire in 2011)*

**Conservation Commission:**

Re-appoint Robert Jordan and Patrick Kelly as full voting members, with terms to expire in 2011  
Appoint Iver Carlsen as a full voting member, with a term to expire in 2011  
*(Two Vacancies available – Both full voting members one term to expire 2009 and the other to expire in 2010)*

**Planning Board:**

Re-appoint Alan Paul as a full voting member, with a term to expire in 2011  
Move Jeffrey Thomas from 1<sup>st</sup> Alternate to full voting member, with a term to expire in 2010  
Move Ronald Mazer from 2<sup>nd</sup> Alternate to 1<sup>st</sup> Alternate, with a term to expire in 2010  
Appoint Susan Auglis as 2<sup>nd</sup> Alternate, with a term to expire in 2011  
*(No vacancies available)*

**Parks and Conservation Land Board:**

Re-appoint Richard Murphy, Jr. and Mark Polli, with terms to expire in 2011  
*(Two Vacancies available – Both full voting members one term to expire 2009 and the other to expire in 2011)*

**Zoning Board of Appeals:**

Re-appoint Alvin Temm as a full voting member, with a term to expire in 2011  
Move Steve Dougherty from 1<sup>st</sup> Alternate to a full voting member with a term to expire in 2010  
Appoint Leroy Crockett as 1<sup>st</sup> Alternate, with a term to expire in 2009  
*(One vacancy available – 2<sup>nd</sup> Alternate with a term to expire in 2011)*

**Shellfish Conservation Committee:**

Re-appoint Robert Ferron as a full voting member, with a term to expire 2011  
*(Two Vacancies available – Both full voting members with both terms to expire 2011)*

**Cable Television Committee:**

Re-appoint Darrell Huff as a full voting, with a term to expire in 2011

Move Martin Feeney from 1<sup>st</sup> Alternate to a full voting member, with a term to expire in 2011

Move Brenda Gagnon from 2 Alternate to a full voting member, with a term to expire in 2009

*(Two Vacancies available – 1<sup>st</sup> Alternate with a term to expire in 2009 and 2<sup>nd</sup> Alternate with a term to expire in 2011)*

**Seniors Program Advisory Board:**

Re-appoint Millard “Bud” Hanson and Mark Maroon as full voting members, with terms to expire in 2011

*(No vacancies available)*

**Housing Alliance:**

Re-appoint Mary Davis, Jayne Jochem and Melissa Murphy as full voting members, with terms to expire in 2011

*(One vacancy available with a term to expire in 2011)*

- Councillor Babine noted that the schedule for the Finance Committee meetings will be available soon.
- Councillor Rancourt noted that the next Ordinance Committee meeting would be held on Tuesday, January 27, 2009, at 4:30 p.m.
- Chairman Wood gave an update on the Library Board of Trustees and noted that the next CPIC Committee meeting would be held on Friday, January 23<sup>rd</sup> at 8:00 a.m.
- Councillor D’Andrea gave an update on the Conservation Commission and noted that the Commission would be finishing up the Vernal pool Report. She then asked if the Council would like for her to give the report from ecomaine or if the Council would like to have Kevin Roche come and present a report – please let her know.
- Councillor Roy gave an update on the Senior Liaison Group and that they have been working on their 2010 Budget. There will be a Project Grace meeting at the high school on Wednesday, January 28<sup>th</sup> at 6:30 p.m. She also noted that the Library is holding a “Blanket Drive” – blankets can be dropped off at the Library during regular business hours.

**Item 8. Public Comments.** None at this time.

**Item 9. Town Manager Report.** Thomas Hall, Town Manager, made note of the following:

- Council Goals Workshop held prior to the Council meeting; Grant for the Working Waterfront Project; The MDOT has asked the Towns of Gorham and Scarborough and the Cities of South Portland and Westbrook sign a Memorandum of Agreement, as part of the process in planning for the Westerly Access Road and mentioned the PUC is not recommending the CMP upgrade to Old Orchard Beach and also noted CMP has a statewide initiative to upgrade the power grid – there could possibly be a presentation on Tuesday, February 17<sup>th</sup>.

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

**Item 11. Adjournment.** Motion by Councillor Roy, seconded by Councillor Babine, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 yeas.

Meeting adjourned at 9:43 p.m.

Respectfully submitted, Yolande P. Justice, Town Clerk