

**MINUTES**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 18, 2009**  
**COUNCIL/BOARD AUDIT 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 [Absent]	Judith L. Roy
Richard J. Sullivan, Jr.	Karen A. D'Andrea
Michael J. Wood, Chairman	

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

Vote: 6 yeas.

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

**Order No. 09-21, 7:30 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405B, the Site Plan Review Ordinance – Design Standards for Commercial Districts.** 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 Babine, seconded by Councillor Roy, to move approval of the second reading on the proposed amendments to Chapter 405B, the Site Plan Review Ordinance – Design Standards for Commercial Districts, as follows:

**Proposed Amendments to the Design Standards for  
Scarborough Commercial District**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Chapter 405B, the Site Plan Review Ordinance – Design Standards for Scarborough's Commercial Districts of the Town of Scarborough, Maine, be and hereby is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

1. Amend the Street Corners Sub-Section of the Architecture Section, as follows:

**STREET CORNERS**

**OBJECTIVES**

Buildings located on corners are particularly important because they help define the character to two streets. These high-visibility locations shall be emphasized by quality architecture and site development.

## DESIGN STANDARDS

**Siting on Corner Lots.** A building on the corner of two public streets shall be located ~~as close to the intersection as allowed by code and shall exhibit a strong relationship to both streets that it fronts.~~ Where zoning allows, the Planning Board may permit a limited amount of parking and vehicular travelways between the building and the property lines along one or more of the streets, but the majority of the parking shall be located to the side or rear of the building. The amount of parking and vehicular travelways permitted between the building and the property lines along each street shall depend on both the zoning district and the context of the site. No parking, vehicular travelways, or service areas shall be located between the building and the property lines along both streets.

**Corner Buildings.** ~~In all commercial districts B~~ buildings on corners shall be a minimum of two or three stories or twenty feet (20') in height to add mass and visual prominence to the street. All buildings on corner lots shall have a second story with a usable floor area equal to at least forty percent (40%) of the building footprint.

**Corner Treatment Entrance.** ~~The main entrance to the building shall be located on the corner and designed to be visible from both streets.~~ The architectural treatment of the street corner of the building shall emphasize its prominent positions. This can be accomplished by greater massing and height, unique detailing, lighting, etc. and other façade treatment to emphasize the front corner of the building. This corner treatment shall be designed to be visible from both streets. Where practical, an entrance to the building shall be located on the corner.

**Focal Points.** Corner locations offer opportunities to create dynamic focal points in the streetscape. These can take the form of distinctive architectural elements, signs, sculptures, lighting, or landscaping. Focal points shall be visually related to the building as a whole, providing an accent without overwhelming it.

2. Amend the Architecture Section to add specific standards for Office Buildings, as follows:

### OFFICE BUILDINGS

#### OBJECTIVES

In the HP, RH and BOR Districts, large scale, multi-story office, research and hi-tech buildings (40,000 square feet or greater) are allowed and encouraged. These buildings shall be designed as attractive pieces of commercial architecture that help define the Town of Scarborough. Given the context and type of development in the HP, RH and BOR Districts, the Planning Board may apply alternative design standards to large scale office, research and hi-tech buildings which vary from a few specific sections of the Design Standards. These alternative standards are outlined below. Other than these alternatives, the remainder of the Design Standards for Scarborough's Commercial Districts shall apply.

#### DESIGN STANDARDS

**Permitted Materials.** Metal panels and brushed aluminum are contemporary materials used in large scale office, research and hi-tech building construction. The Planning Board may allow non-reflective metal panels and brushed aluminum to be incorporated into the façade design of these structures. These materials shall be supplemented with the tradition, high quality building materials common to northern New England to maintain a regional vernacular and sense of identity throughout Scarborough.

**Roof Treatment.** Under the Flat Roofs Standard in the ROOFLINE Section (pp. 13), flat roofs are discouraged in most applications. In the HP, RH and BOR Districts, flat roofs are anticipated and acceptable on office, research and hi-tech buildings which are three or more stories in height. In these instances, changes in the roofline, pilasters, trim and other architectural detailing shall be used to vary and break up a flat roofline. Further, roof-mounted equipment must be screened from public view in accordance with the Roof-Mounted Equipment Standard on pp. 13.

3. Amend the Drive-Through Sub-Section of the Architecture Section, as follows:

## **DRIVE-THROUGHS**

### **OBJECTIVES**

Drive-Throughs shall be subordinate to the design of the main building to maintain the pedestrian orientation of the structure. Architectural design and circulation planning for buildings with drive-throughs require careful consideration to integrate them into the Scarborough environment. Drive-through operations and other automobile-oriented facilities shall be designed with façade and roofline elements that reduce their scale and add architectural interest.

### **DESIGN STANDARDS**

**Drive-Throughs.** Where drive-through windows are allowed, they shall be incorporated into the design of the building through their scale, color, detailing, massing, and other architectural treatments. ~~Drive-through elements shall not face the street, unless there is no alternative for safety or security.~~

**Location.** Drive-throughs shall avoid facing public or private roadways and shall generally be located at the side or rear of the building. ~~and avoid facing public or private roadways.~~ Where drive-throughs are located at the rear, ~~consideration shall be taken to make~~ the site should be designed ~~as visible as possible~~ to ensure the safety of the employees and patrons.

**Canopies.** Drive-through canopies shall be visually compatible with the main structure. This can be accomplished through consistency in roof pitch, architectural canopies. Bands of bold color on the canopy and backlighting inside the canopy are prohibited.

**Pedestrian Circulation.** Access routes leading to or from drive-through facilities shall minimize conflicts with pedestrian circulation. Where walkways must cross driveways, motorists shall be made aware of pedestrians through signage, lighting, raised crosswalks, changes in paving, or other devices.

4. Amend the Rooflines Sub-Section of the Architecture Section to read as follows:

Rooflines shall be designed to provide diversity in the form of the building and add visual interest to the streetscape. When used properly, rooflines can reduce the mass of large buildings, emphasize entrances, and provide shelter and shade for the pedestrian.

### **DESIGN STANDARDS**

**Flat Roofs.** Flat roofs, especially on single-story isolated buildings, are discouraged in most applications. Where flat rooflines are used, the design shall create no horizontal line greater than 100 feet without a break, using features found on traditional New England buildings. See pp. 15-16 *Large Scale Buildings* for additional design standards. Flat roofs on multi-story office buildings are appropriate when designed in conformance with the Office Building design standards.

**Roof-Mounted Signs.** Roof mounted signs are prohibited by the Sign Regulations in the Zoning Ordinance. ~~strongly discouraged. If they are used, they shall be designed as an integral part of the architecture. This can be accomplished through the use of architectural detailing, trim, and mounting details. Roof mounted signs shall not project above the building's roofline.~~

Vote: 6 yeas.

**Order No. 09-22, 7:30 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1401, the Coastal Waters and Harbor Ordinance, Article IV. General Regulations.**

Chairman Wood opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:33 p.m.

Motion by Councillor Babine, seconded by Councillor Ahlquist, to move approval of the second reading on the proposed amendments to Chapter 1401, the Coastal Waters and Harbor Ordinance, Article IV. General Regulations, as follows:

**AMENDMENT TO THE COASTAL WATERS  
AND HARBORS ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1401 – the Coastal Waters and Harbors Ordinance, Article IV General Regulations, of the Town of Scarborough, Maine, is amended by adding a new Section 11, as follows:

Article IV. General Regulations

Section 11.

Any boat that is left on the shores or flats of the Town of Scarborough must have owner information attached to the inside of its stern. If the owner is a mooring holder, the boat must also have the mooring number attached as well.

Vote: 6 yeas.

**Order No. 09-23, 7:30 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1002, the Shellfish Conservation Ordinance, Section 5(H) - Suspension.**

Chairman Wood opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:34 p.m.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval of the second reading on the proposed amendments to Chapter 1002, the Shellfish Conservation Ordinance, Section 5(H) – Suspension, as follows: **AMENDMENT TO**

**THE SHELLFISH CONSERVATION ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1002 – the Shellfish Conservation Ordinance, Section 5(H) - Suspension, of the Town of Scarborough, Maine, is amended by adding a new paragraph 6, as follows:

Section 5(H) - Suspension:

6. No holder of a commercial license under this Ordinance shall dig or take shellfish during any time that holder's State of Maine Shellfish License is suspended. During any such period of suspension, the holder's license under this Ordinance is automatically suspended.

Vote: 6 yeas.

**Order No. 09-29, 7:30 p.m. Public Hearing on the renewal requests for a liquor license from Beech Ridge Speedway, Inc., located at 70 Holmes Road; Willowdale Golf Club, located at 52 Willowdale Road; Bayley's Campground, Inc., located at 275 Pine Point Road; and Texas Roadhouse Holdings, LLC, d/b/a Texas Roadhouse, located at 600 Gallery Blvd.** Chairman Wood opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:35 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the renewal requests for a liquor license from Beech Ridge Speedway, Inc., located at 70 Holmes Road; Willowdale Golf Club, located at 52 Willowdale Road; Bayley's Campground, Inc., located at 275 Pine Point Road; and Texas Roadhouse Holdings, LLC, d/b/a Texas Roadhouse, located at 600 Gallery Blvd.

Vote: 6 yeas.

**Resolution 09-04. Resolution to form a Payne Road Traffic Study Committee.** Motion by Councillor Ahlquist, seconded by Councillor Roy, to move approval of Resolution 09-04, to form a Payne Road Traffic Study Committee.

Motion by Councillor Babine, seconded by Councillor Ahlquist, to move approval to amend the main motion to include the number of members to the Payne Road West Traffic Study Committee – five members.

Vote on Amendment: 6 yeas.

Vote on main motion as amended:

**Resolution 09-04**  
***Payne Road West Traffic Study Committee***

**WHEREAS**, transportation improvements to Dunstan Corner have been contemplated for a decade or more, with the aim of improving the Route One / Broadturn / Pine Point intersection as well as both improving and relocating the Payne Road / Route One intersection. These improvements have been planned to increase the level of service and capacity at both intersections; to enable the intersections to function more safely and efficiently; and to make this area more pedestrian friendly; and,

**WHEREAS**, despite the improvements at Dunstan Corner, Payne Road proper will likely remain a challenging and awkward stretch of road given its curving alignment through the Marsh, its width and physical condition, as well as its residential nature and character between Dunstan and Haigis Parkway. These challenges and constraints may be a limiting factor in the roadways ability to accommodate the additional use and traffic it will likely receive with improvements at Dustan Corner; and,

**WHEREAS**, given this concern, the Town Council seeks to study Payne Road West (between the Haigis Parkway and the Dunstan area) and explore ways to still make the necessary capacity and operational improvements to the Dunstan Corner intersection(s) while not necessarily overburdening Payne Road West with regional thru traffic. This study is intended provide an opportunity to examine the optimal use and function of Payne Road West as well as surrounding collector and arterial roadways and intersections, for the benefit of residents, businesses, community character, the natural environment and motorists in this corridor; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Scarborough Town Council in Town Council assembled, does hereby support and approve the formation of a Payne Road West Traffic Study Committee [to consist of five (5) members], as set forth herein this document and the Town Council does agree with the Scope of Study, as presented:

- Review and analyze the appropriate use and function of Payne Road West, considering its alignment, width, physical condition, character and abutting land uses; and,
- Explore alternative ways to improve the Dunstan Corner intersections, while not further taxing Payne Road West. These alternatives may include funneling regional, thru traffic onto Route One and Haigis Parkway and limiting travel on Payne Road West, among other alternatives; and,
- Review and analyze which alternative(s) may be viable and determine what improvements may be necessary to execute the alternative(s); and,
- Study the implications of this alternative(s) on property owners on Payne Road West, Route One, Haigis Parkway, at Dunstan Corner, and other roadways or areas that may be affected; and,
- Examine cost estimates and cost differences between improvement alternatives; and,
- Finalize study and determine a course of action for Dunstan Corner and Payne Road West, in order to begin advanced design and engineering; and,
- Report back to the Town Council at the August 19, 2009, Town Council meeting.

Signed and sealed this the 18<sup>th</sup> day of February, 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: 6 yeas.

**OLD BUSINESS:**

**Order No. 09-30. Act to appoint Sylvia Most to the CPIC Committee.** Motion by Councillor Babine, seconded by Councillor Roy, to move approval to appoint Sylvia Most to the CPIC Committee.

Vote: 6 yeas.

**NEW BUSINESS:**

**Order No. 09-31. Act to appoint Carrie Noyes as Registrar of Voters, pursuant to Title 21-A §101.2.** Motion by Councillor Babine, seconded by Councillor Roy, to move approval to appoint Carrie Noyes as Registrar of Voters, pursuant to Title 21-A §101.2.

Vote: 6 yeas.

**Order No. 09-32. Act to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Woodspell Road, Meeting House Road, Overlook Drive and Cumberland Way – approximately 15 ft. connection to Woodspell Road.** Motion by Councillor Babine, seconded by Councillor Ahlquist, to move approval to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Woodspell Road, Meeting House Road, Overlook Drive and Cumberland Way – approximately 15 ft. connection to Woodspell Road.

Vote: 6 yeas.

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

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

- Councillor Babine noted that there would be two budget meetings: April 10<sup>th</sup> from 9:00 a.m. to noon and April 17<sup>th</sup> from 3:00 to 7:00 p.m. He also proposed that the Reserve Fund Policy be revisited.
- Councillor Roy gave a brief update on the Ordinance Committee noting that there were discussions on alternative energy and a program for Seniors to work for the town for payment of taxes. She further stated the Senior Advisory Board would be looking up the makeup of the members, to include a citizen who is actively participating – the number of members would not change.
- Councillor D’Andrea noted that SEDCO and the Scarborough Chamber were moving along on the Economic Development Plan. She also noted that she had met with state representatives on current economic situation. She also mentioned that the Conservation Commission would be sending out letters to large land owners regarding their participation in the Vernal Pool Study. She wanted to know how the Council would like the ecomaine report be presented. Council would get back to her on this.
- Chairman Wood stated that at the next Library Trustees meeting the discussion will center on the Library Budget.

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

**Item 9. Town Manager Report.** Thomas J. Hall, Town Manager, reported on the following:

- Town Employees [union and non-union] agreed on a 0% cost of living allowance;
- A copy of the Oak Hill Pedestrian Plan is available for review and this had been one of the Council Goals;
- Update on the PUC process regarding the upgrading of gridlines;
- Pine Point Pier Grant application for the working waterfront – the town is one of three applicants being reviewed;
- Higgins Beach seawall – the project has been closed for the winter and the work will resume in the spring; and,
- There is a Council Workshop scheduled for Tuesday, February 24, 2009, at 6:00 p.m. with New England Expedition and the CPIC Committee.

**Item 10. Council Member Comments:**

- Councillor Ahlquist thanked the Town [union and non-union] employees for agreeing to a 0% cost of living increase; he thanked the Council for voting in support of the Payne Road Study Committee and mentioned that the North Scarborough Grange 495 will be having

their 100<sup>th</sup> Anniversary Celebration on March 16<sup>th</sup> – he thanked the Grange for their work and support in the community.

- Councillor Roy congratulated the High School Debate Team and the Girls and Boys Track Teams on their wins; she encouraged residents to consider serving on the town boards/committees; also thanked the Town employees on agreeing to a 0% cost of living increase and hoped that all School Employees will support the same. She sent condolences to the Buckley Family – Jack had served on the School Board.
- Councillor Babine stated that he was very excited about the Pine Point Pier Grant application for the working waterfront – a three year process; he would not be available for the February 24<sup>th</sup> workshop; congratulations to the Grange on their 100<sup>th</sup> Anniversary. He commented on the School's Budget and the Town's Budget and would like to bring forward a resolution regarding a job savings measure. He would like fellow Council members to review the proposed wording and get back to him with any recommendations – he would like to have the resolution on an upcoming Council agenda.
- Councillor D'Andrea noted that through the Southern Maine Area on Aging she had the opportunity on Valentines Day to deliver Meals on Wheels with Al and she also handed out roses to recipients – what a great program. She noted that the Broadturn Farm and the Scarborough Land Trust hosted a potluck dinner to introduce the Friends of the Broadturn Farm; this group would allow the Scarborough Land Trust to focus on other project that they may have.
- Chairman Wood reminded the Council that there is a meeting with state representatives on Wednesday, February 25<sup>th</sup> at the Cape Elizabeth Town Hall at 7:00 p.m. He welcomed Famous Dave's Restaurant. He also noted that the upcoming budget for 2010 would be quite a challenge and decisions would be tough and went on to thanked the town employees for their sacrifice in agreeing to the 0% cost of living and hoped that other would follow suit.

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

Vote: 6 yeas.

Meeting adjourned at 8:36 p.m.

Respectfully submitted,  
Yolande P. Justice, Town Clerk