

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 17, 2010
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Council Vice-Chair Roy called the regular meeting of the Scarborough Town Council to order at 7:01 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	Karen A. D’Andrea
Jessica L. Holbrook	Michael J. Wood
Shawn A. Babine	Carol S. Rancourt, Council Chair [Absent]
Judith L. Roy, Council Vice-Chair	

Prior to public comments, Council Vice-Chair Roy stated that the Finance Committee has yet to review the proposed budget. The Town Manager will present the Manager’s Budget this evening, but the overall budget will not be available to the Finance Committee until this Friday. The schedule for the Finance Committee meetings: Thursday, March 25th from 3:00 to 5:00 p.m.; Thursday, April 1st from 4:00 to 6:00 p.m. and Thursday, April 15th also from 4:00 to 6:00 p.m. All meetings will be held in Chamber A of the Municipal Building.

Item 4. General Public Comments.

- Jackie Perry of 215 Black Point Road and a member of the Board of Education asked that the Council please be patient with members of the public as they are unaware of the process. She is going to be proposed to the Board of Education to approve the Superintendent’s Budget.
- Ian Grant of 46 Gunstock Road, stated that he was not happy with the recommended cuts and was concerned with the quality of education the student will receive.
- Helen Rundell of 38 Evergreen Farms Road spoke on the School Budget and asked the Council to think about the proposed school budget and then who would be willing to pay an increase in taxes to maintain current services.
- Christine Kukka of 3 Spruce Circle spoke on a survey that had been circulated and asked that the Council to pay particular attention to the question as to whether residents would pay an increase in taxes - they would and please read the responses that were written she found them to be very informative.
- Christopher Taylor of 5 Marcia Street echoed the comments regarding an increase in taxes and was not happy with the thought that Scarborough is the lowest in cost per pupil compared to surrounding communities. He also had great concerns with what the future holds and the need to maintain the quality of education that we currently have.
- David Green 135 Beech Ridge Road noted that there are people in town who can not afford the 3% increase in the tax rate and can not afford to continue down this road. Many residents did not get an increase as others did and live on a very fixed income – he would not agree with an increase in property taxes.
- Jonathan Farley of 6 Ridge Way Road asked if there would be the possibility of consolidating positions in administration and cut increases to police and fire to assist the budget process; it is important to support the schools.

- Kerry Goulder of 10 Thomas Drive stated that when her children get to high school there will not be anything available for them. If education is not important to the town then she would not want to live here. If taxes are raised then that amount should go to the schools - would rather have a broken road than a broken child.
- Jean Marie Caterina of 311 Gorham Road stated that she was here as a real estate broker and the questions that are always asked are regarding the school and how good the school systems are – people move to Scarborough for the education their students would receive.
- Brian Barry of 17 Fowler Farm Road stated that he is looking at the next few years and hopes that the council will really look at the whole picture and support the school budget.
- Jere Michelson of 5 Edgewater Road stated that education is the bedrock of society and he would be in favor of review of the allocation toward the school budget.
- Bruce Walker 15 Grandview Drive spoke in favor of the School Budget - education is very important – please keep the funding for the schools.
- Susan Clark 8 Edgewater Drive made a quality of life move to Maine. She moved to Scarborough for the education. She is worried about her two children in the primary school and worries about what it will be like with the get to high school. Send the message that Scarborough does favor a quality education.
- Amanda Voe – spoke on how great the teachers are – she encouraged the Council to visit a classroom. If it were not for the parents who volunteer the schools would be worse then they are now. She has friends who are moving because of the lack of support for the School Department.
- Chris Ream of 6 Horseshoe Drive moved here because of the education and we need to maintain the quality – we need to move forward not backward – need to protect the value that we have.
- Brian Kenney of 9 Lobos Lane feels that the schools are not where the cuts need to be. Asked why there were so many ladder trucks and the vehicles at the department have. Children are our future and we need to put the financial support in them.
- Kelly Loafer of 7 Chestnut Drive stated that she is questioning whether it was the right move to relocate her family to Scarborough. By robbing the school system - is robbing the next generation.
- Amy Volk of Elbridge Oliver Way was alarmed by the statements made regarding the low morale at the high school with the teachers due having no contracts or pay raises for quite some time and then When you have the police and fire receiving an increase - Need to be fair – Why are we not combining serves with other communities.
- Roger Doiron of 3 Powderhorn Drive spoke in support of the proposed budget. He did not attend Scarborough Schools but attended Cheverus and felt that if the school makes the proposed cuts parents will make the decision to send their children to a private school to ensure they get the quality of education that they could have gotten in Scarborough.
- Trish Cowie of 5 Hemlock Circle – agreed with the comments made earlier – we need to move forward and do what is right for the schools.
- Leah Kane 160 Holmes Road has lived here all her life and wants her son to have the opportunities that she had and Support the school Budget.

Item 5. Minutes: March 3, 2010 – Regular Meeting. Motion by Councillor D’Andrea, seconded by Councillor Holbrook, to move approval of the March 3, 2010, regular Town Council meeting, as written.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. No adjustments were made.

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

Resolution 10-02. Recognition of the month of April as *Sexual Assault Awareness Month*. Motion by Councillor Vice-Chair Roy, seconded by Councillor Wood, to move approval of Resolution 10-02, in recognition of the month of April as *Sexual Assault Awareness Month*, as follows:

Town of Scarborough, Maine

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S C A R B O R O U G H , M A I N E • 0 4 0 7 0 - 0 3 6 0

***Resolution 10-02
Proclaiming the Month of April, 2010, as
Sexual Assault Awareness Month***

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

WHEREAS, sexual assault affects women, children, and men of all racial, cultural and economic background; and,

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders, and suicide; and,

WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor; and,

WHEREAS, no one person organization, agency or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victim/survivors and their significant others, and increase support for agencies providing services to victim/survivors; and,

WHEREAS, Sexual Assault Awareness Month provides excellent opportunity for citizens to learn more about preventing sexual violence,

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that we do hereby proclaim April as *Sexual Assault Awareness Month*.

Signed and dated this 17th day of March, 2010, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Judith L. Roy, Council Vice-Chair and attested by: Yolande P. Justice, Town Clerk.

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 10-23. First reading and refer to the Planning Board on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Rural Residence and Farming District (RF) and Rural Residence, Farming and Manufactured Housing District (RFM) and to Create New Definitions and Performance Standards Associated with Agriculture. Dan Bacon, Town Planner, spoke on this Order as well as Orders 10-24 and 25. He reviewed the proposed changes being presented to the Town Council.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval of the first reading and refer to the Planning Board on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Rural Residence and Farming District (RF) and Rural Residence, Farming and Manufactured Housing District (RFM) and to Create New Definitions and Performance Standards Associated with Agriculture and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**Proposed Amendments to the Zoning Ordinance
to Update the Rural Residence and Farming District (RF) and Rural Residence,
Farming and Manufactured Housing District (RFM) and to
Create New Definitions and Performance Standards Associated with Agriculture**

WHEREAS, the Town’s adopted Comprehensive Plan proposes that the Town update the allowed uses and the provisions for farming in the Rural Districts,

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 following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Proposed additions to the ordinance are underlined
and proposed deletions are ~~struck through~~

1. Amend Section XIII. RURAL RESIDENCE, FARMING AND MANUFACTURED HOUSING: R-F-M to read as follows:

Section XIII. RURAL ~~RESIDENCE~~, FARMING AND MANUFACTURED HOUSING DISTRICT: R-F-M.

A. PURPOSE

To conserve the integrity and natural qualities of rural open space for the betterment and future use of the community, to encourage the continuation of agriculture and related activities, and to provide for areas within the community where manufactured housing units can be harmoniously situated on individual lots. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres and may occur in accordance with the provisions of Section VIIA of this Ordinance. [amended 02/01/2006]

B. USES (05/07/03)

The following uses are permitted uses: (05/07/03)

~~1. Commercial agriculture subject to the performance standards of Section IX.Q. General purpose farming including retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries.~~

2. Commercial animal husbandry subject to the performance standards of Section IX.Q.

3. Farm stands subject to the performance standards of Section IX.R.

4. Agricultural products store subject to the performance standards of Section IX.S.

5. Agricultural processing facilities with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or commercial animal husbandry subject to the performance standards of Section IX.Q.

6. Bed and Breakfasts (B&Bs) subject to the performance standards of Section IX.T.

~~7-2.~~ Single family detached dwellings, exclusive of individual mobile homes.

8. Two-family dwellings.

9. A single multifamily dwelling with four or fewer dwelling units on a lot, subject to review under Section VIIA. Conservation Subdivision Design.

10. Manufactured Housing Units which conform to the following installation standards:

- a. The wheels, axles, detachable transporter unit and tongue shall be removed and the unit shall be placed on a permanent foundation.
- b. The foundation shall comply to the requirements of the Town's building code for residential structures. At a minimum, the foundation shall consist of a 4' frost wall completely surrounding and supporting the perimeter of the unit with a crawl space.
- c. The exterior plumbing shall comply with the Maine State Plumbing Code.
- d. The exterior electrical connections shall comply with the National Electrical Code.
- e. The acute angle between the front property line of the lot (or in the case of a curved front line, the chord connecting the points where the side lines intersect the front line) and a line parallel to the short axis of the manufactured housing unit is not less than 30 degrees. On corner lots, said acute angle shall be no less than 30 degrees and no greater than 60 degrees.
- f. Fuel oil storage tanks shall be in the cellar, crawl space, or buried and conform to NFPA 31.
- g. Above-ground propane tanks shall be permitted only at the rear of the structure.
- h. All disturbed portions of the site shall be loamed and seeded.

~~11-3. Residential recreational facility. Residentially related public and private open space recreational uses exclusive of drive-in theaters and fairgrounds.~~

12 4. Hospitals, nNursing homes, and sanatoria boarding-care facilities for the elderly on lots of at least five acres.

13 5. Accessory uses and buildings, including accessory agricultural activities subject to the performance standards of Section IX.P.

14 6. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required. [Amended 06/01/94]

15 7. Golf Course. (12/21/94)

16 8. Municipal Buildings and Uses. (7/5/95)

17 9. Place of Worship. (5/5/99)

18. ~~Day camp on lots with an area of at least ten twenty (20 ten (10) acres.~~

19. Forestry

The following uses are allowed only pursuant to a contract zoning agreement approved by the Town Council under Section II(I) of this Ordinance: (05/07/03)

~~19~~ 20. Wetlands Creation on previously excavated property. (05/07/03)

C. SPECIAL EXCEPTIONS

1. Agricultural processing facilities with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or commercial animal husbandry subject to the performance standards of Section IX.Q. Deleted 7/5/96

2. Public utility facilities including substations, pumping stations and sewage treatment facilities.

3. Cemeteries.

4. Extractive industrial including gravel pits and quarries.

5. Camping and tenting areas on lots of at least five acres.

6. Mobile home parks.

7. Commercial stables on lots of at least five (5) acres Abbatoirs and piggeries.

8. Home occupations.

9. Group Day Care Homes and Nursery Schools.

10. Day Care Center Facilities.

~~10~~11. Non-commercial Model Aviation Flying Field located west of the Maine Turnpike and subject to the standards of Section IV(I)(8) of this Ordinance. (2/17/93)

~~11. Day Care Center Facilities, only on lots which are served by public sewer. (12/21/94)~~

- 12. Adjunct Uses, Places of Worship. (5/5/99)
- 13. Accessory units subject to the performance standards of Section IX.J.
- 14. Telecommunication Facility. (03/17/04)
- 15. Hospices
- 16. Kennels.
- 17. Veterinary and pet care facilities.
- 18. Agricultural employee housing in conjunction with commercial agriculture and/or commercial animal husbandry.
- 19. Commercial outdoor recreation subject to the performance standards of Section IX.U.

D. SPACE AND BULK REGULATIONS

Maximum net residential density	1 dwelling unit per net residential 2 acres (adopted 6/21/72)
Minimum lot area	80,000 sq. ft.
Minimum area per family	80,000 sq. ft.
Minimum street frontage	200 feet
Minimum front yard, all buildings	50 feet
Minimum rear and side yards, all buildings *Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.	15 feet*
Maximum building height	(See Section IX,A,15)
Maximum building coverage	25%

The above space and bulk regulations shall apply unless the use of Section VIIA, Conservation Subdivision Design – Flexible Development Standards for Lower Density Residential Districts, of this Ordinance is required or elected, as per subsection B applicability of Section VIIA.[amended 02/01/2006]

E. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

F. SIGNS

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

2. Amend Section XIV. RURAL RESIDENCE AND FARMING: R-F to read as follows:

Section XIV. RURAL ~~RESIDENCE~~ AND FARMING DISTRICT R-F.

A. PURPOSE

To conserve the integrity and natural qualities of rural open space for the betterment and future of the community and encourage the continuation of agriculture and related activities in these areas of the community. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres and may occur in accordance with the provisions of Section VIIA of this Ordinance. [amended 02/01/2006]

B. USES (05/07/03)

The following uses are permitted uses: (05/07/03)

~~1. Commercial agriculture subject to the performance standards of Section IX.Q. General purpose farming including retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries.~~

2. Commercial animal husbandry subject to the performance standards of Section IX.Q.

3. Farm stands subject to the performance standards of Section IX.R.

4. Agricultural products store subject to the performance standards of Section IX.S.

5. Agricultural processing facilities with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or commercial animal husbandry subject to the performance standards of Section IX.Q.

6. Bed and Breakfasts (B&Bs) subject to the performance standards of Section IX.T.

7. Single family detached dwellings, exclusive of individual mobile homes.

8. Two-family dwellings.

9. A single multifamily dwelling with four or fewer dwelling units on a lot, subject to review under Section VIIA. Conservation Subdivision Design.

~~10-3.~~ Residential recreational facility.

~~11-4.~~ ~~Hospitals, n~~Nursing homes and ~~sanatoria~~ boarding-care facilities for the elderly on lots of at least five acres.

~~12~~ 5. Accessory uses and buildings including accessory agricultural activities subject to the performance standards of Section IX.P. ~~accessory stables, beehives and rabbit warrens.~~

~~13~~ 6. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required. [6/01/94]

~~14~~ 7. Golf Course. (12/21/94)

~~15~~ 8. Municipal Buildings and Uses. (7/5/95)

~~16~~ 9. Place of Worship. (5/5/99)

17. Day camp on a lot with a lot area of at least ~~twenty (20)~~ ten (10) acres.

18. Forestry

The following uses are allowed only pursuant to a contract zoning agreement approved by the Town Council under Section II(I) of this Ordinance: (05/07/03)

19 10. Wetlands Creation on previously excavated property. (05/07/03)

C. SPECIAL EXCEPTIONS

1. Agricultural processing facilities with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or commercial animal husbandry subject to the performance standards of Section IX.Q. Deleted 7/5/95.

2. Public utility facilities including substations, pumping stations and sewage treatment facilities.

3. Cemeteries.

4. Extractive industry including gravel pits and quarries.

5. Camping and tenting area on lots of at least five acres.

6. Mobile home parks.

7. Commercial stables. on lots of at least five (5) acres.

8 7. Home occupations.

9 8. Group Day Care Homes and Nursery Schools. [6/01/94]

10. Day Care Center Facilities.

~~9. Boarding Care Facilities for the Elderly on lots of at least 5 acres, subject to the performance standards of Section IX, subsection C.~~

~~10. Day Care Facilities which are accessory to and located on the same lot with Boarding Care Facilities for the Elderly.~~

11. Non-commercial Model Aviation Flying Field located west of the Maine Turnpike and subject to the standards of Section IV(I)(8) of this Ordinance. (2/17/93)

~~13. Day Care Center Facilities, only on lots which are serviced by public sewer. (12/21/94)~~

12 14. Adjunct Uses, Place of Worship. (5/5/99)

13 15. Accessory units subject to the performance standards of Section IX.J.

14 16. Telecommunication Facility. (03/17/04)

15 17. Hospices. (08/17/2005)

16. Kennels.

17. Veterinary and pet care facilities.

18. Agricultural employee housing in conjunction with commercial agriculture and/or commercial animal husbandry.

19. Commercial outdoor recreation subject to the performance standards of Section IX.U.

D. SPACE AND BULK REGULATIONS

Maximum net residential density	1 dwelling unit per net residential 2 acres
Minimum lot area	80,000 sq. ft.
Minimum area per family	80,000 sq. ft.
Minimum street frontage	200 feet
Minimum front yard, all buildings	50 feet
Minimum rear and side yards, all buildings *Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.	15 feet*
Maximum building height	(See Section IX,A,15)
Maximum building coverage	25%

The above space and bulk regulations shall apply unless the use of Section VIIA, Conservation Subdivision Design – Flexible Development Standards for Lower Density Residential Districts, of this Ordinance is required or elected, as per subsection B applicability of Section VIIA. [amended 02/01/2006]

E. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

F. SIGNS

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

3. Amend SECTION VI. DEFINITIONS by adding, in proper alphabetical order, definitions of accessory agricultural activities, agricultural employee housing, agricultural products store, agricultural processing facilities, bed and breakfast, commercial agricultural, commercial animal husbandry, commercial outdoor recreation, commercial stable, day camp, farm stand, and kennel to read as follows:

Accessory Agricultural Activities:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers and/or the keeping, breeding, or raising of animals, other than household pets, that is incidental and subordinate to the primary use of the property for residential or nonresidential use in which the agricultural products are primarily for use by the owner, lessor, or occupant of the property.

Agricultural Employee Housing:

Housing quarters that are located on the premises of a Commercial Agriculture or Commercial Animal Husbandry use and that are used exclusively to house seasonal agricultural employees and/or apprentices associated with the agricultural use for no more than eight (8) months per year. Agricultural employee housing shall be incidental and secondary to the Commercial Agriculture or Commercial Animal Husbandry use, shall not constitute a dwelling(s) when applying the maximum net residential density standard and shall comply with all applicable OSHA standards and State and local building code requirements.

Agricultural Products Store:

A building or structure, including the adjacent outdoor area, used for the retail sales of agricultural products grown, raised, and produced by a Commercial Agriculture or Commercial Animal Husbandry Use as well as other agricultural and related food products not produced by the Commercial Agriculture or Commercial Animal Husbandry Use, and handmade crafts and similar products that meets the performance requirements for agricultural products stores.

Agricultural Processing Facilities:

Buildings, structures, and equipment used for the processing, storage, and distribution of plant or animal products in conjunction with a Commercial Agriculture and/or Commercial Animal Husbandry use that meets the performance standards for agricultural processing facilities.

Bed and Breakfast (B&B)

A building containing not more than six guest rooms that provides lodging accommodations to transient guests. The establishment must contain a dwelling unit that is occupied by the owner or manager of the facility. The provision of food and beverage service shall be limited to transient guests during their stay. A transient guest is a person who occupies a guest room for no more than 186 days in any 365-day period.

Commercial Agriculture:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers primarily for sale to or use by someone other than the owner, lessor, or occupant of the property. Commercial Agriculture includes leased or rented land used as part of an agricultural activity as well as the related processing and storage of these plants together with buildings and structures used in the agricultural activity such as barns, storage buildings and facilities, greenhouses and temporary shelters, and accessory processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed (also see the definition of commercial animal husbandry).

Commercial Animal Husbandry:

The keeping, breeding, or raising of animals, other than household pets, primarily for sale to or use by someone other than the owner, lessor, or occupant of the property including the sale or use of the products of the animals such as, but not limited to, milk, eggs, meat, wool, or fur. Commercial Animal Husbandry includes leased or rented land used as part of an agricultural activity as well as the processing and storage of these animals and their products together with buildings and structures related to the agricultural activity such as barns, storage buildings and facilities, pens/enclosures, manure pits/storage, and processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed (also see definition of commercial agriculture).

Commercial Outdoor Recreation:

A recreational use, activity, or facility that is operated by a non-governmental entity in which the recreational activities occur primarily outside and do not involve the use of mechanical equipment or participant operated motorized vehicles as part of the recreational experience.

Commercial Stable:

A commercial or community facility for the boarding, breeding, and/or training of horses including buildings and structures related to these activities such as barns, storage facilities, indoor and/or outdoor riding rings/facilities, and trails. A stable includes related activities that are accessory to the primary stable use such as trail rides, hay rides, horse shows, and animal auctions.

Day Camp:

The use of land and building(s) for indoor and outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, agricultural activities, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private or public association or group.

Farm Stand:

A building, structure, or outdoor location for the retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture or Commercial Animal Husbandry use or Accessory Agricultural Activities as well as other agricultural and related food products not produced by the agricultural use and handmade crafts and similar products that meets the performance requirements for farm stands.

Forestry:

The use of land for the raising and harvesting of timber, pulp wood, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Forestry does not include the clearing of land for approved construction.

Kennel:

A commercial facility for the boarding, daycare and/or breeding of domestic pets including accessory activities such as grooming or training but not including veterinary services.

4. Amend SECTION IX. PERFORMANCE STANDARDS to create a new subsection P. PERFORMANCE STANDARDS – ACCESSORY AGRICULTURAL ACTIVITIES to read as follows:

P. PERFORMANCE STANDARDS – ACCESSORY AGRICULTURAL ACTIVITIES

Accessory Agricultural Activities must be carried out in conformance with the following performance standards:

1. Chickens may be kept on a lot in accordance with the following standards:
 - a. Up to five (5) chickens may be kept on a lot with a lot area of less than ten thousand (10,000) square feet.
 - b. Up to ten (10) chickens may be kept on a lot with a lot area of ten thousand (10,000) square feet or more but less than forty thousand (40,000) square feet.

- c. Any number of chickens may be kept on a lot with a lot area of forty thousand (40,000) square feet or more.
 - d. On lots with a lot area of less than ten thousand (10,000) square feet, all chickens must be female.
 - e. On lots with a lot area of less than forty thousand (40,000) square feet, the chickens must be kept in an enclosure or fenced area at all times. This requirement can be met through the use of a mobile enclosure or a so called “chicken tractor”.
 - f. The chickens must be confined within a henhouse during non-daylight hours.
 - g. The henhouse must be enclosed on all sides, have a roof and door, and the access doors must be able to be shut and locked. The henhouse must be constructed from substantial materials and be visually compatible with the property. The hen house must be setback from any property line at least fifteen feet or the minimum required setback for the district in which it is located, whichever is greater
 - h. The henhouse and enclosure must be maintained so that it is clean, dry, and odor free. All manure or other wastes must be stored in a fully enclosed structure or in airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material on the lot.
2. Small animals (such as sheep, goats, pot-belly pigs, or fowl that typically weigh not more than 100 pounds at maturity) other than domestic pets or chickens may be kept on a lot that is located in a rural, mixed-use, or non-residential district and has a lot area of at least 40,000 square feet.
 3. Large animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity) may be kept on a lot that is located in a rural, mixed-use, or non-residential district and has a lot area of at least 80,000 square feet.
 4. Any building or structure that is used to house animals other than domestic pets or chickens must meet the setback requirements for the zone in which it is located.
 5. The sale of excess products produced on the property is permitted. The sales must occur in a designated area not more than twenty (20) square feet in area and may include a display stand or table. The stand or table may only be in place during the season when products are being sold and must be removed during the “off-season”.

5. Amend SECTION IX. PERFORMANCE STANDARDS to create a new subsection Q. PERFORMANCE STANDARDS – COMMERCIAL AGRICULTURE AND COMMERCIAL ANIMAL HUSBANDRY to read as follows:

Q. PERFORMANCE STANDARDS – COMMERCIAL AGRICULTURE AND COMMERCIAL ANIMAL HUSBANDRY INCLUDING PROCESSING

Commercial Agriculture and Commercial Animal Husbandry must be carried out in conformance with the following performance standards:

1. The lot must have an area of at least one (1) acre to have any permanent agricultural buildings or structures on a parcel.
2. Commercial Animal Husbandry is allowed only on lots with an area of two (2) acres or more.

3. Any building or structure that is used to house animals other than domestic pets and any facilities for the storage or handling of manure or materials that contain manure must conform to the setback requirements of the zone in which it is located. The facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's Manual of Best Management Practices for Maine Agriculture.
4. Facilities for the processing of agricultural products must be designed and primarily used to process products raised as part of the Commercial Agriculture and/or Commercial Animal Husbandry use but the processing of other agricultural products not raised as part of the Commercial Agriculture or Animal Husbandry use is allowed provided that the processing facilities are accessory and subordinate to the principal agricultural use of the property.
5. Processing facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's Manual of Best Management Practices for Maine Agriculture.

6. Amend SECTION IX. PERFORMANCE STANDARDS to create a new subsection R. PERFORMANCE STANDARDS – FARM STANDS to read as follows:

R. PERFORMANCE STANDARDS – FARM STANDS

A Farm Stand must conform to the following performance standards:

1. A farm stand must be associated with and accessory to a Commercial Agriculture and/or Commercial Animal Husbandry use.
2. A farm stand must be located on a parcel that is actively used for the Commercial Agriculture or Commercial Animal Husbandry use.
3. A farm stand may be a free-standing building, structure or outdoor location or may be part of another building or structure (for example, an area in a barn or house that is used for sales).
4. The total area devoted to retail sales is limited to four hundred (400) square feet. This includes the area of a free-standing building or structure, the area for outside display and/or sales, the outdoor area used for retail sales if there is no building or structure, and the area used for sales in another building.
5. The sale of products is limited to: a) those grown, raised, or produced by the Commercial Agriculture or Commercial Animal Husbandry use with which the farm stand is associated, b) processed products that are made from products grown or raised by the agricultural use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the agricultural use), c) agriculture products including processed products that are not produced by the agricultural use with which the stand is associated, and d) handmade art and craft products.
6. If the stand sells products that are not grown or raised by the use or made from products grown or raised by the use, the majority of the retail sales must be from products associated with the Commercial Agriculture and/or Commercial Husbandry use. The share of sales attributable to off-premise products shall be determined on an annual basis by the owner and shall be reported to the Town as part of the annual renewal of the business license.

7. The farm stand must be located on the parcel so that it meets side and rear setback requirements but a free-standing farm stand is not required to meet the front setback requirements.
8. The farm stand must be located so that it provides appropriate parking and access for customers. Customer vehicles must not be required to back out on to a public street.
9. The farm stand may be open for business only when it is selling products that are grown, raised, or produced as part of the Commercial Agriculture or Commercial Animal Husbandry use.
10. A farm stand is not subject to site plan review but does require a permit from the CEO

7. Amend SECTION IX. PERFORMANCE STANDARDS to create a new subsection S. PERFORMANCE STANDARDS – AGRICULTURAL PRODUCTS STORE to read as follows:

S. PERFORMANCE STANDARDS – AGRICULTURAL PRODUCTS STORES

An Agricultural Products Store must conform to the following performance standards:

1. An agricultural product store must be associated with and accessory to a Commercial Agriculture or Commercial Animal Husbandry use.
2. A store must be located on a parcel that is actively used for the Commercial Agriculture and/or Commercial Animal Husbandry use.
3. The primary vehicle access to the store must be from a street/road that is classified by the Town as an arterial, collector, or minor collector.
4. An agricultural products store may be a free-standing building or may be part of another building or structure (for example, an area in a barn or house that is used for sales)
5. A free-standing building used for retail sales or the area used for sales in another building is limited to one thousand (1,000) square feet of sales area. An additional outside area of not more than five hundred (500) square feet may be used for the display and/or sales of products. These limits shall not apply to greenhouses or areas for the growing and/or display of nursery stock or other plants for sale as part of the agricultural use.
6. The sale of products may include: a) those grown, raised, or produced by the Commercial Agriculture or Commercial Animal Husbandry use with which it is associated, b) processed products that are made from products grown or raised by the use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the use), c) agriculture products including processed products that are not produced by the Commercial Agriculture or Commercial Animal Husbandry use with which the store is associated, d) live or fresh fish, shellfish, and lobsters, and e) handmade art and craft products.
7. If the store sells products that are not grown or raised by the use or made from products grown or raised by the use, the majority of the retail sales must be from products associated with the Commercial Agriculture or Commercial Husbandry use. The share of sales attributable to off-premise products shall be determined on an annual basis by the owner and shall be reported to the Town as part of the annual renewal of the business license

8. The building in which the store is located must meet the front, side, and rear setback requirements for the district in which it is located
9. The store must be located so that it provides appropriate parking and access for customers. Parking must be provided in accordance with the requirements of Section XI, for retail uses.
10. The store may be open for business only when it is selling products that are grown, raised, or produced as part of the Commercial Agriculture or Commercial Animal Husbandry use.
11. The construction of a building or the conversion of an existing building for use as a agricultural products store is subject to site plan review.

8. Amend SECTION IX. PERFORMANCE STANDARDS to create a new subsection T. PERFORMANCE STANDARDS – BED AND BREAKFASTS (B&BS) to read as follows:

T. PERFORMANCE STANDARDS – BED AND BREAKFASTS

A Bed and Breakfast (B&B) must conform to the following performance standards:

1. A B&B that is located in a rural or residential zone must have its primary vehicle access from a street/road that is classified by the Town as an arterial, collector, or minor collector. This requirement does not apply to a B&B located in mixed-use or nonresidential zone.
2. The parking for a B&B that is located in a rural or residential zone may not be located in the required front yard.
3. A B&B that is located in a rural or residential zone shall maintain a residential character in the design of the building and site improvements including the location of parking.
4. If the lot on which the B&B is located abuts a lot that is in residential use, a vegetated buffer strip at least fifteen (15) feet in width shall be established and maintained between any parking or service areas and the property line. The buffer strip shall screen the parking and/or service areas from view from the abutting property.

9. Amend SECTION IX. PERFORMANCE STANDARDS to create a new subsection U. PERFORMANCE STANDARDS – COMMERCIAL OUTDOOR RECREATION to read as follows:

U. PERFORMANCE STANDARDS – COMMERCIAL OUTDOOR RECREATION

A Commercial Outdoor Recreation use must conform to the following performance standards:

1. The primary recreational activity must occur in the outdoors.
2. Structural development must be limited to facilities and buildings that support the primary recreational activity and shall be the minimum necessary to accommodate the use. Buildings or structures may not be or house the primary recreational activity. Examples of allowed buildings and structures include maintenance and storage buildings, an office related to the use, rest rooms, an equipment rental building, a warming hut or club house, and facilities for the sale of refreshments to people using the facility.

3. All buildings, facilities and areas used for recreation activities must conform to the setbacks for the district in which it is located.
4. The use must provide adequate off-street parking that is appropriate for the anticipated use of the facility and that will prevent the parking of vehicles along public roads.
5. If the use will operate on a regular basis, an improved parking lot must be provided.
6. If the use will operate intermittently or will have increased use on an intermittent basis, parking for these times may be provided in unimproved or field type parking areas.
7. The recreational activity must not create any adverse impacts for abutting properties as a result of noise or odors,

10. Amend SECTION XII. SIGN REGULATIONS by amending item 5. Off-Premises Farm Stand Signs in Subsection B. Temporary Signs to read:

5. Off-Premises Farm Stand and Agricultural Products Store Signs.

To the extent permitted by State authorities, the operator of a Farm Stand or Agricultural Products Store ~~a grower who sells fresh fruits, vegetables or other agricultural crops on the same premises where such crops are grown~~ may install a maximum of four (4) Off-Premises Farm Stand/Agricultural Products Store Signs for the purpose of directing motorists to the location where ~~the crops are grown and~~ local agricultural products are offered for sale. Such Off-Premises Farm Stand/Agricultural Products Store Signs must be no more than eight square feet in gross display area and must be located within five miles, road distance, of the farm stand or store. Farm Stand/Agricultural Products Store Signs may be placed in off-premises locations only during periods of the year when the stand or store is open only between May 1st and December 31st of each year and ~~must be removed when~~ the product or products identified on the sign are ~~no longer~~ available for sale. Off-premises Farm Stand/Agricultural Products Store Signs may be located within the right-of-way only on highways which receive no federal aid and only at the edge of the right-of-way, in locations which do not interfere with vehicular or pedestrian traffic and which do not interfere with visibility for pedestrians or motorists. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner.

11. Amend SECTION VIIA. CONSERVATION SUBDIVISION DESIGN by adding a new item e. under Subsection B. Applicability to read:

1. Required conservation subdivisions. Conservation subdivision design is required in the RFM, RF and R-2 Districts when:

- a.** A subdivision proposes to include two-family and/or multi-family dwellings.

12. Amend SECTION VIIA. CONSERVATION SUBDIVISION DESIGN by amending the language under Subsection C. PERMITTED USES & SPECIAL EXCEPTIONS to read as follows:

C. PERMITTED USES & SPECIAL EXCEPTIONS

The Permitted Uses and Special Exceptions within a conservation subdivision shall be the same as those allowed within the zoning district in which the subdivision is approved. ~~With the following exceptions:~~

- ~~1. General purpose farming on single family house lot less than 80,000 sq. ft. in size in the RF and RFM zoning districts shall require special exception approval from the Board of Appeals.~~

Vote: 6 Yeas.

Order No. 10-24. First reading and refer to the Planning Board on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Residential 2 District (R2) and the Other Residential, Mixed Use, and Non-Residential Districts to Allow for Accessory Agricultural Activities. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments.

Motion by Councillor Wood, seconded by Councillor D’Andrea, to move approval of the first reading and refer to the Planning Board on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Residential 2 District (R2) and the Other Residential, Mixed Use, and Non-Residential Districts to Allow for Accessory Agricultural Activities and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**Proposed Amendments to the Zoning Ordinance
to Update the Residential 2 District (R2) and the Other Residential, Mixed Use, and
Non-Residential Districts to Allow for Accessory Agricultural Activities**

WHEREAS, the Town’s adopted Comprehensive Plan proposes that the Town allow for limited agriculture in the R2 District,

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 following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Proposed additions to the ordinance are underlined
and proposed deletions are ~~struck through~~

1. Amend Section XV. RESIDENTIAL DISTRICTS R-2 so that the Permitted Uses and Special Exceptions read as follows:

B. PERMITTED USES

1. Single family detached dwellings exclusive of individual mobile homes.
2. Place of Worship. (5/5/99)
3. School, library, museum.
4. Residential recreation facility.
5. Accessory uses including accessory stables on lots of at least two acres, accessory agricultural activities subject to the performance standards of Section IX.P. beehives, and rabbit warrens.

- 6. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board Appeals review is not required. [6/01/94]
- 7. Golf Course. (12/21/94)
- 8. Municipal Buildings and Uses. (7/5/95)

C. SPECIAL EXCEPTIONS

- 1. Commercial agriculture subject to the performance standards of Section IX.Q ~~Farm, truck garden, nursery, exclusive of poultry and livestock raising.~~
- 2. Farm stands subject to the performance standards of Section IX.R ~~Deleted 7/5/95.~~
- 3. Agricultural products stores subject to the performance standards of Section IX.S.
- 4. Agricultural processing facilities with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture subject to the performance standards of Section IX.Q.
- ~~53.~~ Cemeteries.
- ~~64.~~ Public utilities facilities including substations, pumping stations and sewage treatment facilities.
- ~~75.~~ Home occupations.
- ~~86.~~ Group Day Care Homes, and Nursery Schools. [6/01/94]
- ~~97.~~ Day Care Center Facilities, ~~only on lots which are served by public sewer~~. (12/21/94)
- ~~108.~~ Adjunct Uses, Place of Worship. (5/5/99)
- ~~119.~~ Accessory units subject to the performance standards of Section IX.J.
- ~~1210.~~ Telecommunications Facility. (03/17/04)
- ~~1311.~~ Hospices. (08/17/2005)

2. Amend Section XV.A RESIDENTIAL DISTRICT R-3 so that item 4 in the list of permitted uses reads:

- 4. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

3. Amend Section XV.B – Village Residential 2 District – VR2 by adding a new item 12 in the list of permitted uses that reads:

- 12. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

4. Amend Section XV.C Village Residential 4 District – VR4 so that item 12 in the list of permitted uses reads:

12. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

5. Amend Section XVI. RESIDENTIAL DISTRICT R-4. so that item 4 in the list of permitted uses reads:

4. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

6. Amend Section XVII. RESIDENTIAL DISTRICT R-4A. so that item 6 in the list of permitted uses reads:

6. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

7. Amend Section XVIIA. RESIDENCE AND PROFESSIONAL OFFICE DISTRICT RPO. so that item 11 in the list of permitted uses reads:

11. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

8. Amend Section XVIII. LOCAL BUSINESS DISTRICT B-1. so that item 5 in the list of permitted uses reads:

5. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

9. Amend Section XVIIIA. TOWN AND VILLAGE CENTERS DISTRICT TVC so that item 19 in the list of permitted uses reads:

19. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

10. Amend Section XVIII B. HAIGIS PARKWAY DISTRICT HP so that item 10 in the list of permitted uses reads:

10. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

11. Amend SECTION XVIII C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT, TVC2 so that item 26 in the list of permitted uses reads:

26. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

11. Amend SECTION XVIII.D. TOWN AND VILLAGE CENTERS FRINGE DISTRICT, TVC3 so that item 25 in the list of permitted uses reads:

25. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

12. Amend Section XIX. REGIONAL BUSINESS DISTRICT B2 so that item 10 in the list of permitted uses reads:

10. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

13. Amend Section XIX.A. GENERAL BUSINESS DISTRICT B3 so that item 18 in the list of permitted uses reads:

18. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

14. Amend Section XX. BUSINESS OFFICE-RESEARCH DISTRICT BO-R. so that item 17 in the list of permitted uses reads:

17. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

15. Amend Section XXA. RUNNING HILL MIXED USE DISTRICT, RH so that item 21 in the list of permitted uses reads:

21. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

16. Amend SECTION XXB. RUNNING HILL TRANSITION DISTRICT RH2 so that item 20 in the list of permitted uses reads:

20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.

17. Amend SECTION XXI. INDUSTRIAL DISTRICT I so that item 7 in the list of permitted uses reads:

7. Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P.

Vote: 6 Yeas.

Order No. 10-25. First reading and refer to the Planning Board on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, Section II. Applicability – subsection B. Activities Exempt from Site Plan Review. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, Section II. Applicability – subsection B. Activities Exempt from Site Plan Review and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**Proposed Amendments to the Site Plan Review Ordinance
Relative to Agricultural Activities**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment Chapter 405B the Site Plan Review Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Proposed additions to the ordinance are underlined;

Proposed deletions are ~~struck through~~.

Amend Section II. Applicability, Sub-Section B. to read as follows:

B. Activities Exempt from Site Plan Review

The following activities shall not require site plan approval, however such activities may require building permits, plumbing permits or other local or State approvals:

1. The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use.
2. Alterations to a building which in total do not increase the floor area of the building by more than 100 square feet.
3. Municipal buildings or uses, but shall be reviewed by the Planning Board for an advisory opinion to the Town Council or the applicable Town Department.
4. Buildings, structures and areas of impervious surface, the principal use of which is the conduct of accessory agriculture, commercial agriculture, or commercial animal husbandry, as are defined in Section VI. Definitions of the Town of Scarborough Zoning Ordinance. ~~For purposes of this exemption, the term agriculture means the growing of plants or the keeping of animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental plants and greenhouse products. The term does not include forest management or timber harvesting activities or retail sales, unless the retail sales are secondary and incidental to the growing of plants or keeping of animals on the premises.~~
5. Farm stands with no more than 400 square feet of retail sales area.
- 5-6. Temporary use of accessory storage containers.
7. Timber harvesting.

Vote: 6 Yeas.

Order No. 10-26. First reading and refer to the Planning Board on the proposed amendments to Chapter 405c – Shoreland Zoning Ordinance, Section 13.c. Stream Protection 2 District. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments. Councillor D’Andrea suggested that the Conservation Commission review the proposed amendments.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval of the first reading and refer to the Planning Board on the proposed amendments to Chapter 405c – Shoreland Zoning Ordinance, Section 13.c. Stream Protection 2 District and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

Proposed Amendments the Stream Protection 2 District within the Shoreland Zoning Ordinance

WHEREAS, the Town’s adopted Comprehensive Plan proposes that the Town increase the width of the Stream Protection District adjacent to the Nonesuch River,

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 following amendments to the Shoreland Zoning Ordinance be and hereby are adopted:

Proposed additions to the ordinance are underlined and proposed deletions are ~~struck through~~

Amend Section 13. C. Stream Protection 2 District of the Shoreland Zoning Ordinance to read:

C. Stream Protection 2 District

The Stream Protection 2 District includes all land areas within two hundred fifty (250) feet of: the normal high water line of Stuart Brook east of the Maine Turnpike excluding the area within the travel way of Lucky Lane and the area upland of this way as shown on the Official Zoning Map and the normal high water line of the Nonesuch River as shown on the Official Zoning Map.

Amend Section 14. Table of Land Uses to read:

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards).

No - Prohibited

PB - Allowed with permit issued by the Planning Board (amended 07/15/2009)

CEO - Allowed with permit issued by the Code Enforcement Officer (amended 07/15/2009)

LPI - Allowed with permit issued by the Local Plumbing Inspector (amended 07/15/2009)

Abbreviations:

RP - Resource Protection

SP - Stream Protection

SP2 - Stream Protection 2

SO - Shoreland Overlay (amended 02/06/2008)

TABLE 1. LAND USES IN THE SHORELAND ZONE				
LAND USES	DISTRICTS			
	SO¹	SP	SP2	RP
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	<u>Yes</u>	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	<u>Yes</u>	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	<u>Yes</u>	Yes
4. Timber harvesting	Yes	Yes	<u>Yes</u>	CEO ²
5. Clearing or removal of vegetation for activities other than timber harvesting (amended 07/15/2009)	Yes	CEO	<u>CEO¹¹</u>	CEO ²
6. Fire prevention activities	Yes	Yes	<u>Yes</u>	Yes
7. Wildlife management practices	Yes	Yes	<u>Yes</u>	Yes
8. Soil and water conservation practices	Yes	Yes	<u>Yes</u>	Yes
9. Mineral exploration	Yes	No	<u>No</u>	Yes ³
10. Mineral extraction including sand and gravel extraction	CEO/PB	No	<u>No</u>	PB ⁴
11. Surveying and resource analysis	Yes	Yes	<u>Yes</u>	Yes
12. Emergency operations	Yes	Yes	<u>Yes</u>	Yes
13. Agriculture	Yes	Yes	<u>Yes</u>	CEO
14. Aquaculture (amended 07/15/2009)	PB	PB	<u>PB</u>	PB
15. Principal structures and uses				
A. One and two family residential, including driveways (amended 07/15/2009)	CEO	PB ⁵	<u>CEO¹²</u>	No
B. Multi-unit residential	PB	No	<u>No</u>	No
C. Commercial	PB	No	<u>No</u>	No
D. Industrial	No	No	<u>No</u>	No
E. Governmental and Institutional	PB	No	<u>No</u>	No
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	CEO/PB	PB ⁵	<u>PB^{5, 11}</u>	PB
16. Structures accessory to allowed uses	CEO	PB ⁵	<u>CEO¹²</u>	PB
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO	CEO	<u>CEO</u>	CEO

TABLE 1. LAND USES IN THE SHORELAND ZONE				
LAND USES	DISTRICTS			
	SO¹	SP	SP2	RP
b. Permanent	PB	PB	<u>PB</u>	PB
18. Conversions of seasonal residences to year-round residences (amended 07/15/2009)	CEO	CEO	<u>CEO</u>	No
19. Home occupations (amended 07/15/2009)	CEO	CEO	<u>CEO</u>	No
20. Private sewage disposal systems for allowed uses	LPI	LPI	<u>LPI</u>	No
21. Essential services	CEO	PB ⁶	<u>Yes¹¹</u>	PB ⁶
22. Service drops, as defined, to allowed uses	Yes	Yes	<u>Yes</u>	Yes
23. Public and private recreational areas involving minimal structural development	PB	PB	<u>Yes¹¹</u>	PB ¹⁰
24. Campgrounds	PB	No	<u>No</u>	No ⁷
25. Road construction (amended 07/15/2009)	PB ⁸	PB ⁸	<u>Yes¹¹</u>	No ⁹
26. Parking facilities	CEO/PB	No	<u>CEO/P B¹¹</u>	No ⁷
27. Marinas	PB	PB	<u>Yes¹¹</u>	No
28. Filling and earthmoving of < 10 cubic yards	Yes	CEO	<u>Yes¹¹</u>	CEO
29. Filling and earthmoving of > 10 cubic yards but less than 500 cubic yards (amended 07/15/2009)	CEO	PB	<u>Yes¹¹</u>	PB
30. Filling and earthmoving > 500 cubic yards (adopted 07/15/2009)	PB	PB	<u>PB</u>	PB
31. Signs	Yes	Yes	<u>Yes</u>	Yes
32. Uses similar to allowed uses	CEO/PB	CEO	<u>CEO</u>	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	<u>CEO</u>	CEO
34. Uses similar to uses requiring a PB permit (amended 07/15/2009)	PB	PB	<u>PB</u>	PB

¹In the Shoreland Overlay District, uses are governed by the district regulations of the Scarborough Zoning Ordinance for the district in which the property is located. (amended 07/15/2009)

²In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

³Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

⁴In RP not permitted in areas so designated because of wildlife value.

⁵Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

⁸Except that no permit is required for the repair or maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

- (1) not more than one standard culvert size wider in diameter than the culvert being replaced;
- (2) not more than 25% longer than the culvert being replaced; and
- (3) not longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exception. The person repairing, replacing or maintaining an existing culvert pursuant to this exception

shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course.

⁹Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

¹⁰May include no more than one accessory food concession stand, cart or booth located inside a structure existing on August 5, 1992, provided no on-site waste water disposal is required for the operation of the concession. [Planning Board review is not required to operate such a concession at a recreational area which lawfully existed on August 5, 1992]. (amended 07/05/95)

¹¹ Uses located greater than 75 feet, horizontal distance, from the normal high water line shall be allowed. Uses less than 75 feet, horizontal distance from the normal high water line shall be regulated by the authority established in the SP column.

¹² See further restrictions in Section 15(B)(1)

Amend Section 15. B. Principal and Accessory Structures of the Shoreland Zoning Ordinance so that item 1. reads:

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least ~~two hundred fifty (250) feet, horizontal distance, from the normal high water line in the Stream Protections 2 District~~ and seventy-five (75) feet, horizontal distance, from the normal high water line of ~~other~~ water bodies, tributary streams, or the upland edge of a wetland in the ~~other districts~~ Shoreland Overlay and Stream Protection District. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply. (amended 02/06/2008) (amended 07/15/2009). In the Stream Protection 2 District all new principal structures shall be set back at least two hundred fifty (250) feet from the normal high water line, except as provided for under subsection B.1.d. below. Accessory structures in the Stream Protection 2 District shall be allowed in accordance with subsection B.1.e. below.

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses. (amended 07/15/2009)

b. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals. (adopted 07/15/2009)

c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure. (adopted 07/15/2009)

d. The Code Enforcement Officer may issue a permit for a new principal structure within the Stream Protection 2 District provided the following standards are met:

i. There is no location on the property, other than a location within the Stream Protection 2 District, where the structure can be constructed.

ii. The lot on which the structure is proposed was created and recorded in the Cumberland County Registry of Deeds prior to (date of ordinance amendment).

iii. The structure is setback from the normal high water line to the greatest practical extent and is located at least 75 feet from the normal high water line. In determining the greatest practical extent the Code Enforcement Officer shall consider the size of the lot, the depth of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed.

e. In the Stream Protection 2 District new accessory structures shall be permitted within the 250 foot setback to the normal high water line, provided the structure is located at least 75 feet from the normal high water line.

Amend Section 15. M. Agriculture so that item 3 reads:

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. This requirement shall not apply to agricultural activities in the Stream Protection 2 District that are occurring at least 75 feet, horizontal distance, from the normal high water line.

Amend Section 15. N. Timber Harvesting so that item 3 reads:

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options. This requirement shall not apply to timber harvesting activities in the Stream Protection 2 District that are occurring at least 75 feet, horizontal distance, from the normal high water line:

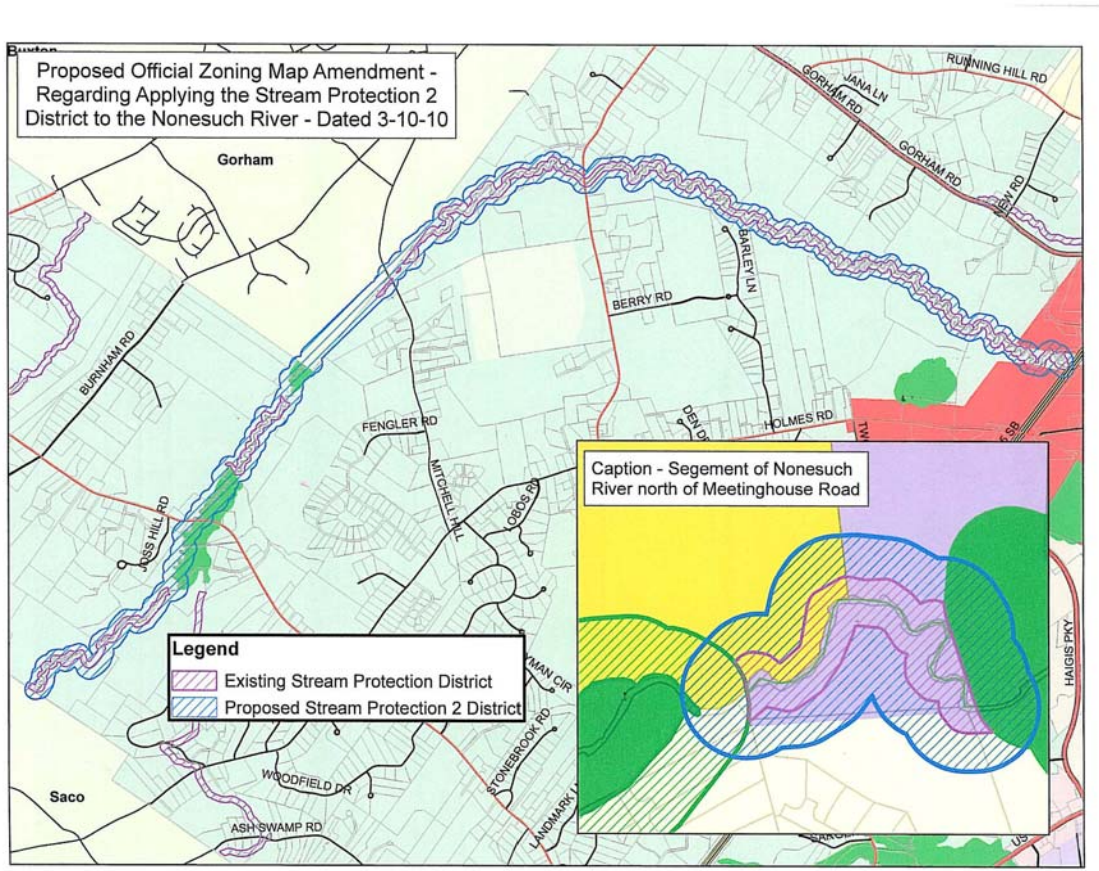
Amend Section 15. O. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting so that item 3 reads:

3. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area. This requirement shall not apply to vegetation removal activities in the Stream Protection 2 District that are occurring at least 75 feet, horizontal distance, from the normal high water line.

Vote: 6 Yeas.

Order No. 10-27. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the Stream Protection 2 District to the Nonesuch River. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the Stream Protection 2 District to the Nonesuch River and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:



Vote: 6 Yeas.

Order No. 10-28. First reading and refer to the Planning Board on the proposed amendments to Chapter 405 – the Zoning Ordinance – Section VI. Definitions for Home Occupation and add a new Section IX.V Performance Standards – Home Occupations. Councillor D’Andrea, gave a brief overview on the proposed amendments.

Move approval of the first reading and refer to the Planning Board on the proposed amendments to Chapter 405 – the Zoning Ordinance – Section VI. Definitions for Home Occupation and add a new Section IX.V Performance Standards – Home Occupations and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

**Proposed Amendments to the Zoning Ordinance
to Revise the Regulations Regarding Home Occupations:**

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

1. Amend Section VI. DEFINITIONS for Home Occupation (additions are underlined; deletions are struck through):

Home Occupation:

An occupation or profession which is ~~customarily~~ customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; ~~carried on~~ carried on by resident members of the family occupying the dwelling unit; and provided that use is clearly incidental and secondary to the use of the dwelling unit for residential purposes; ~~properly issued a Certificate of Occupancy by the Building Inspector; conforms with the following conditions:~~

- ~~1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.~~
- ~~2. No more than one person outside the family shall be employed in the home occupation.~~
- ~~3. There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.~~
- ~~4. No nuisance shall be generated, including but not necessarily limited to offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking.~~
- ~~5. No tangible stock in trade (except articles produced by employees on the premises) is displayed or sold upon the premises.~~
- ~~6. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood. In addition to the off street parking provided to meet the normal requirements of the dwelling, adequate off street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. Parking for more than one vehicle used primarily for the home occupation shall require approval of the Board of Appeals.~~
- ~~7. The home occupation may utilize:~~
 - ~~A. Not more than twenty percent (20%) of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.~~
 - ~~B. Unfinished attic and basement spaces.~~

~~C. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit as previously calculated.~~

2. Add a new Section IX. V. PERFORMANCE STANDARDS – HOME OCCUPATIONS to read (additions are underlined):

V. PERFORMANCE STANDARDS – HOME OCCUPATIONS

In the RFM, RF, R-2, R-3, VR-2, VR-4, R-4, TND, R-4A, RPO, B1, TVC, TVC2, TVC3 and RH2 districts, the Board of Appeals may issue special exception approval for the establishment of a Home Occupation. In addition to meeting the standards for special exceptions in Section IV.I.4 of this Ordinance, all Home Occupations must adhere to the following standards:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
2. As per the definition of Home Occupation, the home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
3. No more than one person outside the family members that occupy the dwelling unit shall be employed in the home occupation.
4. Exterior signage shall be permitted in accordance with the home occupation sign provisions under Section XII. Sign Regulations subsection E.
5. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building (except as expressly permitted by the district regulations of this Ordinance).
6. No nuisance shall be generated, including but not necessarily limited to offensive noise, vibration, smoke, dust, odors, heat or glare.
7. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.
8. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users or customers the home occupation may attract during peak operating hours.
9. The home occupation may utilize:
 - a. Not more than twenty percent (20%) of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.
 - b. Unfinished attic and basement spaces.
 - c. Space within an accessory structure totaling not more than one thousand (1,000) square feet of floor area.
10. Home occupations may include retail sales subject to the following limitations:

a. The total area devoted to retail sales is limited to one hundred (100) square feet and shall be fully enclosed.

b. The sale of products is limited to: products and articles produced, assembled and/or processed by employee(s) on the premises; and aquaculture and natural resource-based products harvested off-site by family members that occupy the dwelling unit.

Vote: 6 Yeas.

Order No. 10-29. First reading on the proposed amendments to Chapter 301 – the Town of Scarborough Administrative Code to adopt Article XXIII – Energy Committee [as a standing committee] as recommended by the Ad Hoc Energy Committee. Councillor Roy gave a brief overview on this request.

Motion by Councillor Babine, seconded by Councillor Holbrook, to move approval of the first reading on the proposed amendments to Chapter 301 – the Town of Scarborough Administrative Code to adopt Article XXIII – Energy Committee [as a standing committee] as recommended by the Ad Hoc Energy Committee and schedule a public hearing and second reading for the next Town Council meeting scheduled for Wednesday, March 17, 2010.

Motion by Councillor Roy, seconded by Councillor Wood, to move approval to amend the main motion as follows:

Duties.

The Committee shall have the following duties:

- Prepare, recommend and implement a Comprehensive Energy Plan for the Town to be adopted by the Town Council;
- Serve as a forum to review and recommend opportunities to increase the efficient use of energy through conservation and alternative energy initiatives;
- Recommend ordinances and policies to the Town related to energy issues;
- Analyze municipal energy use patterns and benchmark usage to identify opportunities;
- Pursue grant opportunities for energy efficiency and alternative energy sources;
- Recommend ways ~~Work~~ to reduce the Town's environmental footprint by minimizing its energy use while reducing greenhouse gas emissions;
- Promote the local economy and protecting its environment;
- Explore the benefits and funding models for an Energy Office for the Town;
- Provide Public education and awareness through community outreach; and,
- Provide an Annual Report to the Council.

Vote on amendment: 6 yeas.

Vote on main motion as amended:

ORDER CREATING A STANDING ENERGY COMMITTEE

WHEREAS, the Town of Scarborough recognizes the use and cost of energy is a substantial and increasing municipal expense and the Town also acknowledges its responsibility to provide leadership in the conservation, efficiency and conversion of energy resources, and therefore, desires to establish a standing *Energy Committee* with the objective to identify actions that the community can undertake to reduce costly energy consumption in the Town.

NOW, THEREFORE, be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Administrative Code, adopted April 1, 1970 and subsequently amended, is further amended by adding the following new Article XXIII:

ARTICLE XXIII. THE TOWN OF SCARBOROUGH ENERGY COMMITTEE

Established.

There shall be an Energy Committee with the objective to identify actions that the community as a whole [municipal/school, residential, commercial and industrial] can undertake to reduce costly energy consumption in the Town.

Purpose.

The purpose of this Committee is to serve as an energy and environmental sustainability committee for Scarborough, and to research energy programs, projects, and policies through conservation and alternative energy use.

Organization and/or Membership.

Members shall be appointed for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified.

The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Town Manager, his/her designee, shall serve as staff liaison to the Committee. Neither shall be a voting member.

Duties.

The Committee shall have the following duties:

- Prepare, recommend and implement a Comprehensive Energy Plan for the Town to be adopted by the Town Council;
- Serve as a forum to review and recommend opportunities to increase the efficient use of energy through conservation and alternative energy initiatives;
- Recommend ordinances and policies to the Town related to energy issues;
- Analyze municipal energy use patterns and benchmark usage to identify opportunities;
- Pursue grant opportunities for energy efficiency and alternative energy sources;
- Recommend ways to reduce the Town's environmental footprint by minimizing its energy use while reducing greenhouse gas emissions;
- Promote the local economy and protecting its environment;
- Explore the benefits and funding models for an Energy Office for the Town;
- Provide Public education and awareness through community outreach.
- Provide an Annual Report to the Council.

Procedures.

Three members of the Committee constitute a quorum. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk’s Office for filing. The Committee shall set its own meeting schedule which will be open to the public.

Vote: 6 Yeas.

Order No. 10-30. First reading and approve to waive the second reading on the Bond Order for the Library CIP for FY2009/2010. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval of the first reading and approve to waive the second reading on the Bond Order for the Library CIP for FY2009/2010, as follows:

**ORDER FOR
MUNICIPAL CAPITAL IMPROVEMENTS - LIBRARY**

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;

Municipal – Library CIP	
Window Millwork	\$ 55,000
Window Replacement	\$ 75,000
Street Side Sign Replacement	\$ 25,000
Office Reconfiguration	\$ 118,000
Total 2009-2010 CIP	\$ 273,000

BE IT FURTHER ORDERED, That a sum, not to exceed \$273,000 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 \$273,000 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 D’Andrea - Yea
	Councillor Holbrook - Yea	Councillor Wood - Yea
	Councillor Babine - Yea	Council Vice-Chair Roy - Yea

Order No. 10-31. First reading and approve to waive the second reading to (1) approve a Purchase and Sale Agreement between the Town of Scarborough and the Trust for Public Land for the purchase of pertaining to the parcels on Ocean Avenue (collectively, the “Parking Lot”) and three parcels of land located on Mussey Road (collectively, the “Park Lands”); and (2) authorize the Town Manager to execute all necessary documents on behalf of the Town to conclude this purchase; and (3) appropriate a sum up to \$637,855 as the Town’s share of the cost of this purchase; and (4) fund this appropriation, authorize the issuance of up to \$637,855 principal amount of general obligation bonds of the Town of Scarborough under the authority of Order 03-116 approved by the voters on November 4, 2003. Thomas J. Hall, Town Manager gave a brief overview on this order and responded to questions from Robert Mitchell of 39 Willowdale Road regarding the purchase of these properties; bonding and the waiving of the seconding reading. Terry Tuner from the Trust for Public Lands also responded to questions from the Town Council.

Motion by Councillor D’Andrea, seconded by Councillor Babine, to move approval of the first reading and approve to waive the second reading to (1) approve a Purchase and Sale Agreement between the Town of Scarborough and the Trust for Public Land for the purchase of pertaining to the parcels on Ocean Avenue (collectively, the “Parking Lot”) and three parcels of land located on Mussey Road (collectively, the “Park Lands”); and (2) authorize the Town Manager to execute all necessary documents on behalf of the Town to conclude this purchase; and (3) appropriate a sum up to \$637,855 as the Town’s share of the cost of this purchase; and (4) fund this appropriation, authorize the issuance of up to \$637,855 principal amount of general obligation bonds of the Town of Scarborough under the authority of Order 03-116 approved by the voters on November 4, 2003.

Vote: 6 Yeas.

Order No. 10-32. Act to approve (1) the Project Agreement between the Town of Scarborough and the Land for Maine’s Future Board, regarding the Higgins Beach Parking Lot Water Access Project and (2) authorize the Town Manager to execute, on behalf of the Town of Scarborough, the Project Agreement and all other documents necessary to accomplish the terms of the Project Agreement. Thomas J. Hall, Town Manager, gave a brief overview on this recommendation.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval to (1) approve the Project Agreement between the Town of Scarborough and the Land for Maine’s Future Board, regarding the Higgins Beach Parking Lot Water Access Project and (2) authorize the Town Manager to execute, on behalf of the Town of Scarborough, the Project Agreement and all other documents necessary to accomplish the terms of the Project Agreement.

Vote: 6 Yeas.

Order No. 10-33. Act on the request from the Police Chief to accept donations equal to \$6,500 to be expended for the sole purpose of purchasing a new K-9 unit for the Police Department. Chief Moulton gave a brief overview on this donation.

Motion by Councillor Babine, seconded by Councillor Holbrook, to move approval on the request from the Police Chief to accept donations equal to \$6,500 to be expended for the sole purpose of purchasing a new K-9 unit for the Police Department.

Vote: 6 Yeas.

The Council took a ten minute recess at 9:15 p.m. Council Vice-Chair Roy reconvened the meeting at 9:25 p.m.

Item 8. Non Action Items.

- **Presentation of the Town Manager’s 2011 FY Municipal Budget.** Thomas J. Hall, Town Manager gave a brief overview on the proposed FY2011 Municipal Budget and responded to questions from the Town Council. Mr. Hall noted that the first reading on the proposed budget is scheduled for Wednesday, April 7th and the Town Council will receive a copy of the proposed budget in their packets this weekend.

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

- Councillor Ahlquist noted that the ecomaine Board of Directors meeting is scheduled for Thursday, March 18th at 4:00 p.m.
- Councillor D’Andrea noted that the next Ordinance Committee meeting is scheduled for Tuesday, March 30th at 4:30 p.m.
- Councillor Babine noted that the Shellfish Lottery will be coming up next month and the State has approved a new oyster farm to be implemented in the little spit clamming area.
- Councillor Holbrook noted that the next meeting of the Charter Review Committee is scheduled for Wednesday, March 24th at 7:00 p.m. and the public is encouraged to attend.
- Councillor Vice-Chair Roy gave an update on the Senior WOW Program and noted that the Ad-Hoc Energy Committee will be completing its report and will have it to the Council soon.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave an update on the following:

- The Planning Board voted approval on the Pine Point Beach Access Plan. This item will be coming to the Council for approval at the next Town Council meeting.
- There will be a meeting of the Gorham East West Corridor Study Group on March 25th from 6:00 to 8:00 p.m.
- The Annual Report for 2009 is now available.

Item 11. Council Member Comments.

- Councillor D’Andrea noted that for those who would like to know about her views on current issues, please visit her website – karenforscarborough.com. The Vernal Pool Study is in its final year; she thanked those who assisted with the study. She also reminded the Council that the Inaugural Celebration for Buy Local Scarborough would be Thursday, March 23rd from 5:00 -8:00 p.m. at the Landing at Pine Point and encouraged the Council to attend.
- Councillor Ahlquist commented on the Higgins Beach/Mussey Road purchase; the CPIC Committee’s work and wished the Finance Committee luck for the upcoming budget deliberations.
- Councillor Wood thanked Council Vice-Chair Roy for chairing the meetings for this month – outstanding job; encouraged the public to email him with concerns on the budget – noting that the Council and the Board will make it through and thanked both the municipal and school staff during this budget process.
- Councillor Holbrook wished everyone a Happy St. Patrick’s Day. She knew that the budget is on everyone’s mind and thanked everyone for coming out to speak this evening.

- Councillor Babine also wished everyone a Happy St. Patrick's Day to everyone. He noted that being a Councillor is awesome and sometimes hard decisions are made – during this upcoming budget cycle some tough decisions could be made. He was curious to know what happened to the \$500,000 that the Council had increased the current School Budget – was it used for computers?
- Council Vice-Chair Roy noted that the 2009 Annual Report was available and it is in memory of Blanch Cook, who had been the oldest living citizen of Scarborough until her passing last year. Mr. Eldred Harmon is the current holder of the Boston Post Cane – which acknowledges the oldest living citizen of Scarborough. There would be an article about the Energy Committee in the Scarborough Leader. She appreciated the comments on the School Budget and noted that the Finance Committee has yet to hold its first meeting or has seen the complete proposed budget. The first meeting of the Finance Committee is scheduled for Thursday, March 25th from 3:00 to 5:00 p.m. in Chamber A here at the Municipal Building.

Item 12. Adjournment. Motion by Councillor Wood, seconded by Councillor Babine, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting adjourned at 10:25 p.m.

Respectfully submitted,

Yolande P. Justice, Town Clerk