

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 5, 2010
REGULAR MEETING – 7:00 P.M.

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

Item 2. Pledge of Allegiance.

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

Ronald D. Ahlquist	Karen A. D’Andrea
Jessica L. Holbrook	Michael J. Wood
Shawn A. Babine	Judith L. Roy, Council Vice-Chair
Carol S. Rancourt, Council Chair	

Item 4. General Public Comments.

- Jackie Perry of 215 Black Point Road and a member of the Board of Education. She wanted to clarify her comments in that she was not singling out any one department – we need the right people in the right jobs.
- Heather Sirocki of 32 Glenndale Circle stated that she opposed the bonding of the laptops and wondered why this item would not go before the voters. The laptop program is a want, not a need.

Item 5. Minutes: April 7, 2010 – Regular Meeting, April 21, 2010 – Regular Meeting, April 28, 2010 – Special Meeting. Motion by Councillor Babine, seconded by Councillor D’Andrea, to move approval of the Council meeting minutes as noted.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. No adjustment at this time.

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

Order No. 10-45, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Chris Rule, d/b/a J.P.R. Lobster, located at 5 Bradford Lane. Council Chair Rancourt opened by public hearing. There being no comments either for or against the hearing was closed at 7:07 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the new request for a Food Handlers License from Chris Rule, d/b/a J.P.R. Lobster, located at 5 Bradford Lane.

Vote: 7 Yeas.

Resolution 10-03. Resolution recognizing May 9 – 15, 2010 as National Police Week. Motion by Councillor Wood, seconded by Councillor Babine, to move approval of Resolution 10-03 recognizing May 9- 15, 2010 as National Police Week, as follows:

RESOLUTION 10-03

NATIONAL POLICE WEEK- MAY 9-15, 2010

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

WHEREAS, the police officers of America have worked devotedly and selflessly on behalf of the people of this Nation, regardless of the peril or hazard to themselves; and,

WHEREAS, these officers have safeguarded the lives and property of their fellow Americans; and,

WHEREAS, by the enforcement of our laws, these same officers have given our country internal freedom from fear of the violence and civil disorder that is presently affecting other nations; and,

WHEREAS, these men and women by their patriotic service and their dedicated efforts have earned the gratitude of the citizens; and,

WHEREAS, established in 1962 by President John F. Kennedy and a joint resolution of Congress, *National Police Week* pays special tribute to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and,

WHEREAS, ceremonies are held in Washington, D.C. and in communities across the country; and,

WHEREAS, *National Police Week* is a collaborative effort of many organizations dedicated to honoring America's law enforcement community; and,

WHEREAS, principal organizers of *National Police Week* are National Law Enforcement Officers Memorial Fund, Fraternal Order of Police, Fraternal Order of Police Auxiliary, and Concerns of Police Survivors.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Scarborough in Town Council assembled, that we do hereby proclaim the week of May 9-15, 2010, as *National Police Week*, in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through the enforcement of our laws, and invite the citizens of the Town of Scarborough to observe such week by thanking those individuals who put their lives on the line to make our community safe.

Signed and dated this 5th day of May, 2010 on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Carol S. Rancourt, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 10-23. Second reading 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, introduced Sylvia Most, member of the CPIC Committee who gave an over on the proposed changes which addressed the concerns voiced by the Town Council at the April 21, 2010, Council meeting.

The following individual spoke on this order: David Green of 135 Beech Ridge Road noted that he supports the recommendations being proposed.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval of the second reading 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.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval to amend the motion to adopt the document dated March 10, 2010 - revised April 29, 2010.

Vote on amendment: 7 Yeas.

Main Motion as amended:

**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., accessory stables, beehives and rabbit warrens.

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 8. Golf Course. (12/21/94)

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

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

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

19. Forestry

20. Commercial Stables.

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)

20 19. 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 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 Abattoirs and piggeries.~~

~~7 8. Home occupations.~~

~~8 9. Group Day Care Homes and Nursery Schools.~~

~~9 10. Day Care Center Facilities.~~

10. 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 Caare Center Facilities, only on lots which are service by public sewer. (12/21/94)~~

~~11 12. Adjunct Uses, Places of Worship. (5/5/99)~~

~~12 13. Accessory units subject to the performance standards of Section IX.J.~~

~~13 14. Telecommunication Facility. (03/17/04)~~

14 15. Hospices

15 16. Kennels.

16 17. Veterinary and pet care facilities.

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

18 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 nNursing 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
19. Commercial Stables.

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.
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 acres.~~
- ~~7~~ 8. Home occupations.
8. Group Day Care Homes and Nursery Schools. [6/01/94]
9. 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 Center Facilities which are accessory to and located on the same lot with Boarding Care Facilities for the Elderly.~~
- ~~11~~ 10. 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)
- ~~12. Cross-Country Ski Area subject to the following limitations: (10/19/94)
the lot contains at least 50 acres;
accessory activities, in the aggregate, remain incidental and subordinate to the skiing activity; and,
adequate off street, on-site parking as determined by the Planning Board.~~
- ~~13. Day Care Center Facilities, only on lots which are serviced by public sewer. (12/21/94)~~
- ~~14~~ 11. Adjunct Uses, Place of Worship. (5/5/99)
- ~~15~~ 12. Accessory units subject to the performance standards of Section IX.J.
- ~~16~~ 13. Telecommunication Facility. (03/17/04)
- ~~17~~ 14. Hospices. (08/17/2005)
15. Kennels.
16. Veterinary and pet care facilities.

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

18. 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. Accessory Agricultural Activities are subject to performance standards contained in Section IX of this Ordinance.

Agricultural Employee Housing:

Housing quarters that are located on the premises of and are incidental and subordinate to 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. Units of agricultural employee housing shall be incidental and secondary to the Commercial Agriculture or Commercial Animal Husbandry use, and shall not constitute a be considered dwelling(s) units when applying the maximum net residential density standards of this Ordinance, and shall but must 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, with a total area devoted to retail sales of more than 400 square feet, the primary activity of which is retail sales of agricultural products grown, raised, and or 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 Products Stores are subject to performance standards contained in Section IX of this Ordinance.

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 requirements for agricultural processing facilities located on the same lot. Agricultural Processing Facilities are subject to performance standards contained in Section IX of this Ordinance.

Bed and Breakfast (B&B)

A building containing not more than six guest rooms that provides lodging accommodations and food and beverage service to transient guests. The establishment must and contains 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. For purposes of this definition, a transient guest is a person who occupies a guest room for no more than 186 28 days in any 365 day period calendar year. A Bed and Breakfast is subject to performance standards contained in Section IX of this Ordinance.

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 other than one 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 Outdoor Recreation is subject to performance standards contained in Section IX of this Ordinance.

Commercial Stable:

A commercial or community public facility that receives remuneration 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 Commercial Stable includes may include related activities that are accessory to the primary stable use such as trail rides, hay rides, horse shows, and animal auctions.

Day Camp:

A facility, which may include land and buildings and indoor and outdoor activities, that operates an organized program or programs the primary purpose of which is to provide recreational, social, educational or spiritual group experiences for children, that may provide incidental food service, and that does not provide overnight accommodations for children. If incidental to the camp use, camp facilities may be utilized to provide meeting, recreation or social facilities for a private or public association or group.

Farm Stand:

A building, structure, or outdoor location with a total area devoted to retail sales of 400 square feet or less, for the the primary activity of which is 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 Commercial Agricultural or Commercial Animal Husbandry use or Accessory Agricultural Activities and handmade crafts and similar products that meets the performance requirements for farm stands. Farm Stands are subject to performance standards contained in Section IX of this Ordinance.

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. The operation of a sawmill and/or chipper must be primarily used to process timber harvested on the premises, but may also process timber harvested off the premises provided this processing is accessory and subordinate to the principal forestry use of the property. The term "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. The term “kennel” but does not including include veterinary and pet care services facilities.

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, missed 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 in excess of what is consumed by the occupants of 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 A~~ lot must have ~~an a lot~~ 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 a lot 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 ~~not create any adverse impacts for abutting properties as a result of noise or odors~~ 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 ~~01-001 Chapter 343 Rule, “Food Processing and Manufacturing” requirements~~. ~~not create any adverse impacts for abutting properties as a result of noise or odors~~;

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 at least 51% of the dollar amount of gross retail sales per calendar year 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. In January of each year, the owner shall calculate and report to the Code Enforcement Officer the percentage of gross retail sales attributable to off-premises products for the preceding calendar year and, if requested by the Code Enforcement Officer, shall provide documentation of the calculated percentage.

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 at least 51% of the dollar amount of gross retail sales per calendar year 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. In January of each year, the owner shall calculate and report to the Code Enforcement Officer the percentage of gross retail sales attributable to off-premises products for the preceding calendar year and, if requested by the Code Enforcement Officer, shall provide documentation of the calculated percentage.

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.

5. The provision of food and beverage service is limited to the guests of the B&B during their stay.

6. The owner or manager of the B&B must reside in a dwelling unit within the B&B during times the B&B is open for business.

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 law, 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 available for sale, or such other time periods as provided in state law. 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 lots 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: 7 Yeas.

Order No. 10-24. Second reading 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 Babine, seconded by Councillor Holbrook, to move approval of the second reading 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, 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.

129. Telecommunications Facility. (03/17/04)

131. 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 XVIII.A. 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: 7 Yeas.

Order No. 10-25. Second reading 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 Roy, seconded by Councillor D’Andrea, to move approval of the second reading on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, Section II. Applicability – subsection B. Activities Exempt from Site Plan Review, 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.~~ ~~ts or keeping of animals on the premises.~~
5. Farm stands with no more than 400 square feet of retail sales area.
- ~~5.5.6.~~ Temporary use of accessory storage containers.
7. Timber harvesting.

Vote: 7 Yeas.

Order No. 10-26. Second reading 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.

Motion by Councillor D’Andrea, seconded by Councillor Babine, to move approval of the second reading on the proposed amendments to Chapter 405c – Shoreland Zoning Ordinance, Section 13.c. Stream Protection 2 District, 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	CEO/PB	No	<u>No</u>	PB ⁴

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS			
	SO¹	SP	SP2	RP
extraction				
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
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>Yes⁸⁻¹¹</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 two hundred fifty (250) feet, horizontal distance, from the normal high water line in the Stream Protection 2 District and~~ seventy-five (75) feet, horizontal distance, from the normal high water line of ~~other other~~ water bodies, tributary streams, or the upland edge of a wetland in the ~~other districts 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:](#)

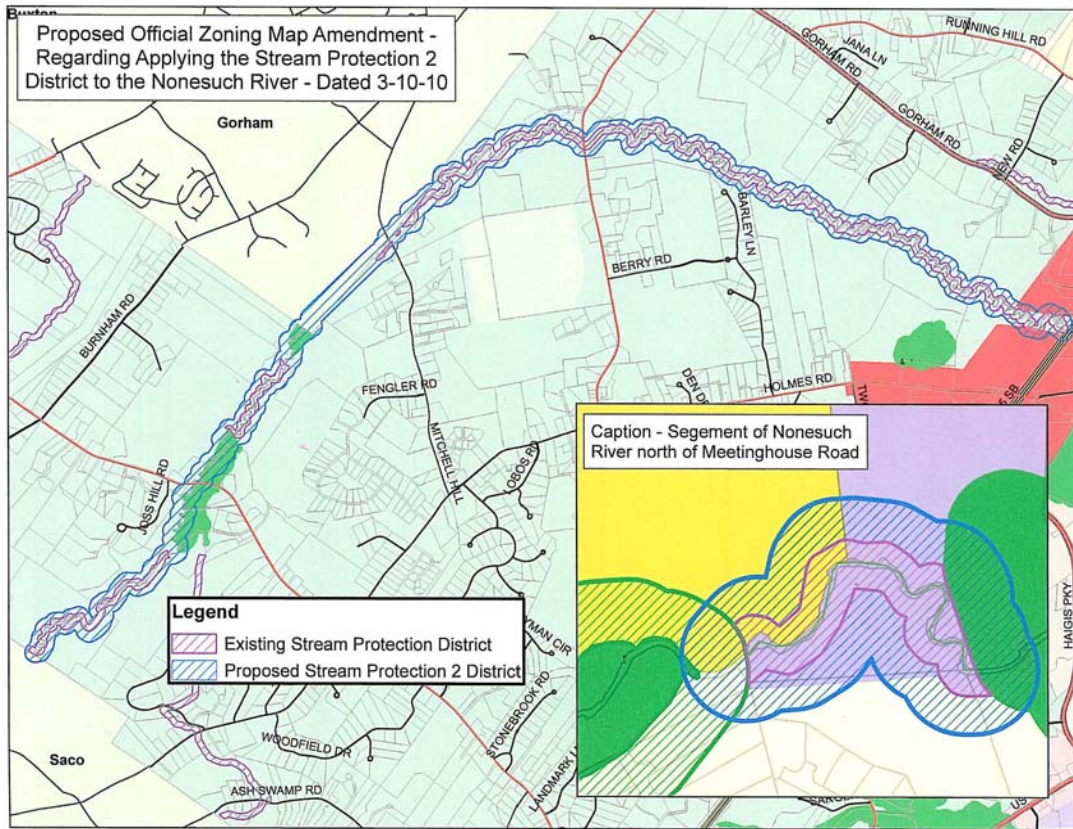
Amend Section 15. O. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting so that item 3 reads:

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. 1 Nay [Councillor Holbrook].

Order No. 10-27. Second reading 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. David Green of 135 Beech Ridge Road did not support the recommendation being made – he felt that his property would lose value and would the town compensate property owners on their loss.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the second reading the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the Stream Protection 2 District to the Nonesuch River, as follows:



Vote: 6 Yeas. 1 Nay [Councillor Holbrook].

Order No. 10-28. Second reading 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. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval of the second reading 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.

Motion by Councillor Wood, seconded by Councillor Roy, to move approval to amend the main motion to adopt the document as presented by the Town Planner and to amend section 10.a. by increasing the 100 square feet to 200 square feet.

Vote on amendment: 3 Yeas.

4 Nays [Council Chair Rancourt, Councillors Ahlquist, D’Andrea & Holbrook]

Motion by Councillor Wood, seconded by Councillor Roy, to move approval to amend the main motion to adopt the document as presented by the Town Planner.

Vote: 7 Yeas.

Motion by Councillor Holbrook, seconded by Councillor Babine, to move approval to amend the main motion as amended to amend section 10.a. by increasing the 100 square feet to 400 square feet.

Vote: 4 Yeas. 3 Nays [Councillor Babine, Roy and Wood].

Motion by Councillor Holbrook, seconded by Councillor D'Andrea, to move approval to amend the main motion as amended to remove Section 12 with regards to motor vehicle repair and towing businesses.

Vote: 2 Yeas. 5 Nays [Council Chair Rancourt, Councillors Ahlquist, Babine, Roy and Wood].

Motion by Councillor Holbrook, seconded by Councillor Babine, to move approval to amend the main motion as amended to amend section 10.a. by reducing the 400 square feet to 225 square feet.

Vote: 3 Yeas. 4 Nays [Council Chair Rancourt, Councillors Ahlquist, D'Andrea and Ahlquist].

Main Motion as amended:

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 carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; ~~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 four hundred (400) 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. 1 Nay [Councillor Babine].

Order No. 10-46. Act on the request for authorization to increase the Property Tax Levy Limit of \$13,772,929 established for the Town of Scarborough by State Law in the event that the Municipal Budget for FY 2011 that is approved will result in a tax commitment greater than the property tax levy limit. Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the request to authorization to increase the Property Tax Levy Limit of \$13,772,929 established for the Town of Scarborough by State Law in the event that the Municipal Budget for FY 2011 that is approved will result in a tax commitment greater than the property tax levy limit.

**AUTHORIZATION TO
EXCEED PROPERTY TAX LEVY LIMIT**

BE IT HEREBY ORDERED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, to authorize the property tax levy to exceed the Property Tax Levy Limit, as follows:

WHEREAS, LD-1 [30-A M.R.S.A. Section 5721-A] requires municipalities to calculate the property tax levy that is necessary to provide for annual municipal operating expenses and allows for growth from year to year; and,

WHEREAS, the LD-1 [30-A M.R.S.A. section 5721-A] Property Growth Factor for FY 2011 is 2.85% and therefore the property tax levy limit is \$13,772,929; and,

WHEREAS, the Town Council anticipates that the property tax commitment required to fund the Municipal Operating Budget for FY 2010 is likely to be greater than the property tax levy limit as a result of additional personnel-related expenses related to new public safety personnel and a significant decrease in non-property tax revenue sources.

NOW, THEREFORE, BE IT ORDERED, that the Town Council intends and hereby authorizes the property tax levy to exceed the property tax levy limit of \$13,772,929 established for the Town of Scarborough, by State law, in the event that the municipal budget approved will result in a property tax levy that is greater than the property tax levy limit.

Vote: 7 Yeas.

Order No. 10-34. Second reading on the proposed Municipal/School Budget for FY2011. Thomas J. Hall, Town Manager, gave a brief overview. The following individuals spoke on this item: Bruce Bell of 13 West Beech Ridge Road stated he did not support the laptop program and should not be bonded. David Green of 135 Beech Ridge Road also did not support the laptop program and Amy Volk of 4 Elbridge Oliver Way voiced her disapproval of the laptop program.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval of the second reading on the proposed Municipal/School Budget for 2011.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval to amend the main motion to accept the Finance Committee's recommended adjustments to the Municipal Budget, resulting in a new Total Gross Municipal and County Budget of \$34,199,582 and a Net Appropriation of \$16,805,026.

Vote: 7 Yeas.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval to amend the main motion as amended to accept the Finance Committee's recommended adjustments to the School Budget, resulting in a new Total Gross Budget of \$36,143,968 and a Net Appropriation of \$28,076,350.

Motion by Councillor Babine, seconded by Councillor D'Andrea, to move approval to divide the question to take the capital budget first, operating budget second and revenues last.

Vote to divide: 7 Yeas.

Vote on the Education Capital: \$1,159,100 3 Yeas.
4 Nays [Councillors Ahlquist, Babine, Holbrook
and Roy].

Vote on Education Operating Budget: \$566,998 7 Yeas.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval to amend the main motion as amended to approve the Education Capital in the amount of \$490,500 and the Capital Revenues in the amount of \$450,500.

Vote on amendment: 5 Yeas. 2 Nays [Council Chair Rancourt and Councillor D'Andrea].

Motion by Councillor Babine, seconded by Councillor Wood, to move approval to amend the main motion as amended and reduce the Education Operating budget by \$106,898.

Vote on amendment: 3 Yeas.
4 Nays [Council Chair Rancourt, Councillors D'Andrea, Wood and Roy].

Motion by Councillor Holbrook, seconded by Councillor Babine, to move approval to amend the main motion as amended and reduce the Education Operating budget by \$500,00.

Vote on amendment: 2 Yeas.
5 Nays [Council Chair Rancourt, Councillors D'Andrea, Babine, Wood and Roy].

Motion by Councillor Wood, seconded by Councillor Babine, to move approval to amend the main motion as amended to increase funding for the Resident Senior Property Tax Relief Program by \$25,000 for a new total of \$140,000 and to decrease Natural Gas Utility expenses (affecting the multiple line items) by \$15,000 and Public Works – All Divisions Budget by \$10,000, resulting in a new Total Gross Budget of \$34,157,135 and a Net Appropriation of \$16,762,579.

Vote on amendment: 7 Yeas.

Motion by Councillor D’Andrea, seconded by Councillor Holbrook, to move approval to amend the main motion as amended to use \$556,245 of the Fund Balance to help reduce the tax rate.

Vote on amendment: 0 Yeas. 7 Nays.

Motion by Councillor D’Andrea, seconded by Councillor Holbrook, to move approval to amend the main motion as amended to use \$162,349 of the Fund Balance to help reduce the tax rate.

Vote on amendment: 2 Yeas.
5 Nays. [Council Chair Rancourt, Councillors Ahlquist, Babine, Roy and Wood].

Main Motion as amended:

**Order No. 10-34
Budget Order for Fiscal Year 2011**

Be it ordered that the Scarborough Town Council moves approval of the second reading to adopt the Fiscal Year 2011 Budget, and approve the line item appropriations and expenditures for all offices, agencies and departments of the Town as follows, and approves other additional operating expenditures which may result from the receipt of Federal or State funds or other grants and subsidies not requiring local taxation:

MUNICIPAL OPERATING BUDGET FY2011	
TOTAL LEGISLATIVE	\$ 11,573
TOTAL EXECUTIVE ALL AREAS	\$ 1,970,655
TOTAL FINANCE ALL AREAS	\$ 1,104,437
TOTAL MUNICIPAL INFORMATION SYSTEMS	\$ 707,381
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	\$ 849,081
TOTAL LIBRARY NET -TOWN APPROPRIATION	\$ 807,629
TOTAL SEDCO	\$ 235,732
TOTAL FIRE ALL DIVISIONS	\$ 3,333,214
TOTAL POLICE - ALL DIVISIONS	\$ 4,721,769
TOTAL PUBLIC WORKS ALL DIVISIONS	\$ 6,349,595
MUNICIPAL TOTALS	\$ 20,091,066

Be it further ordered the Scarborough Town Council hereby appropriates for the Education Operating and Capital Budget for school purposes the sum of \$35,475,368 and the Town of Scarborough raises as the local share for Education Operating Budget the sum of \$28,076,350 and,

Be It Further Ordered that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council.

Be It Further Ordered that the Town of Scarborough hereby adopts the Schedule of License Permit and Application Fees as presented and attached hereto – Chapter 311 –Town of Scarborough, Schedule of License, Permit and Application Fees, for Budget Presentation FY 2011; and,

The Total Gross Budget to be \$69,674,950; this total less estimated credits of \$(24,793,574) result in a Net Appropriation of \$44,881,376, which shall be raised from taxation. The Scarborough Town Council further fixes Friday, October 15, 2010, and Tuesday, March 15, 2011, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of 7.00% per annum.

Be It Further Ordered that in accordance with 36 M.R.S.A. Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer that pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **3.00%**.

Be It Further Ordered that the Town Council hereby authorizes the Finance Director-Tax Collector/Treasurer or Deputy Tax Collector/Treasurer to withhold monies payable by the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905; to sign on behalf of the Town, the necessary deeds and liens and tax settlements; and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; in accordance with 36 M.R.S.A. Section 906, the Tax Collector/Treasurer is authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill; and, after the date of perfection of the tax the Tax Collector/Treasurer is authorized to discharge any obligation to collect unpaid property taxes in the amount of \$5.00 or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

<u>Chapter 402a – Electrical Permit Fees</u>	Fee
Administrative Fee [for each application] (adopted 05/06/09)	\$30.00
<u>RESIDENTIAL</u>	
Minimum Fee (amended 05/06/09)	\$30.00
Square footage of any structure (adopted 05/06/09)	\$0.05
Service Inspection (adopted 05/06/09)	\$30.00
Each Garage – Under, Attached, Unattached (amended 05/06/09)	\$30.00
<u>RENOVATIONS</u>	
Rewiring Complete Existing Home – Same as New	
Each Room (amended 05/05/04)	\$15.00
Meter and Panel Upgrade (amended 05/06/09)	\$30.00
Alarm/Low Voltage (adopted 05/06/09)	\$30.00
Pools, In-Ground or Above (amended 05/06/09)	\$30.00
Storage or Utility Buildings (amended 05/06/09)	\$30.00
<u>COMMERCIAL</u>	
Minimum Fee	\$30.00
Square Footage of Any Structure (adopted 05/06/09)	\$0.05
All Signs – Each (amended 05/05/04) (amended 05/06/09)	\$30.00
Yard Lights – Up to 6 (amended 05/05/04) (amended 05/06/09)	\$40.00
Each Additional over 6 Yard Lights (amended 05/06/09)	\$10.00

<u>Chapter 404a – Local Plumbing Permit Fees Internal Permit Fee Schedule</u>	Fee
1. The minimum permit fee is: (amended 05/06/09)	\$36.00
2. The fixture fee for all fixtures is per fixture and is: The fixture fees are no longer on a sliding scale. (amended 05/06/09)	\$9.00 ea.

EXTERNAL PERMIT FEE SCHEDULE COMPLETE SYSTEM	
Non-engineered System (amended 05/06/09)	\$130.00
Primitive Disposal System (includes alternative toilet) (amended 05/06/09)	\$130.00
Engineered System (amended 05/06/09)	\$250.00
SYSTEM COMPONENTS (INSTALLED SEPARATELY)	
Treatment Tank (amended 05/06/09)	\$65.00
Holding Tank (amended 05/06/09)	\$130.00
Alternative Toilet (amended 05/06/09)	\$65.00
Disposal Area (amended 05/06/09)	\$100.00
Engineered Disposal Area (amended 05/06/09)	\$200.00
Separated Laundry Disposal Area (amended 05/06/09)	\$50.00
OTHER	
Seasonal Conversion Permit (amended 05/06/09)	\$65.00

Chapter 405 – Zoning	Fee
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00
Contract Zoning – Non-Refundable Application Fee [11/20/02] (amended 05/05/04)	\$500.00
Sketch Plan Review Fee (amended 05/05/04)	\$175.00
Review Fee for Private Way Registration (amended 06/02/04)	\$100.00
One (1) Dwelling Unit Credit (<i>as per Section VIID(E)1, Development Transfer Provisions</i>) (July 18, 2007)	
Calendars Years 2007 & 2008	\$15,000
Calendar Years 2009 & 2010	\$17,500
Calendar Years 2011 & 2012	\$20,000
CODE ENFORCEMENT -	
Building Permit Fees [-a minimum of] (amended 05/06/09)	\$35.00
Residential / Commercial Unfinished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.20
Residential / Commercial Finished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.40
Minimum Application Fee - Will be applied toward the building permit when issued. Applies to new construction and renovations over 1,000 square feet.	\$110.00
First Offense Double the Permit Fee	
Each Offense Thereafter Triple the Permit Fee	
Demolition Permit Fees (amended 05/05/04) (amended 05/06/09)	\$35.00
Zoning Board Of Appeals - Per Appeal (amended 05/05/04)	\$250.00
Certificate of Occupancy Fee (adopted 05/06/09)	\$35.00
Sign Permit Fees	
Permanent Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Temporary Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Plus Deposit Required (refundable deposit for removal of sign) (10/02/02)	\$300.00
Temporary Storage Containers - Per Application (10/01/97) (amended 05/05/04)	\$25.00
The fees for electrical permits, plumbing permits and building permits shall include one inspection of the work covered by each permit. Typically permits include the following inspections: A) Foundation; B) Bed bottom for leech fields; C) Leech bed; D) Electrical; E) Plumbing; F) Framing; and, G) Certificate of Occupancy. For each re-inspection thereafter, per-permit, a fee of \$50 shall be charged. If a re-inspection is required because the permit holder called for an inspection before the work was ready for inspection, such re-inspection shall not occur for at least two (2) weeks, unless	

the permit holder pays a surcharge of \$200 in addition to the \$50 re-inspection fee. (amended 10/06/04)

<u>Chapter 405A - Floodplain Management</u>	Fee
Non-Refundable Permit Application Fee	\$50.00

<u>Chapter 405B - Site Plan Review</u>	Fee
Under 1,000 Square Feet	\$50.00
1,000 to 2,000 Square Feet	\$150.00
>2,000 to 5,000 Square Feet	\$250.00
>5,000 to 10,000 Square Feet	\$500.00
>10,000 Square feet and over, plus \$25.00 per 1,000 above 10,000 square feet	\$500.00

<u>Chapter 405C - Subdivision Review</u>	Fee
Charge Per Lot (amended 05/05/04)	\$175.00

<u>Chapter 407 - Septic Tank Sludge Disposal Fees</u>	Fee
Field Spread - per gal. (amended 05/05/04)	\$0.04
Holding Tank - per gal. (amended 05/05/04)	\$0.08
Disposal Of Treatment Plant Sludge S.S.D. Only - per gal. (amended 05/05/04)	\$0.08
Disposal Of Industrial Sludge & Wastes - per gal. (amended 05/05/04)	\$0.08
Grey Water 2,000 Gallons, Maximum Load - per load (amended 05/05/04)	\$4.00

<u>Chapter 408 - Extractive Industry, Waste Control, Landfill, And Land Reclamation</u>	Fee
Plan Review Fee - Minimum fee (amended 05/05/04)	\$175.00
Additional Fee Per Acre In Excess Of 10 Acres - Per additional acre over 10 acres (amended 05/05/04)	\$15.00

Chapter 410 - Road Impact Fee Ordinance And Designating Approved Projects

The following fees and charges are established for development and the following projects are designated as eligible for funding from the Highway Impact Fee Trust Fund:

Fees	Peak Hour Trips		Cost of Trip
A. District 1	N	X	\$149.43
B. District 2	N	X	\$292.42
C. District 3	N	X	\$499.05
D. District 4	N	X	\$96.35
E. District 5	N	X	\$1,024.52

Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in the 1987 Institute of Transportation Engineers (ITE) "Trip Generation" handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only "new" trips to the system roadways should be assessed a development fee.

The total Impact Fee for a project shall be the sum of the fees for each district affected.	
Projects eligible for funding from the Road Impact Fee Trust Funds are those projects depicted on the 100 scale aerial photographs titled “Long Range Transportation Improvement Program” (April 1989), prepared by Vanasse Hangen Brustling, Inc. as part of the 1988 Maine Mall/Jetport Area Traffic Study conducted for the Portland Area Comprehensive Transportation Study (PACTS) and the Maine Department of Transportation.	

Chapter 413 – Growth Ordinance	Fee
Application Fee (amended 11/03/04)	\$1,500.00

Chapter 500 - Trailer & Trailer Camp	Fee
Application Fee, minimum	\$27.50
Each unit in excess of 10 (amended 05/21/2008)	\$3.75
Maximum Fee (amended 05/21/2008)	\$200.00

Chapter 501 - Tenting & Camping Ordinance	Fee
Annual Fee For Tenting/Camping Season License, per lot (amended 05/05/04; 05/21/2008)	\$2.25

Chapter 601 – Traffic Ordinance	Fee
Section 26 – Penalties General (05/03-2006)	
Fine for any violation of this ordinance is:	\$100.00
If paid within 30-days of issuance of the ticket the fine is reduced to:	\$50.00
Section 27 – Illegally Parked Vehicles (05/03-2006)	
Fine for illegally parked vehicle, except handicapped parking violation is:	\$100.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$50.00
Fine for parked vehicle violating handicapped parking is:	\$150.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$75.00
Section 30 – Towing Rate Schedule -	
Service Call - Gas, Jumpstarts, lockouts, tire change, etc. Range	\$25.00 to \$40.00
Vehicle Storage, per day, INCLUDING non-business days	\$25.00 per day
Call out fee, to come to shop during non-business hours	\$25.00
Vehicle Tow	
Day	\$65.00
Night	\$75.00
Snow Tow – Range	
Day	\$75.00
Night	\$85.00
Vehicle Tow w/dollies – Range	\$65 to \$85
Motorcycle Town – Same as vehicle due to special equipment	
Pull out – Range	\$40 to \$85
Recovery – Same as tow, depending on time of day. After first hour \$70 per additional hour plus any special equipment, i.e., bulldozer, etc.	
Definition of Hours – Daytime Hours = 0700 to 1800 hours; Night Time Hours = 1800 to 0700 hours	

Chapter 602A – Mass Gathering	Fee
Application Fee, each event (amended 05/05/04; 05/21/2008)	\$175.00

<u>Chapter 607 - Alarm Systems</u>	Fee
False Alarm Fee - per occurrence after third false alarm within one year (amended 05/05/04)	\$250.00

<u>Chapter 608 – Fireworks Ordinance</u>	Fee
Non-Refundable Local Fireworks Display Permit Application Fee (amended 06/15/05)	\$50.00

<u>Chapter 612 – Rules & Regulations for Use of Parks & Recreation Facilities</u>	Fee
Application Fee	\$100.00
Application Fee for Non-Profit or Service Groups	\$50.00

<u>Chapter 702 - Street Opening, Fees</u>	Fee
Excavator License Fee Annual	\$100.00
Excavation Permit Fee - Each Excavation (amended 05/05/04)	\$50.00
Renewal Of Excavation Permit (amended 05/05/04)	\$50.00

<u>Town Of Scarborough - Street Opening Fee Schedule</u>	
<u>Street Opening Charges</u>	Fee*
1. Newly constructed or reconstructed Streets (amended 05/05/04)	\$55.00 per sq. yd.
2. Residential streets (amended 05/05/04)	\$55.00 per sq. yd.
3. Arterial or commercial streets (amended 05/05/04)	\$80.00 per sq. yd.
4. Streets with a concrete base (amended 05/05/04)	\$80.00 per sq. yd.
<u>Sidewalk and Driveway Opening Charges</u>	
1. Portland cement concrete sidewalk (amended 05/05/04)	\$55.00 per sq. yd.
2. Portland cement concrete driveway (amended 05/05/04)	\$65.00 per sq. yd.
3. Bituminous concrete sidewalk (amended 05/05/04)	\$35.00 per sq. yd.
4. Bituminous concrete driveway (amended 05/05/04)	\$45.00 per sq. yd.
<u>Curbing</u>	
1. Replacement and installation of lost or damaged granite curbing	\$35.00 linear ft.
2. Bituminous concrete curbing	\$10.00 linear ft.
<u>Other Charges</u>	
1. Removing and replacing regulatory signs	\$50.00 each
2. Removing and replacing street name and stop signs	\$50.00 each
3. Reinstalling street and right of way granite monuments	\$800.00 each
4. Long-term maintenance reserve for bituminous street openings	\$25.00 per sq. yd.

<u>Chapter 901 – Refuse collection Fee</u>	Fee
1. Commercial Hauler	\$500.00 each
2. Residential Hauler	\$500.00 each
Applications for license renewal received after March 1 st shall pay a late fee in the amount of \$100.00 in addition to the regular application fee. (05/03/2006)	

<u>Chapter 1002 - Shellfish Ordinance, Fees</u>	Fee
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Resident Commercial	\$200.00
Non-resident Non-reciprocating Commercial	\$400.00
Resident Student Commercial	\$100.00
Non-resident Student Commercial	\$200.00
Over - 60 Years Resident Commercial (Bushel)	\$100.00
Resident Recreational - (Over 65 Free)	\$25.00
All Day Licenses – Resident and Non-resident (amended 04/06/05)	\$10.00

Chapter 1003 – Hawkers & Peddlers	Fee
License Fee for Hawkers & Peddlers License (05/21/2008)	\$50.00

Chapter 1004 - Taxicab Licenses	Fee
Annual License - Each Taxicab (amended 05/05/04) (amended 05/06/09)	\$150.00
Annual License - Each Operator (amended 05/05/04) (amended 05/06/09)	\$50.00

Chapter 1005 - Innkeepers Licenses (06/21/2006)	Fee
Application Fee	\$50.00
Per Room Fee	\$3.00 per room
Maximum Fee Not to Exceed	\$350.00

Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes	Fee
Resident And/Or Taxpayer Season Beach Pass - (either Ferry Beach or Hurd Park) (amended 05/05/04)	\$20.00
Resident And/Or Taxpayer Combination Season Pass - (includes both Ferry Beach and Hurd Park) (amended 05/05/04)	\$30.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Combination Season Beach Pass - (includes both Ferry Beach and Hurd Park) (amended 05/05/04)	\$60.00
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Combination Season Pass - (includes both Ferry Beach and Hurd Park)	FREE

DAILY PARKING RATES (WITHOUT PASS)	
Daily Parking: Ferry Beach And Hurd Park (amended 05/05/04)	\$10.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 5 PM (amended 05/03/05)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)	\$35.00

BOAT LAUNCHING FEE	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	
Resident – Daily Boat Launching Fee (amended 05/05/04)	\$10.00
Resident – Seasonal Boat Launching Fee	\$25.00
Non-Resident – Daily Boat Launching Fee (amended 05/05/04)	\$20.00
Non-Resident – Seasonal Boat Launching Fee	\$50.00

Chapter 1007 - C.A.T.V. (Cable T.V.) Operators Fees	Fee
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Franchise Filing Fee	\$500.00
<u>Chapter 1008 - Special Amusement Operator License Fees</u>	
Annual License Fee	\$110.00
<u>Chapter 1009 – Coin Operated Game License Fees</u>	
Annual License Fee - Per Machine (B-2 Zone)	\$110.00
Annual Video Arcade License Campgrounds (R-F Zone) Maximum of 25 machines (amended 05/03/06)	\$1,500.00
<u>Chapter 1010 - Massage Establishment Annual License Fees</u>	
Massage Establishment	\$55.00
Combined Massage Establishment/Massage Therapist	\$35.00
Massage Therapist	\$30.00
<u>Chapter 1011 - Para-Massage Establishment Annual License Fees</u>	
Para-Massage Establishment License	\$55.00
Para-Massager License	\$30.00
Combined Para-Massager Est./Para-Massager License	\$35.00
<u>Chapter 1012 - Adult Business - Viewing Booth Annual License Fees</u>	
Annual License For Each Viewing Booth	\$110.00
<u>Chapter 1013 - Ice Cream Trucks (06/18/97)</u>	
Application Fee	\$110.00
Each Additional Truck	\$30.00
<u>Chapter 1017 – Pawnbroker License (03/03/2010)</u>	
Application Fee	\$100.00
SBI Check	\$25.00
<u>Chapter 1201 - Cemetery Fees</u>	
Sale Of Lots - Scarborough Memorial Cemetery Per Grave (amended 05/05/04)	\$400.00
Grave Opening Charges	
Weekdays (Regular Burial)	\$440.00
Weekends (Regular Burial) (amended 05/05/04)	\$500.00
Cremations/Other (Weekdays)	\$110.00
Cremations/Other (Weekends) (amended 05/05/04)	\$150.00
<u>Chapter 1400 - Annual Mooring Fees</u>	
Resident And/Or Taxpayer (amended 05/05/04)	\$50.00
Non-Resident (amended 05/05/04)	\$100.00

<u>Assessing Office Charges</u>	Fee
<u>Printouts</u>	
Name/Location/Map & Lot	\$25.00
Name/Address/Location/Map & Lot	\$50.00
Name/Location/Map & Lot/Assessment	\$75.00
Name/Address/Location/Map/Lot/Assess	\$75.00
Name/Address/Location/Map/Lot/Assess/Ref.	\$100.00
Valuation Report – Printout per page	\$2.00
Mailing Labels - Each	\$.05
Copy of Property Card	\$2.00
Large Map	\$5.00
Reduced Map	\$2.50
Reduced Set of Maps	\$200.00

<u>Fire Department Fees</u>	Fee
<u>Fire Department Construction Permit & Plans Review Fees</u>	
A Fire Department construction permit is required for any new construction, or remodeling of existing commercial space, or erection of any temporary structures for commercial purposes. The permit allows us to review important information concerning life safety issues, the buildings alarm & suppression systems, utility connections, heating system information, water supply, hazardous materials, fire lanes, and a variety of other items prior to the start of construction. (amended 11/05/03)	
Minimum Fee	\$25.00
Construction permit fees for all commercial buildings shall be	\$0.10 per sq. ft.
Commercial structures include any building that is non-residential, or any residential complex that has three or more living units.	
Construction permit fees cover the following services:	
Initial conference and fact finding discussion	
Concept plans review for compliance with local ordinances	
Site Plan review	
Construction plans review	
Follow-up meetings with contractors, architects, and building owners	
Structural building inspections as necessary during construction	
One (1) comprehensive alarm system and fire suppression system test to be scheduled after coordination of reporting information with the Fire Department, and after all components have been installed to the applicable codes and pre-tested through to the monitoring company.	
One (1) final Certificate of Occupancy inspection to be scheduled when all Federal State and Local codes have been met and the building is ready for occupancy.	
<u>Additional Fire Dept. Construction Permits & Plans Review Fees</u>	
Re-inspection of alarm & fire suppression system testing required due to improper pre-testing, installation, or lack of coordination with the Fire Department concerning appropriate reporting requirements. (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Re-inspection fee for Certificate of Occupancy (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and

	\$200.00 for second and any subsequent occurrence
Commercial Fire Alarm Plan Review & Permit Fee (adopted 05/06/09)	\$100.00
Commercial Sprinkler System Plan Review & Permit Fee (adopted 05/06/09)	\$100.00
Blasting Permit Fee (adopted 05/06/09)	\$50.00
<u>Fire Department Fees</u>	Fee
Aerial / Ladder Truck	\$150.00
Pumper Truck	\$125.00
Squad Truck	\$125.00
Command Van	\$100.00
Rescue Unit	\$100.00
Tank Truck 4 x 4	\$75.00
Utility Truck	\$50.00
Police Cruiser	\$50.00
Personnel Labor	\$30.00
<u>Fire Department Rescue Charges –</u>	Fee
Rescue Fees	
BLS Emergency Base Rate (amended 05/05/04) (amended 09/01/04) (amended 02/02/05) (amended 02/01/06) (amended 03/15/06)	The charges for BLS, ALS and ALS2 will be the maximum rates established and approved by the Federal Medicare (CMS)
ALS Emergency Base Rate (amended 05/05/04) (amended 09/01/04) (amended 02/02/05) (amended 02/01/06) (amended 03/15/06)	
ALS 2 Base Rate (amended 05/05/04) (amended 09/01/04) (amended 02/02/05) (amended 02/01/06) (amended 03/15/06)	
Mileage (amended 05/05/04; 05/21/2008; 08/20/2008)	Mileage will be the maximum rates established and approved by the Federal Medicare (CMS).
No Transport (amended 05/05/04) (amended 05/06/09)	\$100.00
Paramedic Intercept Fee (05/21/2008)	\$300.00
Rescue Run Reports –	
First Page of Report (amended 05/05/04)	\$10.00
Each Additional Page Thereafter (amended 05/05/04)	\$0.35
<u>Chapter 1015 -Food Handlers Registration Fee (adopted 05/03/06) [amended 05/21/08]</u>	
Food Handlers Registration Fee	\$100.00
For Year-Round Businesses	\$220.00
Seasonal, catering and in-home food handlers	\$110.00

<u>Chapter 1016 - Garage/Yard Sale (adopted 03/07/2007)</u>	Fee
Garage/Yard Sale Permit	\$5.00 per sale

<u>Horse Beach Permit (per rider) (adopted 10/02/02)</u>	Fee
All Permits (amended 05/06/09; amended 09/16/09)	\$20.00

<u>Interest Penalties (adopted 05/02/2007)</u>	Penalty
Interest on fees, charges or payments owed to the Town which are more than 30-days past due	1.5% per month

<u>Miscellaneous Fees (adopted 05/03/05) (amended 02/15/06)</u>	Fee
Marriage Ceremonies Performed	\$50.00
Miscellaneous Administrative Fees – Town Clerk’s Office (amended 05/06/09)	\$15.00
Genealogy / Research – \$3.00 per name, whether or not a record is found, this includes a photocopy. For an attested copy, the fee is as set by the State of Maine Office of Vital Records.	
Dog License Late Fee – Upon receipt of the rabies certificate(s) from the State of Maine the Town Clerk’s Office will notify owner(s) they need to register their dog(s) within 10-days. If a resident fails to license their dog(s) within 10-days of notification from the Town Clerk’s Office a late fee will be charged for each dog. (05/21/2008)	\$15.00 per dog

<u>Notary Fee (Amended 3/6/96; 05/05/04; 05/21/2008)</u>	
First 3-pages	\$10.00
Any Documents more than 3-pages	15.00

<u>Photocopies</u>	
	Fee
Single Sheets - Their Original	
8 ½ x 11 Regular, each copy	\$0.25
8 ½ x 14 Legal, each copy	\$1.00
11 x 17 Ledger, each copy	\$1.50

<u>Photocopies (amended 3/6/96)</u>	
	Fee
Single Sheets - Our Document	
8 ½ x 11 or 14 or 17, first page	\$2.00
Each Additional Page	\$0.50
Maps, each copy	\$5.00

<u>Police Department Charges</u>	Fee
Special Police Charge, Per Hour (amended 05/05/04; 05/02/07; 05/21/2008)	\$41.17
Notice of minimum charge if event is canceled without proper notice	
Police Reports	
First Page (amended 05/05/04)	\$12.00
Each Additional Page (amended 05/05/04)	\$1.50
Fingerprinting	
For Civilians’ Personal Use (not criminal), each set	\$3.00
Copy Of Video Tape	
Blank Tape Provided (amended 05/05/04)	\$12.00
No Tape Provided (amended 05/05/04)	\$15.00

Public Works Department Charges	
Fee for Building Coordination Form (05/05/04)	\$25.00

Voter Registration Lists (amended 09/06/2006)	Fee
Fees are as set by the Secretary of State’s Office pursuant to Title 21-A, Section 2, §4, <i>Fees</i> , and as amended from time to time.	

Vehicle Registration Fee	Fee
Resident per re-registration (amended 05/06/09)	\$3.00
Resident per new registration (amended 05/06/09)	\$4.00
Non-Resident, per re-registration (adopted 05/06/09)	\$4.00
Non-Resident, per new registration (adopted 05/06/09)	\$5.00

Roll Call Vote: Councillor Ahlquist – Nay Councillor D’Andrea – Yea
 Councillor Holbrook – Nay Councillor Wood – Yea
 Councillor Babine – Babine Councillor Roy – Yea
 Council Chair Rancourt - Yea

NEW BUSINESS:

Order No. 10-47. Act on the request to appoint two members to the Sea Level Adaptation Working Group. Motion by Councillor Roy, seconded by Councillor Babine, to move approval to appoint Jay Chace, Assistant Town Planner and Lucy LaCasse, Scarborough resident to the Sea Level Adaptation Working Group.

Vote: 7 Yeas.

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

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

- Councillor Holbrook noted the next Charter Review meeting will be held Wednesday, May 12, 2010, at 7:00 p.m. in Chamber A.
- Councillor Roy gave a Senior WOW update.
- Councillor D’Andrea noted the next Ordinance Committee meeting will be held Tuesday, May 25th at 4:30 p.m.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, commented on the following:

- Update on the Pine Point access work.
- Recognition of the EPA Award on the Long Creek Project. There will be a meeting of the Red Brook Watershed group on May 18th.

Item 11. Council Member Comments.

- Councillor D’Andrea spoke on being a first timer on the Finance Committee; she has more appreciation of the budget process and felt that all Councillors should have the experience.
- Councillor Wood thanked the Finance Committee for their hard work and encouraged the Finance Committee to meet on a regular basis.
- Councillor Roy also felt the Finance Committee should meet on a regular basis and she thanked the Committee members; the Town Manager and department for their work on the budget. She

encouraged Council members to attend the Finance Committee meetings and encourage voters to vote on May 11th.

- Councillor Babine noted there would be a Memorial Day Parade on Monday, May 31st beginning at 10:00 a.m. from behind the High School and ending at the Maine Veterans' Home. He mentioned the news article on Ashley Drew a resident of Scarborough and has CF - who is fund raising for a double lung transplant. He also made comments regarding the budget.
- Councillor Holbrook noted that she supports the idea of the Finance Committee to meet on a regular basis. She was disappointed that the budget was not lower.
- Councillor Ahlquist also was disappointed the budget was not lower. He thanked the School Department and the Finance Committee for their work on the budget, felt they had done a great – but wished it could have been better.
- Council Chair Rancourt also mentioned the Memorial Day Parade and the Chowder Challenge being held Saturday, May 22nd at the Blue Point Church. She encouraged everyone to get out and vote on May 11th and reminded everyone that the election would be conducted at Town Hall. She also noted that there would be an Employee Recognition Dinner on Thursday, May 13th.

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: 7 Yeas.

Meeting adjourned at 10:19 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk