

MINUTES

SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – NOVEMBER 18, 2009  
SWEARING IN OF NEWLY ELECTED OFFICIALS  
REGULAR MEETING – 7:00 P.M.

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

**Item 2. Pledge of Allegiance.**

**Item 3. Swearing in of newly elected officials.** Yolande P. Justice, Town Clerk, swore in the following individuals:

Trustee – Sanitary District  
Benedetto Viola

Board of Education  
Jacquelyn A. Perry

Town Council  
Jessica L. Holbrook  
Carol S. Rancourt

Board of Education - Robert C. Mitchell had been sworn in earlier. Jane M. Wiseman would be sworn in at a later date.

Trustee of the Sanitary District – Nicola F. Rico had been sworn in earlier.

**Order No. 09-131. Act on the nomination and election of a new Town Council Chair.** Motion by Councillor D’Andrea, seconded by Councillor Roy, to move approval on the nomination of Councillor Rancourt, as the new Town Council Chair.

Vote: 6 Yeas. 1 Nay (Councillor Babine).

**Order No. 09-132. Act on the nomination and election of a new Town Council Vice-Chair.** Motion by Councillor Wood, seconded by Chairman Rancourt, to move approval on the nomination of Councillor Roy, as the new Town Council Vice-Chair.

Vote: 7 Yeas.

**Item 4. Roll Call.** Rolled was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Ronald D. Ahlquist  
Jessica L. Holbrook  
Michael J. Wood

Judith L. Roy, Vice Chair  
Shawn A. Babine  
Karen A. D’Andrea

Carol S. Rancourt, Council Chair

**Item 5. General Public Comments.**

- Judy Shirk of Pine Point Road - congratulated Councillors Holbrook and Rancourt on their election to the Council. She also spoke on the Pine Point issue regarding Depot Street and asked that it be reconsidered by the new sitting Council.
- Sue Perrino of Driftwood Lane - congratulated Councillors Holbrook and Rancourt on their election to the Council and the spoke on the Depot Street issue.
- Tom Bennett, of Spurwink Road and a possible Pawn Shop owner, commented on the process of getting an ordinance in place – he was very discouraged.

**Item 6. Minutes: November 4, 2009 – Regular Meeting.** Motion by Councillor Babine, seconded by Councillor D’Andrea, to move approval of the minutes of the November 4, 2009, regular Town Council meeting.

Vote: 7 Yeas.

**Item 7. Adjustment to the Agenda.** None at this time.

**Item 8. Items to be signed: a. Treasurer’s Warrants.** Treasurer’s warrants were signed during the meeting.

**Order No. 09-128, 7:00 p.m. Public hearing on the proposed amendments to Chapter 416 – the Haigis Parkway Assessment Ordinance.** Council Chair Rancourt opened the public hearing. As there were no comments either for or against the hearing was closed at 7:16 p.m. The second reading has been scheduled for the Wednesday, December 2, 2009, Town Council meeting.

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:**

**Order No. 09-133. First reading and refer to the Planning Board the proposed amendments to Chapter 405 – The Zoning Ordinance – Section VI. Definitions and Section XI. Off-Street Parking and Loading Regulations.** Thomas J. Hall, Town Manager, gave a brief overview on the proposed amendments to Chapter 405 – the Zoning Ordinance – Section VI. Definitions and Section XI. Off-Street Parking and Loading Regulations. Jay Chace, Assistant Town Planner, responded to questions from the Council.

Motion by Councillor Roy, seconded by Councillor D’Andrea, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 – The Zoning Ordinance - Off Street Parking Standards and schedule a public hearing for the next regular Town Council meeting following the filing of the recommendations of the Planning Board; as follows:

**CHAPTER 405  
ZONING ORDINANCE  
TOWN OF SCARBOROUGH**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section VI (Definitions) and Section XI (Off-Street Parking and Loading Regulations) of Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine, is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

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Section VI. DEFINITIONS

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**Gross Leaseable Area:**

**The floor area of a building or use less the area occupied by stairwells and elevator shafts, equipment rooms and utility rooms.**

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**Parking Space:**

~~Usable space for the parking of an automobile that conforms to the standards of this Ordinance. Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from Streets or aisles leading to Streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.~~

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**Section XI. OFF-STREET PARKING AND LOADING REGULATIONS.**

~~Off-street parking spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Section, prior to the issuance of a certificate of occupancy for the structure or use.~~

~~As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking, loading, or vehicular use is established, enlarged or changed.~~

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve ~~conforming~~ uses located in any district.

**A. Off-street parking shall be designed, constructed and maintained as follows:**

~~1. For retail stores, each off street parking space must have an area no less than 10 feet wide by 20 feet long.~~

~~2. For all other uses, each off-street parking space must have an area no less than 10-9 feet wide by 20-18 feet long, except that the size of parking spaces may be determined by the Planning Board in accordance with the requirements of section IV(D)(1) of the Site Plan Review Ordinance, reduced to no less than 9 feet wide by 18 feet long provided that landscaped area equal to the total amount by which the size of parking spaces has been reduced is provided on the lot. Such landscaped area shall be in addition to any landscaped areas or buffers required by any other provision of this ordinance or the Town of Scarborough Site Plan Review Ordinance.~~

~~3.2. Where required by applicable federal or state law, all off-street parking areas shall include handicapped accessible parking spaces in accordance with the ADA Standards for Accessible Design and the Site Plan Review Ordinance. Where retail stores and other uses are located on the same lot or in the same development, all parking spaces on the lot or within the development must have an area no less than 10 feet wide by 20 feet long. If, however, separate, physically segregated parking areas are provided for the non-retail uses and the design of such parking areas is approved by the Planning Board under the provisions of the Town of Scarborough Site Plan Review Ordinance, then the spaces within such separate parking areas for the non-retail uses may be reduced in size as provided in subsection (2) above.~~

~~3.4. For all uses, parking spaces must be adequately served by isles and drives in accordance with the requirements of Section IV of the Site Plan Review Ordinance.;~~

**B. The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Where a use is not**

specifically mentioned in this provision, the Planning Board shall determine the minimum parking requirements. The number of parking spaces required shall be determined by the Planning Board based on the nature of the use, the intensity of the proposed use and the parking demand expected to be generated by the specific proposal.

**1. Standards for off-street parking**

<u>Use</u>	<u>Number of parking spaces required</u> *FA= Floor Area *GLA= Gross Leaseable Area
<del>Board Care Facilities for the Elderly</del>	<del>1 parking space per 3 beds and 1 parking space for each employee based on the expected average employee occupancy.</del>
Dwellings	
<u>a. Single Family</u>	<del>2 parking spaces</del> for each dwelling unit.
<u>b. Two Family</u>	<u>2 for each dwelling unit</u>
<u>c. Multifamily</u>	<u>2 for each dwelling unit containing 2 or more bedrooms</u> <u>1.5 for each dwelling unit containing fewer than 2 bedrooms</u>
<u>d. Accessory Unit</u>	<u>1 for each unit</u>
<u>e. Senior housing [05/03/2006]</u>	1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy. [05/03/2006]
<u>Golf Courses</u>	<del>The number of parking spaces required shall be determined by the Planning Board during site plan review, based on the nature of the proposed golf course (public or private, 9 hole or 18 hole, etc.), the intensity of the proposed use and the parking demand expected to be generated by the specific proposal. (12/21/94)</del>
<del>Hotels, Motels, tourist homes and other transient lodging establishments</del>	<del>1 parking space for each sleeping guest room.</del>
<del>Hotels</del>	<del>1 parking space for each guest room.</del>
Schools.....	
<u>a. Elementary and Junior High/Middle School:</u>	<del>one (1) space</del> per teacher and staff member, plus <del>one (1) space</del> per <del>two (2)</del> classrooms.
<u>b. Senior High School:</u>	<del>one (1) space</del> per teacher and staff member on the largest shift, plus <del>one (1)</del> space per <del>five (5)</del> non-bused students.
<u>c. College:</u>	<del>one (1) space</del> per staff member on the largest shift, plus <del>one (1) space</del> per two <del>(2)</del> students of the largest class attendance period.

<u>d. Group Day Care Homes, Day Care Centers, Nursery Schools</u>	<u>1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio</u>
Hospitals, <u>Boarding Care Facilities for the Elderly</u> <del>sanatoria</del> , nursing homes, residential and long-term care facilities for the ill, aged or disabled <del>[7/17/91]</del>	1 <del>parking space</del> per 3 beds, <del>and plus</del> 1 <del>parking</del> for each employee based on the expected average employee occupancy.
<u>Place of assembly, amusement, culture and places of worship</u> <del>Theaters, auditoria, churches</del>	1 <del>parking space</del> for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.
Retail sales & services; <del>retail business &amp; service establishments, local retail stores, personal services, instructional and educational services [7/17/91]</del>	<u>4 per 1000 sq. ft. of FA</u> <del>1 parking space for each 180 square feet of gross lease space.</del>
<u>Business services and business offices; Professional offices</u>	<u>4 per 1000 sq. ft. of GLA</u>
<u>Financial, Insurance and Real Estate Offices</u>	<u>3.5 per 1000 sq. ft. of GLA</u>
<u>Personal services</u>	<u>3.5 per 1000 sq. ft. of GLA</u>
<u>High Technology Facility</u>	<u>2 per 1000 sq. ft. of FA</u>
<u>Data Processing/Telemarketing</u>	<u>6 per 1000 sq. ft. of GLA</u>
<u>Medical and Dental Offices</u>	<u>4 per 1000 sq. ft. of GLA</u>
<u>Restaurants &amp; drinking establishments without drive-thru or take-out services</u>	1 <del>parking space for each</del> <u>per</u> 4 table or booth seats, plus 1 <del>parking space for each</del> <u>per</u> 2 counter or bar seats, plus 1 <del>parking space</del> for each 60 square feet of customer standing or waiting area, plus 1 <del>parking space</del> for every 2 employees, based on highest employee occupancy, <del>plus 6 stack spaces for each drive-up window, at least 3 of which must be designated for the ordering station, located so as not to impede pedestrian or vehicular circulation on the site of any adjacent street. Minimum number of parking spaces is 10, unless the restaurant serves no take-out food (other than leftovers package for patrons who have eaten at a table, booth or counter. [11/16/94]</del>

<p><u>Restaurants &amp; drinking establishments with drive-thru and/or take out services</u></p>	<p><u>Standards described above apply, provided that the minimum number of parking spaces is 10, plus 6 stack spaces for each drive-up window, at least 3 of which must be designated for the ordering station, located so as not to impede pedestrian or vehicular circulation on the site of any adjacent street</u></p>
<p><del>Drive-in restaurants &amp; snack bars</del></p>	<p><del>Deleted [11/16/94]</del></p>
<p><del>Business services and business offices, financial, insurance and real estate offices, non-municipal government offices, professional offices, public buildings, nonresidential institutional uses [7/17/91]</del></p>	<p><del>1 parking space for every 180 square feet of gross leasable area. However, the Planning Board, during site plan review under the Town of Scarborough Site Plan Review Ordinance, may allow fewer parking spaces to be developed, provided that the number of spaces actually developed is not less than one space per every 250 square feet of gross leasable area and that the undeveloped spaces are shown on the plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, storm water management standards. If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to appear before the Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed. [amended 07/21/2004]</del></p>

<p>Work space in a live/work unit  <del>{05/03/2006}</del></p>	<p><del>1-2.5 parking space</del> per <del>360 square feet</del> <u>1000 of gross leasable sq. ft of GLA area</u>, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or leases of the live/work unit or any part thereof.  Alternatively, <del>4</del> <u>1 parking space</u> per <del>1000</del> <u>250 square sq. feet</u> of <del>gross leasable area</del> <u>GLA</u>, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit. <del>{05/03/2006}</del></p>
<p><del>Industry, and manufacturing, warehousing and distribution</del></p>	<p><del>2 per 1000 sq. ft. of FA</del> <u>1 parking space for each 1.2 employees based on the highest expected employee occupancy. (additional spaces required for area(s) occupied for office and/or sales use)</u></p>
<p><del>Health Club Indoor recreational facility_ {05/03/2006}</del></p>	<p><del>3.5 per 1000 sq. ft. of FA, except that areas occupied by, and only to be used for, specific activities (i.e. tennis or racquetball courts, exclusive of gymnasiums) require 3 per court.</del> <u>1 parking space for every 300 square feet of floor area. {05/03/2006}</u></p>
<p>Funeral Home</p>	<p><del>1 parking space for each 75-</del> <u>10 per 1000 sq. ft. of floor space</u> <del>FA</del> in slumber rooms, parlors, and individual service rooms-</p>
<p>Water Dependent Golf Driving Ranges</p>	<p>1.5 spaces for each tee area.</p>

C. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Planning Board may reduce the requirements for off-street parking upon finding the following requirements are met:

1. That the undeveloped parking spaces are shown on an approved site plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, stormwater management standards, grading, vehicular access and circulation.
2. If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to appear before the

Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed.

**D.** In specific cases where two or more uses listed in section B(1), above, occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.

**I.E.** The ~~Board of Appeals~~Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

**H.F.** In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Board of Appeals may reduce the requirements for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

**G.** On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.

**CH.** Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the ~~Board of Appeals~~Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

**DI.** Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the ~~Board of Appeals~~Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

**EJ.** Where off-street parking for ~~more than six vehicles is~~uses other than single or two-family dwellings is required or provided on a lot ~~in a Residential Zone~~ and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met.

**1.** Where vehicles are to be or may be parked within ten feet of any street line ~~Aa~~ continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

~~2. Where such off street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residence Zone, a chain link, picket, or sapling fence, not less than 48" in height, shall be provided and maintained between such off street parking and that part of the lot line involved.~~

**32.** No parking shall be located within a green strip buffer required pursuant to Section ~~G(16)(d)~~IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.

~~F. Where off-street parking for more than six vehicles is required or provided on a lot in any Business Zone, the following requirements shall be met:~~

- ~~1. Where vehicles are to be or may be parked within ten feet of any street line, a continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line involved, or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that the bumpers of vehicles cannot project beyond its face toward the street line involved, either above or below the impact surface.~~
- ~~2. Where such off-street parking shall abut a lot in a Residence Zone or a lot in a residential use, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.~~
- ~~3. No parking shall be located within a green strip buffer required pursuant to Section G(16)(d) of the Town of Scarborough Site Plan Review Ordinance.~~

~~GK. Where off-street parking for any use other than single or two-family dwellings for more than six vehicles is required or provided, the following construction requirements shall apply:~~

- ~~1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). Location and width of approaches over public sidewalks shall be approved by the Building Inspector. When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.~~
- ~~2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.~~
- ~~3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.~~
- ~~4. Where artificial lighting is provided cut-off fixtures shall be used to control glare, skyglow, and spillover onto adjacent properties, it shall be shaded or screened so that no light source shall be visible from outside the area and its access drive ways.~~

~~J. Off-Street Loading Requirements1. In those zones where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alterations, and changes of use:~~

~~Office Buildings and hotels with a gross floor area of more than 100,000 sq. ft.: 1 Bay~~

~~Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:~~

<del>5,001 to 40,000 sq. ft.</del>	<del>1 Bay</del>
<del>40,001 to 100,000 sq. ft.</del>	<del>2 Bays</del>
<del>100,001 to 160,000 sq. ft.</del>	<del>3 Bays</del>
<del>160,001 to 240,000 sq. ft.</del>	<del>4 Bays</del>
<del>240,001 to 320,000 sq. ft.</del>	<del>5 Bays</del>
<del>320,001 to 400,000 sq. ft.</del>	<del>6 Bays</del>
<del>Each 90,000 square feet over 400,000</del>	<del>1 Additional Bay</del>

~~2. Each loading bay shall have minimum dimensions of 50 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.~~

~~3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and Local traffic regulations.~~

Vote: 7 Yeas.

**Order No. 09-134. First reading and refer to the Planning Board the proposed amendments to Chapter 405B – the Site Plan Review Ordinance – Section IV. Performance & Design Standards – Parking Areas and Stormwater Management.** Thomas J. Hall, Town Manager, gave a brief overview of the proposed amendments to Chapter 405B – the Site Plan Review Ordinance – Section IV. Performance & Design Standards – Parking Areas and Stormwater Management. Councillor D’Andrea recommended that the Conservation Commission review the proposed recommendation.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405B – the Site Plan Review Ordinance – Section IV. Performance & Design Standards – Parking Areas and Stormwater Management and schedule a public hearing for the next regular Town Council meeting following the filing of the recommendations of the Planning Board; as follows:

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**CHAPTER 405B  
SITE PLAN REVIEW ORDINANCE  
TOWN OF SCARBOROUGH**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section IV.D. & G. (Performance & Design Standards – D. Parking Areas and G. Stormwater Management) of Chapter 405B - the Site Plan Review Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

**IV. Performance & Design Standards**

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**D. Parking Areas**

Parking lots shall be designed to complement adjacent buildings, the site, and the neighborhood by not being a dominant visual element. Every effort shall be made to reduce the scale of parking lots for aesthetic and stormwater reasons. Parking areas shall balance the needs of both vehicles and pedestrians. Parking lots shall be accessible and organized to serve the motorist, while being safe and pedestrian-friendly.

1. Off-street parking shall conform to Section XI., Off-Street Parking & Loading Requirements, of the Zoning Ordinance.

- a. If an applicant can demonstrate to the Planning Board that the nature or operation of the proposed use will not necessitate the minimum parking space requirements found in Section XI., the Planning Board shall have the authority to approve a site plan showing fewer parking spaces than are required. This allowance may only be provided, however, if the site plan incorporates a landscaped area that is feasible and adequate to accommodate the requisite parking under Section XI., should there be a future change in the nature or operation of the use necessitating the required parking.
- b. The Board of Appeals may also permit a reduction in the required parking spaces as per Section XI(~~FH~~) of the Zoning Ordinance.
- c. For uses that experience high turn-over traffic volumes (i.e. typical visitation is less than one-hour) the Planning Board may require the dimensions of parking spaces in close proximity of the building entrance to be 10 feet wide by 20 feet long.
- d. The Planning Board may approve parking spaces for use by employees or residential parking to be 8 feet wide. All 8 foot wide parking spaces that are provided for employees and residential uses must be in physically segregated parking areas and the design of such parking areas must be shown on an approved site plan. No more than 10% of off-street parking spaces may be designed with a width of less than 9 feet.
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**G. Stormwater Management**

Adequate provisions shall be made for the control, collection and disposal of all stormwater runoff from the site. Drainage plans, details, and calculations shall address the two, ten and twenty-five year, twenty-four hour storm events. These plans shall be designed to compliment the hydrology and natural features of the site and shall not cause adverse impacts to abutters, downstream properties, or receiving waters.

- 1. Stormwater management areas shall be treated as integral, attractive and natural parts of the landscape. Natural areas shall be used to retain and drain stormwater to the extent possible.
- 2. When areas of the site are to be paved they may be designed and constructed with pervious and semi-pervious alternatives to bituminous pavement. Alternative parking surfaces, such as porous pavement, are intended to minimize storm water run-off and facilitate infiltration and natural hydrological functions to the extent feasible.

Vote: 7 Yeas.

**Order No. 09-135. Act to authorize the Town Manager to enter into an agreement with residents of Cranberry Pines with regards to winter road services for the 2009/2010 season.** Thomas J. Hall, Town Manager, gave a brief overview on the agreement. Mike Shaw, Director of Public Works, responded to questions from the Council.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval to authorize the Town Manager to enter into an agreement with residents of Cranberry Pines with regards to winter road services for the 2009/2010 season, as follows:

**AGREEMENT FOR WINTER ROAD SERVICES**

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2009 by and between the Town of Scarborough (the “Town”) and the Cranberry Pines Homeowners Association (“Association”).

WHEREAS, Association is responsible for maintaining the common amenities, including the road, of a subdivision known as Cranberry Pines approved by the Scarborough Planning Board on May 24, 1976 (the “Subdivision”); and

WHEREAS, the road within the Subdivision is a private way and the Town and the Association have been negotiating in good faith the terms and conditions under which the private way could be accepted by the Town as a public street however, the negotiations are continuing and are not yet concluded; and

WHEREAS, in recognition these negotiations, the Town provided winter maintenance services to the Subdivision during the 2008-2009 winter season for compensation and only after the Association installed guardrails at specific location along Cranberry Pines Road as was specified by the Town for the safety of its personnel and equipment; and

WHEREAS, the Association is obligated to maintain such streets until they are accepted, including snow plowing, snow removal and related winter maintenance (collectively “winter road services”); and

WHEREAS, the road in the Subdivision will require winter road services for the 2009-2010 winter season and the Association has not made arrangements with a private contractor for said winter road services; and

WHEREAS, the Association wishes to obtain such winter road services from the Town;

NOW, THEREFORE, in consideration of the mutual promises and covenants made herein, the parties agree as follows:

1. At its sole cost and expense, Association further agrees to remove trees, other vegetation and/or obstructions at the terminus of Cranberry Pines Road as identified by the Town so as to safely accommodate the turn-around of Town vehicles and equipment.
2. Conditioned on satisfactory performance of Sections 1 of this section, as determined in the sole discretion of the Town, during the time this Agreement is in effect, the Town will provide winter road services on Cranberry Pines Road to the same extent as the Town provides such services on similarly situated, accepted town ways of the same classification under the Scarborough Street Acceptance Ordinance.

3. In order to defray the Town's costs of providing such winter road services within the Subdivision, the Association agrees to reimburse the Town for the cost of such services, based on the Public Works Director's estimate of the costs to the Town of providing winter road services to the Subdivision. It is agreed that for the winter of 2008 – 2009, the cost charged to the Association shall be \$4307.00.
4. Association agrees to indemnify and hold harmless the Town, its officials, officers, agents and employees against any and all claims by any person for personal injury or property damage resulting from or in any way relating to the provision of winter road services by the Town pursuant to this Agreement and releases the Town, its officials, officers, agents and employees from any claims which the Association might assert against the Town arising out of or in any way relating to the provision of winter road services by the Town pursuant to this Agreement.
5. The A shall expire on the earlier acceptance by the Scarborough Town Council of Cranberry Pines Road or May 1, 2010, whichever comes first.
6. This Agreement constitutes the entire agreement between the parties concerning the provision of winter road services in the Subdivision.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date first written above.

TOWN OF SCARBOROUGH

By: \_\_\_\_\_  
 Thomas J. Hall, Town Manager

CRANBERRY PINES HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_  
 Its \_\_\_\_\_

Vote: 6 Yeas. 1 Nay (Councillor Holbrook)

**Order No. 09-136. Act on request of Town Attorney to authorize the Town Manager, in consultation with the Town Attorney, to act on behalf of the Town of Scarborough to enter into Articles of Incorporation for purposes of undertaking the necessary actions to form and incorporate and establish the bylaws to govern the Long Creek Watershed Management District as a Maine nonprofit corporation and to take all such necessary actions in furtherance thereof.** Thomas J. Hall, Town Manager, gave a brief overview on this item.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on request of Town Attorney to authorize the Town Manager, in consultation with the Town Attorney, to act on behalf of the Town of Scarborough to enter into Articles of Incorporation for purposes of undertaking the necessary actions to form and incorporate and establish the bylaws to govern the Long Creek Watershed Management District as a Maine nonprofit corporation and to take all such necessary actions in furtherance thereof.

Vote: 6 Yeas (Councillor Ahlquist absent from Chamber).

**Order No. 09-137. Act to appoint Dan Bacon, Town Planner, and to authorize the Town Manger to identify another candidate and two alternates, for approval by the Town Council, to serve on behalf of the Town of Scarborough as Directors to the Long Creek Watershed Management District, Inc.** Thomas J. Hall, Town Manager, gave a brief overview on this item. It was suggested that residents who reside in the watershed protection area to be members of this group.

Motion by Councillor Wood, seconded by Councillor Roy, Move approval to appoint Dan Bacon, Town Planner, and to authorize the Town Manger to identify another candidate and two alternates, for approval by the Town Council, to serve on behalf of the Town of Scarborough as Directors to the Long Creek Watershed Management District, Inc.

Vote: 7 Yeas.

**Order No. 09-138. Act to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Tamarack Lane, located in the South Coast Community Church Subdivision; Saratoga Lane, located in the Fosters Farm Subdivision; Finch Way, located in the White Pines Subdivision and Marsh Rock Circle, located in the Marsh Rock Subdivision.** Motion by Councillor Babine, seconded by Councillor Roy, to move approval to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Tamarack Lane, located in the South Coast Community Church Subdivision; Finch Way, located in the White Pines Subdivision; Saratoga Lane, located in the Fosters Farm Subdivision and Marsh Rock Circle, located in the Marsh Rock Subdivision.

Vote: 7 Yeas.

**Item 9. Non Action Items.** Not at this time.

**Item 10. Standing and Special Committee Reports and Liaison Reports.**

- Councillor D'Andrea updated the Council on SEDCO's Visioning Plan and it is planned that the final document would be available by the end on the year.
- Councillor Roy noted the final Annual Report from the Scarborough Senior WOW Program – please disregard the one the Council previously received. She went on to give an update on the Ad-Hoc Energy Committee, noting that the committee would be meeting Thursday, November 19<sup>th</sup> at 8:45 a.m.
- Councillor Wood noted that the Rules and Policies Committee will hold another meeting on Monday, November 23<sup>rd</sup> at 9:00 a.m. to review the manual for Committees/Boards.

**Item 11. Town Manager Report.**

- Congratulated those who were elected as Chair and Vice-Chair
- Updated the Council on Maine for Land Future – The pine Point Pier Project – was awarded a \$252,500 Grant. The Council will need to approve this grant at the next Council meeting. The

Higgins Beach Project of \$635,000 stopped short of final approval, as the appraisals were not in yet, but the Town is still in the running and should know more shortly.

- Would like to work with Council Chair on a few projects: on is review public transit and Saco Bay working Group and went on to give an update.
- He noted that there would be challenges with the School funding in this current year as well as next year. In this current year the school will lose \$1.1 Million in State Aid.

Council Chair Rancourt stated that she will do Council appointments at the December 2<sup>nd</sup> Council meeting and asked the Council to think about the Committees and Liaison they would like, or would not like, to serve on.

#### **Item 12. Council Member Comments.**

- Councillor Ahlquist acknowledged that he had received Mr. Bennett's phone call regarding a Pawn Shop Ordinance and that he had tried to move the process along. He too commented on the budget year ahead and how it could be a difficult year.
- Councillor Wood congratulated Councillor Holbrook and Council Chair Rancourt. He then commented on the process of how an ordinance moves along. He made comments regarding the upcoming budget year and then thanked Mr. Hall for his guidance over the past year.
- Councillor Babine noted that the Cumberland County Commissioners were looking for an ambassador for their upcoming celebration. He congratulated Councillor Holbrook on being elected to the Council and congratulated Council Chair Rancourt on her re-election. He thanked Councillor Wood for his service as Chair this past year. He apologized for missing the last meeting and commented on Richard Sullivan's service to the community. Councillor Babine went on to congratulate those who were elected to the Board of Education and thanked the Town Manager for bringing up the State's school funding issue and that it would be a difficult year ahead.
- Councillor D'Andrea commented on the Deering Farm and the fact that it was just placed in conservation with the Maine Farmland Trust. She welcomed Councillor Holbrook and congratulated Council Chair Rancourt. She also thanked Councillor Wood for his service as Chair and hopes that the Council schedules a goal setting workshop. She noted that if residents have questions or concern, please visit her website at [karenforscarborough.com](http://karenforscarborough.com) and sent condolences to the Savoy Family in Old Orchard Beach.
- Councillor Holbrook thanked those who voted for her and looks forward to serving her community. She wanted to remind people that it is hunting season and when going out for a walk, please wear bright clothing.
- Councillor Roy congratulated Council Chair Rancourt and thanked Councillor Wood for his service. She sent condolences to the Pritchard Family on the loss of their daughter. She too would like to see the Council schedule a Goals Workshop and revisit past goals and then visit new one. She made comments regarding the Pawn Shop Ordinance.
- Council Chair Rancourt thanked everyone for their support and noted that she would set up a Goals Workshop. She then wished a happy birthday to her Aunt Geraldine Sprague on turning 91.

**Item 13. Adjournment.** Motion by Councillor Babine, seconded by Councillor Roy, to move approval to adjourn the regular meeting to the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:18 p.m.

Respectfully submitted  
Yolande P. Justice, Town Clerk