

MINUTES

**SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 6, 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. Rolled was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

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

Item 4. General Public Comments.

- Martin Marcisso of 697 US Route One commented on the Appeals Board Process and its action taken on special exceptions for in-home businesses in residential zones when in fact there are a number of spaces in a business zone available for rent.
- Tom Bennett of 18 Chamberlain Road commented on the Ordinance Committee and his request for a Pawnbroker Ordinance and the length of time it is taking for the town to act on this request. He did not understand why it is taking so long.

Item 5. Minutes: December 16, 2009 – Regular Meeting. Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the minutes of the December 16, 2009 – Regular Town Council meeting, as written.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

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

Order No. 09-133, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405 – The Zoning Ordinance – Section VI. Definitions and Section XI. Off-Street Parking and Loading Regulations. Council Chair Rancourt opened the public hearing. As there were no comments either for or against the hearing was closed at 7:11p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the second reading on the proposed amendments to Chapter 405 – The Zoning Ordinance – Section VI. Definitions and Section XI. Off-Street Parking Regulations.

Motion by Councillor Holbrook, seconded by Councillor Babine, to move approval to amend the main motion to Section XI. Off-Street Parking and Loading Regulations, by adding the last sentence, as follows:

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. Single family and two family dwellings in existence as of January 6, 2010, shall be exempt from this provision.

Vote on amendment: 7 Yeas.

Main Motion as amended:

**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 strikethrough 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. Single family and two family dwellings in existence as of January 6, 2010, shall be exempt from this provision.

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
Board Care Facilities for the Elderly	1 parking space per 3 beds and 1 parking space for each employee based on the expected average employee occupancy.
Dwellings	
<u>a. Single Family</u>	2 parking spaces for each dwelling unit.
<u>b. Two Family</u>	2 for each dwelling unit
<u>c. Multifamily</u>	2 for each dwelling unit containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms

<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]
Golf Courses	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)
Hotels, Motels, tourist homes and other transient lodging establishments	1 parking space for each sleeping guest room.
Hotels	1 parking space for each guest room.
Schools.....	
a. Elementary and Junior High/Middle School:	one (1) space per teacher and staff member, plus one (1) space per two (2) classrooms.
b. Senior High School:	one (1) space per teacher and staff member on the largest shift, plus one (1) space per five (5) non-bused students.
c. College:	one (1) space per staff member on the largest shift, plus one (1) space per two (2) 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, Boarding Care Facilities for the Elderly/sanatoria, nursing homes, residential and long-term care facilities for the ill, aged or disabled [7/17/91]	1 parking space per 3 beds, and plus 1 parking for each employee based on the expected average employee occupancy.
Place of assembly, amusement, culture and places of worship Theaters, auditoria, churches	1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.
Retail sales & services, retail business & service establishments, local retail stores, personal services, instructional and educational services [7/17/91]	4 per 1000 sq. ft. of FA 1 parking space for each 180 square feet of gross lease space.
<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>

<p><u>Restaurants & drinking establishments without drive-thru or take-out services</u></p>	<p>1 parking space for each per 4 table or booth seats, plus 1 parking space for each per 2 counter <u>or bar</u> seats, plus 1 parking space for each 60 square feet of customer standing or waiting area, plus 1 parking space for every 2 employees, based on highest employee occupancy, 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]</p>
<p><u>Restaurants & 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,</u> <u>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>Drive-in restaurants & snack bars</p>	<p>Deleted [11/16/94]</p>

<p>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]</p>	<p>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]</p>
<p>Work space in a live/work unit [05/03/2006]</p>	<p>1.25 parking space per 360 square feet 1000 of gross leasable sq. ft of GLA area, 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, 4 1 parking space per 1000 250 square sq. feet. of gross leasable area GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit. [05/03/2006]</p>

Industry, and manufacturing, warehousing and distribution	2 per 1000 sq. ft. of FA 1 parking space for each 1.2 employees based on the highest expected employee occupaney. (additional spaces required for area(s) occupied for office and/or sales use)
Health Club Indoor recreational facility [05/03/2006]	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. 1 parking space for every 300 square feet of floor area. [05/03/2006]
Funeral Home	1 parking space for each 75 10 per 1000 sq. ft. of floor space FA in slumber rooms, parlors, and individual service rooms.
Water Dependent Golf Driving Ranges	1.5 spaces for each tee area.

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~~ Planning Board 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 Requirements~~1. 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:~~

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

~~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, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance – Section IV. Performance & Design Standards – Parking Areas and Stormwater Management. Council Chair Rancourt opened the public hearing. As there were no comments either for or against the hearing was closed at 7:20 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the second reading on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance – Section IV. Performance & Design Standards – Parking Areas and Stormwater Management, as follows:

**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. 10-01, 7:00 p.m. Public Hearing on the new requests for a Food Handlers License from Greg & Debbie Turner d/b/a Turner's Lobsters, located at 213 Pine Point Road; Donald Jackson, Jr., d/b/a Griffin's Lobster Barn, LLC, located at 6 Banagher Way and Terrence J. Twomey d/b/a Two Tides Seafood, located at 397 Gorham Road. Council Chair Rancourt opened the public hearing. The following individual spoke: Martin Marcisso of 697 US Route One. There being no further comments, the hearing was closed at 7:35 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the new requests for a Food Handlers License from Greg & Debbie Turner d/b/a Turner's Lobsters, located at 213 Pine Point Road; Donald Jackson, Jr., d/b/a Griffin's Lobster Barn, LLC, located at 6 Banagher Way and Terrence J. Twomey d/b/a Two Tides Seafood, located at 397 Gorham Road.

Vote: 7 Yeas

Order No. 10-02, 7:00 p.m. Public Hearing on new request for a Massage Therapist License from Ashley E. Watts, doing business at Romanza Salon Day Spa & Wellness, located at 16 Pine Point Road. Council Chair Rancourt opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:35 p.m.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval on the new requests on new request for a Massage Therapist License from Ashley E. Watts, doing business at Romanza Salon Day Spa & Wellness, located at 16 Pine Point Road.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 10-03. First reading and schedule a public hearing on the proposed amendments to Chapter 601 – Traffic Ordinance, Section 29. Parking Restrictions. Thomas J. Hall, Town Manager, gave a brief overview on the proposed recommendations.

Motion by Councillor Wood, seconded by Councillor Roy, to move approval on the first reading on the proposed amendments to Chapter 601 – Traffic Ordinance, Section 29. Parking Restrictions and schedule a public hearing for Wednesday, January 20, 2010.

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

J. Parking Bans During Weather Emergencies

The purpose of this subsection is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during weather emergencies.

In order to properly remove snow and to provide safer travel conditions, the Town of Scarborough does implement parking bans during inclement weather. After consultation with the Director of Public Works, the Chief of Police shall decide to impose a parking ban when serious and extended snowfall is forecast. During an emergency parking ban, all vehicles are prohibited from parking on any street within the Town of Scarborough unless the ban is specifically described and advertised as being limited to a particular area.

Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect, you can call our hotline at 883-7760-SNO (766).

The Town of Scarborough strictly enforces parking bans – all vehicles in violation WILL BE TOWED at the owner’s expense.

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

Main Motion as amended

**CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section 29. Parking Restrictions of Chapter 601 - the Traffic 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:

Section 29.

A. PARKING RESTRICTIONS

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I. NO PARKING AT ANY TIME.

No person shall stop, stand or park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device.

- (1) No all night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.
- (2) Upon the Pleasant Hill Road from U.S. Route #1 to the Rigby Road.
- (3) Upon the westerly side of the Willowdale Road from U.S. Route #1 to the end of the Town right of way. (Parking permitted on the easterly side).
- (4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. (amended 11/16/94)
- (5) Upon the Boardturn Road within 50' of U.S. Route #1 to end.
- (6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route #1.
- (7) Upon U.S. Route #1 from the South Portland line to the Saco line (both sides).
- (8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route #1. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route #1.
- (9) Upon Pillsbury Drive (entire length).
- (10) East Grand Avenue (east side) one parking space in front of Colony Motel, no parking. Adopted 10/6/76.
- (11) Avenue One (entire length – from King Street to the ocean), amended 6/7/89.
- (12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road, amended August 1, 1990.
- (13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station, Amended August 1, 1990.
- (14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length (Amended August 1, 1990).
- (15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way (Amended August 18, 2004).
- (16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive (Amended September 7, 2005).
- (17) No parking along Bayview Avenue from Houghton Street to Pearl Street

II. HIGGINS BEACH (from ~~April 1~~ May 1 to ~~October 1~~ September 15 of each year).

a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the

property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).

b. Excepted from paragraph (a) of this subsection are two handicapped parking spaces on Bayview Drive easterly of Morning Street, with no time limit. (amended April 21, 1999)

c. Upon the Northerly side of Spurwink Road (Route #77), from Birch Lane to Dorado Drive Except in accordance with the following:

from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending 250 feet to the West – 15 minute parking. (amended August 21, 2002)

d. Upon the Southerly side from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending to Piper Road. (amended August 21, 2002) (amended September 1, 2004)

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G. LOCATIONS FOR “EMERGENCY STOPPING ONLY” SIGNS.

Pillsbury Drive [the right-of-way between lots 37 and 38].

G H. POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES [12/01/93]

Any person, firm or corporation who moves or causes the movement of any over-limit load which requires a permit for movement of such load from the Maine Department of Transportation and said permit stipulates that a police escort is required before such move may be made upon any of the streets or highways with the Town of Scarborough, shall arrange for said escort through the Scarborough Police Department. A fee for a police escort shall be charged by the Police Department in accordance with the hourly rate established by the Scarborough Town Council for “*Special Police Services.*” An additional fee shall be charged for the assignment of any police cruiser(s) assigned to said escort also at a rate established by the Scarborough Town Council. Fees collected must be used to defray the costs of providing services.

H I. STICKERED PARKING [12/01/93]

Parking on the following locations shall be permitted by stickers for residents and non-resident taxpayers:

- (1) Bi-Centennial Park
- (2) Ferry Beach
- (3) Hurd Memorial Park

J. Parking Bans During Weather Emergencies

The purpose of this subsection is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during weather emergencies.

In order to properly remove snow and to provide safer travel conditions, the Town of Scarborough does implement parking bans during inclement weather. After consultation with the Director of Public Works, the Chief of Police shall decide to impose a parking ban when serious and extended snowfall is forecast. During an emergency parking ban, all vehicles are prohibited from parking on any street within the Town of Scarborough unless the ban is specifically described and advertised as being limited to a particular area.

Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect, you can call our hotline at 883-7760-SNO (766).

The Town of Scarborough strictly enforces parking bans – all vehicles in violation WILL BE TOWED at the owner’s expense.

Vote: 7 Yeas.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval to suspend the rules and allow a member of the public to speak on the last order.

Vote to suspend the rules: 7 Yeas.

Ms. Glennis Chabot of Houghton Street commented on the proposed parking changes at Higgins Beach. She thanked the Council for allowing her to speak.

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

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

- Councillor Ahlquist gave an update on his Councillor Holbrook’s tour of ecomaine.
- Councillor Babine reported on the Appointments Committee meeting held prior to the Council meeting and posted the following names to various town committees/boards:

Board of Assessment Review:

Re-appoint Kathy Fuentes and Guy Gledhill as full voting members,
with terms to expire in 2012.

Personnel Appeals Board:

Re-appoint Edward Blaise as a full voting member, with a term to expire in 2012.
Move Daniel Dwyer from 1st Alternate to full voting member,
with a term to expire in 2011.

Appoint Barry Lucier as 1st Alternate with a term to expire in 2012

Community Services and Recreation Advisory Board:

Re-appoint Mary Dyer as a full voting member, with a term to expire in 2012.
Move Iver Carlsen from 1st Alternate to full voting member with a term to expire in 2010.
Appoint Barry Lucier, to 2nd Alternate with a term to expires in 2011.

Planning Board:

Re-appoint Cory Fellows as a full voting member, with a term to expire in 2012.
Move Ronald Mazer from 1st Alternate to full voting member,
with a term to expire in 2010.
Move Susan Auglis from 2nd Alternate to 1st Alternate, with a term to expire in 2011.
Appoint Richard Sullivan as 2nd Alternate, with a term to expire in 2012.

Zoning Board of Appeals:

Re-appoint Leroy Crockett, Rick Loisel and John Massengill as full voting members,
with terms to expire in 2012.
Move Jim Stark from 1st Alternate to a full voting member with a term to expire in 2011.
Appoint Art Dillon as 1st Alternate, with a term to expire in 2011.

Shellfish Conservation Committee:

Re-appoint Stefanie Dylewski & Matthew Toohey as full voting members, with terms to expire in 2012.

Cable Television Committee:

Appoint Art Dillon as a full voting member, with a term to expire in 2012.

Seniors Program Advisory Board:

Re-appoint Cynthia Taylor, Deborah DiDominicis and Tinamarie Smith as full voting members, with terms to expire in 2012.

Housing Alliance:

Re-appoint Sue-Foley Ferguson as full voting member, with a term to expire in 2012.

- Councillor Roy gave an update on the Energy Committee and noted that the report would be presented prior to the Council Goals Workshop on January 27th.
- Councillor D'Andrea gave an update on the Ordinance Committee and the next meeting is scheduled for Tuesday, January 26th at 4:30 p.m.

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

- Update on the storm and thanked the public works crew for their hard work and shared a rough estimate of the cost: \$6,000 fuel - \$3,000 sand - \$11,000 salt labor and \$23,000 truck usages.
- Next Pine Point meeting is tomorrow night 6:30 Pine fire Barn. He thanked Councillors Holbrook, Wood and Council Chair Rancourt for attending prior meetings.
- Pointed out the "Items of Note" – this is usually sent out with the tax bills and will now be available in the various Town Offices – this will be a savings of \$1,000.00.
- Audit results and the workshop will be January 13 and then listed the following meeting dates: Workshop with representatives from New England Expedition at 6:00 p.m. prior to the Council meeting.

Item 11. Council Member Comments.

- Councillor D'Andrea noted that she had volunteered at the last H1N1 Clinic and thanked Chief Thurlow and Nancy Crowell, Director of the Library for their time.
- Councillor Wood thanked Chief Moulton and Mike Shaw, Director of Public Works and their Departments for services during the last storm. He thanked those individuals who volunteer to serve on the Town's various committees/boards. He wished the Finance Committee well on the upcoming budget year. He went on to make comments regarding in-home businesses.
- Councillor Roy reviewed the Auditors notes from the Financials and noted that there would be a workshop with the Board of Education on Wednesday, January 13th at 6:00 p.m. The WOW Board would be meeting on Tuesday, January 19th here at Town Hall. Thanked those individuals who serve on the various committees/boards. She asked that Mr. Bennett to please be patient, the Pawnbroker Ordinance will be moved forward; however, there is a process that needs to be followed. She too made comments regarding in-home businesses.
- Councillor Babine wished everyone a Happy New Year. In planning the Goals Workshop he hoped that the Council would review previous goals as well. He then asked if there could be a calendar complied with all the meeting dates for the Council. He commented on the upcoming budget year and that it would be a difficult year and noted that Commission of Education had made several good suggestions in an article in the Press Herald.
- Councillor Holbrook wished everyone a Happy New Year and thanked the Public Works Department and Public Safety for a job well done during the past storm. She noted that the Pine Point information pertaining to the board walk is located on the Town's homepage and that if any one would like to email the Town Manager with suggestions or ideas to please do so.

- Councillor Ahlquist agreed with Councillor Babine with regards to the article about the Commissioner of Education and the suggestions that were made. He too, thanked Public Works for a job well done. He noted that there were a few more openings on Town Committee/boards and asked the residents to consider serving.
- Council Chair Rancourt thanked the Public Works Department as well as Public Safety. She found that there are 15 plow routes and 344 lane miles that are plowed every storm. She also noted that the Pine Point information was on the homepage and has been there since just before the first public meeting. She then noted that Cumberland County will be celebrating its 250th Anniversary and Scarborough needs a representative. Councillor Ahlquist stated that he would be interested.

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

Vote: 7 Yeas.

Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk