

WARRANT
FOR THE
TOWN MEETING
OF THE TOWN OF
SCARBOROUGH



Monday, March 5

1956



WARRANT FOR TOWN MEETING

March 5, 1956

To Willis O. Pride, a Constable in the Town of
Scarborough, in the County of Cumberland:

Greetings:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of said Town of Scarborough, qualified by law to vote in town affairs to assemble at the High School Auditorium on March 5, 1956 at nine-thirty A.M. to choose a Moderator to preside at said meeting; that the polls will be open at ten in the forenoon and will be closed at seven o'clock in the evening for the purpose of voting to elect the following officers: One (1) Selectman, Assessor and Overseer of Poor from the Second Parish for a term of three (3) years; Town Clerk for a term of one (1) year; Town Treasurer for a term of one (1) year; Tax Collector for a term of one (1) year; one (1) member of School Board from the Third Parish for a term of three (3) years; that the business session of the meeting will begin at 7:30 P.M. and will continue until the business to be transacted is exhausted; and also vote on the following Articles:

Article 1. To see if the Town will vote to accept and adopt the reports of the several Town Officers.

Budget Committee Recommends to accept Reports

Article 2. To see what sum of money the Town will vote to raise and appropriate for the Support of Poor for the ensuing year.

Budget Committee Recommends \$10,000.00

Article 3. To see if the Town will vote to raise the sum of \$4,200.00 to continue the Scarborough Nursing service for the ensuing year.

Budget Committee Recommends \$3,800.00

Article 4. To see if the Town will vote to raise the sum of \$1,000.00 for the Support of Scarborough Public Library.

Budget Committee Recommends \$1,000.00

Article 5. To see what sum of money the Town will raise to be expended for Memorial Purposes.

Budget Committee Recommends \$300.00

Article 6. To see if the Town will vote to raise and appropriate money necessary for the following: Electric Street Lights, Rental of Hydrants, Collecting Garbage and Rubbish, care of Town Dumps, Officers' Salaries, Office Clerk, Interest Charges, Contingency, and to defray other Town charges.

Budget Committee Recommends

Street Lights \$6,500.00, Hydrant Rental \$16,802.00, Garbage, Rubbish and Dumps \$5,500.00, Officers' Salaries \$4,825.00, Office Clerk \$1,900.00, Interest Charges \$1,400.00, Contingency \$1,000.00, Social Security \$650.00, Town Hall \$2,800.00, Health Department \$290.00, Office Supplies \$580.00, Ballots and Reports \$1,066.00, Budget Committee and Election Officials \$900.00, Legal Advice \$500.00, Total \$44,713.00

Article 7. To see if the Town will vote to authorize the Selectmen to procure a temporary loan or loans in anticipation of taxes for the purpose of paying obligations of the Town, such loans to be paid during the current municipal year out of money raised during said current municipal year by taxes.

Budget Committee Recommends \$200,000.00

Article 8. To see if the Town will vote to raise and appropriate the sum of \$224,031.33 for elementary and secondary schools, including teachers salaries, special education salaries and supplies, fuel, janitors wages and supplies, conveyance cost, textbooks, reference books, supplies for desk and laboratory use, public utility services, flags, replacement of instructional equipment, insurance, compensation of superintendent and office, attendance officer, medical inspection, and school cafeterias for the ensuing year.

Budget Committee Recommends \$224,000.00

Article 9. To see if the Town will vote to raise and appropriate the sum of \$16,876.00 for repairs, equipment and rent for the elementary and secondary schools for the ensuing year.

Budget Committee Recommends \$16,000.00

Article 10. To see if the Town will vote to raise and appropriate the sum of \$3,000.00 which, together with the balance remaining in the New Bus Account, may be used for the purchase, operation, and maintenance of a new school bus or the replacement or renovation of an old bus.

Budget Committee Recommends \$3,000.00 for New Bus only

Article 11. To see if the Town will vote to raise the sum of \$10,000.00 to be set aside this year and each successive year and the accumulated funds to be used for a school housing project when construction of such project is possible.

Budget Committee Recommends \$10,000.00 to be added to balance unexpended on Bessey School, Total to be held for new construction

Article 12. To see what sum the Town will vote to raise and appropriate for the construction of a sidewalk between Route One and the high school lot on the west side of the Gorham Road.

Budget Committee Recommends \$750.00

Article 13. To see if the Town will vote to raise and appropriate the sum of \$39,677.83 for payment to the National Bank of Commerce of Portland, Trustee, as required by the provisions of the Lease Agreement entered into by the Town of Scarborough and the Maine School Building Authority as of February 1, 1952, by authority of the vote of the special town meeting of September 15, 1952, for the third payment, due December 1, 1956, in accordance with the terms of said agreement.

Budget Committee Recommends \$39,677.83

Article 14. To see if the Town will vote to raise and appropriate money necessary for the payment of school bonds for the ensuing year.

Budget Committee Recommends \$5,000.00

Article 15. To see what compensation the Town will vote to pay the Tax Collector for the ensuing year.

Budget Committee Recommends \$3,000.00

Article 16. To see what compensation the Town will vote to pay labor and trucks on the Highways for the ensuing year.

Budget Committee Recommends to pay Labor \$1.00, Operators \$1.20, Trucks 4 yds. Capacity \$3.25 per hr. including driver

Article 17. To see what compensation the Town will vote to pay the Road Commissioner for the ensuing year.

Budget Committee Recommends Salary \$2,750.00, Expenses \$950.00

Article 18. To see what sum of money the Town will vote to raise for the repair of Roads and Bridges.

Budget Committee Recommends \$26,000.00 to be taken from Treasury

Article 19. To see what sum of money the Town will vote to raise and appropriate for Winter Roads for the ensuing year.

Budget Committee Recommends \$11,000.00

Article 20. To see what sum of money the Town will raise and appropriate for State Aid Road Construction (in addition to the amounts regularly raised for the care of Ways, Highways, and Bridges) under the provisions of Section 44 and 49, Chap. 23, Revised Statutes of 1954.

Budget Committee Recommends \$2,932.00

Article 21. To see what sum of money the Town will vote for Police Protection for the ensuing year.

Budget Committee Recommends \$7,700.00

Article 22. To see if the Town will vote to choose one (1) member of the Budget Committee for a term of six (6) years and determine the method of choosing.

Budget Committee Recommends Moderator appoint one (1) member for six years on or before May 1st.

Article 23. To see if the Town will vote to authorize the Selectmen for and on behalf of the Town to sell and convey at their discretion any or all real estate in which the Town has an interest by virtue of unpaid Tax.

Budget Committee Recommends passage as read

Article 24. To see if the Town will vote that poll, personal and real estate taxes shall be due and payable December 15, 1956 and that interest shall be charged at the rate of 6% per annum from said date on any unpaid sum.

Budget Committee Recommends passage as read

Article 25. To see if the Town will vote to instruct the Trustees of Dunstan Cemetery to employ necessary labor and purchase necessary material to care for the cemetery and raise a sum of money for the same. Any unexpended balance to revert to Tomb Fund.

Budget Committee Recommends \$1,000.00

Article 26. To see if the Town will vote to raise and appropriate a sum of money to procure liability insurance for all Town employees including members of the Volunteer Fire Department. Also other Town liability and property insurance.

Budget Committee Recommends \$4,250.00

Article 27. To see if the Town will vote to raise and appropriate the sum of \$10,000.00 for the purchase of Fire Fighting Equipment, for maintenance of Fire Equipment and compensation of certain Volunteer Firemen, to be spent at the request of the Scarborough Fire Department and the Selectmen; all unexpended balances from this account to revert to the Scarborough Fire Department Equipment Fund.

Budget Committee Recommends \$10,000.00

Article 28. To see if the Town will vote to carry workmen's compensation for the volunteer firemen.

Budget Committee Recommends \$225.00

Article 29. To see if the Town will vote to authorize the selectmen to accept Sealed Bids for disposal of old Engine 7 and any money received to be turned over to Fire Department Capital Reserve Fund.

Budget Committee Recommends passage as read

Article 30. To see if the Town will vote to purchase a parcel of land from Central Maine Power Company for the location of a fire station at Dunstan, also to authorize the Selectmen to grant a Ten (10) foot right of way through said parcel of land to the Portland Water District and raise a sum of money for the same.

Budget Committee Recommends \$1,500.00

Article 31. To see if the Town will vote to raise and appropriate the sum of \$12,000.00 for the construction of a new Fire Station at Dunstan.

Budget Committee Recommends purchase on a four (4) year plan and raise \$3,000.00

Article 32. To see if the Town will vote to raise and appropriate the sum of \$3,333.34 to meet the final pay-

ment on Engine 7, Scarborough Fire Department purchased on the three year plan.

Budget Committee Recommends \$3,333.34

Article 33. To see if the Town will vote to raise and appropriate the sum of \$2,800.00 to meet the annual payment on the Power Grader purchased on the five year plan.

Budget Committee Recommends \$2,800.00

Article 34. To see if the Town will vote to raise and appropriate the sum of \$300.00 to be paid to the State of Maine Publicity Bureau to be expended and used for advertising the natural resources, advantages and attraction of the State of Maine in accordance with the provisions of Chapter 91, Section 108 of the Revised Statutes of Maine of 1954.

Budget Committee Recommends \$300.00

Article 35. To see if the Town will vote to raise a sum of money to be used in the promotion of Civil Defense and Ground Observer Corp.

Budget Committee Recommends \$380.00

Article 36. To see if the Town will vote to raise a sum of money to advertise the natural resources, advantages and attractions of the Town for the development of new businesses. This amount to be spent by the Industrial Development Commission.

Budget Committee Recommends \$500.00

Article 37. To see if the Town will vote to appropriate the sum of \$300.00 to cooperate with the Maine Forest Service and Federal Government in control of White

Pine Blister Rust, in accordance with Revised Statutes, Chapter 36, Section 69, 1954.

Budget Committee Recommends \$300.00

Article 38. To see if the Town will vote to close all Clam Flats in the Town for a period of two (2) years as a propagation program; to utilize all seed clams available to reseed the Scarborough flats only, raise an amount of money to carry on the seeding program or allow the Selectmen to take \$300.00 for such purpose from the Contingent Fund.

On Petition

Budget Committee Recommends ought not to pass

Article 39. To see if the Town will vote to adopt the following Zoning Ordinance as recommended by the Planning Board:

Budget Committee Recommends passage as read

**PROPOSED ZONING ORDINANCE OF THE
TOWN OF SCARBOROUGH, MAINE**

Zoning Ordinance of the Town of Scarborough

Section 1. Title. This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Scarborough."

Section 2. Purpose. The purpose of this Ordinance, made as a part of a comprehensive plan for the development of the Town of Scarborough, is to encourage the most appropriate use of land as a means of promoting the health, safety, morals, convenience and general welfare of the community; more specifically, to lessen traffic accidents and congestion; to secure safety from fire and other dangers; to provide adequate light and air; to prevent overcrowding of land and population; to promote a wholesome and agreeable home environment; to prevent the development of unsanitary areas for housing purposes; to secure a well articulated and adequate street system; to promote a coordinated devel-

opment of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve natural resources; or to facilitate the adequate provision of transportation, water, sewage and other public utilities, services and requisites. This Ordinance is made with reasonable consideration for the character of each district and its peculiar suitability for particular uses.

Section 3. General Provisions.

A. Scope. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law or ordinance, the provisions of this Ordinance shall control.

B. Establishment of Districts. In order to carry out the provisions of this Ordinance the Town of Scarborough is hereby divided into eight (8) districts as follows:

- R-1 Limited Single Residence District
- R-2 Single Residence District
- R-2-S Seasonal Residence District
- R-3 General Residence District
- RF Residence-Farm District
- B-1 Local Business District
- B-2 General Business District
- IND Industrial District

The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the Town of Scarborough, dated March 1, 1956, prepared by the Scarborough Planning Board" on file in the office of the Town Clerk, which map, as amended, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby made a part of this Ordinance.

C. Application of Regulations. No building or structure shall be erected, structurally altered, enlarged, maintained, moved or used and no land shall be used unless in conformity to the regulations of this Ordinance.

D. Off-street Parking and Loading Requirements. See Section 6.

E. Interpretation of District Boundaries. See Section 7.

F. Provisions for Transition Between Districts. See Section 8.

G. Non-conforming Uses. See Section 9.

H. Definitions. See Section 13.

Section 4. Description of Districts.

A. R-1 Limited Single Residence District.

- (1) Only the following buildings and uses are permitted;
 - (a) Single-family dwelling houses and their accessory buildings and uses occupied by no more than one family.
 - (b) Private wharves and landings, not for commercial use.
 - (c) Churches and parish houses if located not less than 50 feet from the property line of any adjoining property.
 - (d) Schools, museums and libraries if located not less than 100 feet from the property line of any adjoining property.
- (2) Area Requirements.
 - (a) Minimum lot size per dwelling house, 20,000 square feet
 - (b) Minimum frontage per lot, 100 feet
 - (c) Minimum floor area per dwelling unit:
 - for year-around use, 1,200 square feet
exclusive of garages, porches and basements
 - for seasonal use, 900 square feet
exclusive of garages, porches and basements
- (3) Yard Requirements for main buildings and attached accessory structures:
 - (a) Minimum front yard, 30 feet
 - (b) Minimum side yard, 15 feet
 - (c) Minimum rear yard, 20 feet
 - (d) Accessory uses not attached to the main building shall be set back at least 30 feet from a front lot line, at least 10 feet from a side lot line, and at least 10 feet from a rear lot line.
- (4) Off-street Parking and Loading. See Section 6.

B. R-2 Single Residence District.

- (1) Only the following buildings and uses are permitted:
 - (a) Single-family dwelling houses and their accessory buildings and uses, each dwelling house occupied by not more than one family. The accommodation of paying guests shall be allowed within single-family dwelling houses. This does not permit hotels, motels and tourist courts.
 - (b) The extension of existing cemeteries.
 - (c) Playgrounds, parks.

(d) The following buildings and uses, if located not less than 50 feet from the property line of any adjoining property:

— Churches and other places of worship including parish houses, but excluding funeral or mortuary chapels.

— Telephone exchanges and static transformer stations, provided there is no public business office nor any storage yard or storage building operated in connection therewith.

(e) The following buildings and uses, if located not less than 100 feet from the property line of any adjoining property:

— Public libraries or museums, and public or private schools or colleges.

— Recreational or community center buildings and grounds for games and sports, except those of which the chief activity is carried on for gain.

— Day nurseries, kindergartens.

— Hospitals, sanitariums, nursing, rest or convalescent homes; not primarily for contagious diseases nor for the care of epileptics or drug or alcoholic patients, nor for the care of the insane or feeble-minded.

— Orphanages.

— Homes for the aged.

— Charitable institutions, not for correctional purposes.

(2) Area Requirements.

(a) Minimum lot size per dwelling house or for any other use, 10,000 square feet

(b) Minimum frontage per lot, 75 feet

(c) Minimum floor area per dwelling unit, 700 square feet exclusive of garages, porches and basements

(3) Yard Requirements for main buildings and attached accessory structures:

(a) Minimum front yard, 30 feet

(b) Minimum side yard, 10 feet

(c) Minimum rear yard, 20 feet

(d) Accessory uses not attached to the main building shall be set back at least 30 feet from a front lot line, at least 8 feet from a side lot line, and at least 10 feet from a rear lot line.

(e) Properties in this district abutting Route 1 (U.S. Highway, Route No. 1) shall maintain a minimum front yard

of 50 feet from the street line. This set back requirement shall apply to accessory uses as well as to main buildings.

(4) Off-Street Parking and Loading. See Section 6.

C. R-2-S Seasonal Residence District.

(1) Only the buildings and uses listed as (a), (b), (c) and (d) in Section 4, Paragraph B (1) shall be permitted.

(2) Area Requirements.

(a) Minimum lot size per dwelling house or for any other use, 5,000 square feet

(b) Minimum frontage per lot, 50 feet

(c) Minimum floor area per dwelling unit, 550 square feet exclusive of garages, porches and basements

(3) Yard Requirements for main buildings and attached accessory structures:

(a) Minimum front yard, 20 feet

(b) Minimum side yard, 8 feet

(c) Minimum rear yard, 15 feet

(d) Accessory uses not attached to the main building shall be set back at least 20 feet from a front lot line, at least 8 feet from a side lot line, and at least 10 feet from a rear lot line.

(4) Off-Street Parking and Loading. See Section 6.

D. R-3 General Residence District.

(1) Only the following buildings and uses are permitted:

(a) Single and two-family dwellings, row houses and apartment houses.

(b) All other uses permitted and as regulated in Section 4, Par. B, (1) for R-2 Single Residence District.

(c) Rooming houses and tourist homes.

(d) The following buildings or uses, if the buildings are located not less than 50 feet from the property line of an adjoining property used for residential purposes as described in (a) immediately above.

— Dormitories, hotels, motels and tourist courts.

— Private clubs operated for the benefit of members only.

— Lodges or social buildings and their grounds except those of which the chief activity is one carried on for gain.

— Public buildings or properties.

(2) Area Requirements.

(a) Minimum lot size for any use shall be 10,000 square feet.

In addition the following minimum lot areas shall apply:

Single-family dwelling houses, 7,000 square feet

Two-family dwelling houses, 7,000 square feet

Row houses — 3 or more units, 5,000 square feet per dwelling unit

Apartment houses — 3 or more units, 4,000 square feet per dwelling unit

Motels and tourist courts, 2,000 square feet per dwelling unit

Hotels, 10,000 square feet plus 300 square feet per guest or sleeping room

(b) Minimum frontage:

Single-family dwelling houses, 75 feet

Two-family dwelling houses, 75 feet

Row houses, 35 feet per dwelling unit

Apartment houses, 75 feet

(c) Minimum floor area per dwelling unit exclusive of garages, porches and basements:

Single-family dwelling houses, 700 square feet

Two-family dwelling houses, 650 square feet

Row houses, 700 square feet

Apartment houses, 650 square feet

Motels & tourist courts, 200 square feet

(3) Yard Requirements for main buildings and attached accessory uses:

	Front Yard feet	Side Yard feet	Rear Yard feet
Single-family dwelling houses	20	10	20
Two-family dwelling houses	20	10	20
Row houses	20	10	20
Apartment houses	20	20	20
Hotels, motels, tourist courts	50	15	20

Accessory uses not attached to the main building shall be set back at least 20 feet from a front lot line, at least 8 feet from a side lot line, and at least 10 feet from a rear lot line.

Buildings and structures on properties in this district abutting U. S. Route 1 shall observe the following setbacks from the exterior line of the public way:

Residences, 50 feet.

For all other uses including hotels, motels, tourist courts, 80 feet. The Board of Appeals may permit reduction of the setback requirement in cases where the existing buildings immediately adjacent are closer to the exterior line of the street than the above requirements or where the depth of the property is less than 160 feet in instances where such lots are separately owned or for which subdivision plots have been filed in Cumberland County Registry of Deeds at the time of the passage of this ordinance.

(4) For uses not specifically mentioned in (2) and (3) above, minimum lot area, frontage and yard requirements for single-family dwelling houses shall apply. Such buildings and accessory structures shall cover no more than 35 per cent of the lot area.

(5) Off-street Parking and Loading. See Section 6.

E. RF Residence-Farm District.

(1) Purpose. This district is intended to provide land for semi-rural residential use, to encourage agricultural uses and to maintain the open character of these areas.

(2) Permitted Buildings and Uses:

(a) Single-family and two-family dwelling houses.

(b) Any use permitted and as regulated in Section 4, Paragraph B, (1) for the R-2 Single Residence District.

(c) The following farm uses:

— Agriculture: farms, truck-gardens, nurseries, or greenhouses; and accessory stables, poultry enclosures, rabbit warrens, and beehives.

— Animal raising: the raising of live stock provided that such is maintained in a manner which does not produce offensive odors onto adjoining properties, and that no pig enclosure shall be located closer than 50 feet to any street line or adjoining property line.

— Abattoirs, offal and garbage disposal, commercial piggeries, (15 pigs, or more), and live stock sales shall be permitted in the portions of this district northwest of the Maine Turnpike upon application to and under such special conditions as may be specified by the Board of Appeals to insure that such activities do not become offensive.

(d) Cemeteries

(e) Golf courses.

(f) Accessory buildings and uses incidental to the uses listed above.

(3) Area Requirements.

(a) Minimum lot size. One acre per dwelling house, either single-family or two-family.

(b) Minimum frontage per lot; 150 feet.

(c) Minimum floor area; per dwelling unit exclusive of garages, porches and basements.

Single-family dwelling houses, 700 square feet.

Two-family dwelling houses, 650 square feet.

(4) Yard Requirements.

(a) Minimum front yard, 40 feet, 50 feet for properties abutting Route 1.

(b) Minimum side yard, 15 feet.

(c) Minimum rear yard, 30 feet

(d) Accessory uses not attached to the main building shall be set back at least 30 feet from a front lot line, at least 15 feet from a side lot line, and at least 15 feet from a rear lot line.

(5) For non-residential uses, minimum lot area, frontage and yard requirements for single-family dwelling houses shall apply. Buildings and accessory uses shall cover no more than 30 per cent of the lot area.

(6) Off-street Parking and Loading. See Section 6.

F. B-1 Local Business District

(1) Description and Purpose: For the purposes of this section, a local business district is defined as a business district adjacent to or surrounded by residence districts in which such uses are permitted as are normally required for the local retail business needs.

(2) Permitted Buildings and Uses:

(a) Residential uses: All uses as permitted and regulated in the least restricted residence district adjacent to any part of such local business district.

(b) Retail business for local or neighborhood needs as follows:

— The sale and manufacture of baked goods; the sale of confectionery, dairy products, delicatessen, fruits, vegetables, groceries and meats.

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- The sale of drygoods and variety merchandise.
 - The sale of clothing and accessories.
 - The sale of hardware, household appliances, furnishings and supplies.
 - The sale of printed matter, drugs and stationery.
 - Eating places of all types with the exception of places providing dancing or live entertainment.
 - Service establishments: Barber or beauty shops, custom tailors, laundry agencies, self-service laundries, hand laundries, shoe repair, ice stations; dry cleaning, pressing or tailoring shops in which only non-explosive and non-flammable solvents are used and no work is done on the premises for retail outlets elsewhere.
- (c) Business offices; Real estate, insurance and other similar offices; and the offices of the architectural, engineering, legal, dental, medical or other established professions, banks, telephone offices, medical and dental clinics.
- (d) Automotive services; Public storage and repair garages, provided they conform to the applicable provisions of Section 6; service stations, provided that the washing or lubricating of motor vehicles is performed inside of the building; and parking lots which conform to the provisions of Section 6.
- (e) Display of goods: There shall be no display of goods in front of applicable setback line.
- (f) Advertising signs: Any sign, limited to advertising the goods sold or services rendered on the premises and aggregating not more than 50 square feet in total area, illuminated so that all light sources are either hooded or diffused in such a manner as to prevent glare onto public ways or to the immediately adjacent property.
- (g) Shop of a carpenter, cabinet maker, electrician, painter, paper hanger, printer, sign painter or upholsterer.
- (h) Accessory uses are permitted only to the extent necessary and normally accessory to the limited types of neighborhood service use permitted under this section.
- (i) The following additional residential uses; Tourist homes, tourist courts, motels and hotels.
- (j) The following community service uses: Non-profit lodges or fraternal associations.

(3) Area Requirements;

(a) For residential buildings, area requirements shall be the same as stipulated for the applicable residence district. See Section 4, Paragraph F (2) (a) above.

(b) Minimum lot size for any use shall be 10,000 square feet. In addition the following minimum lot areas shall apply:

Motels and tourist courts, 2,000 square feet per unit

Hotels, 10,000 square feet plus 300 square feet per guest or sleeping room

For all other business and office buildings, a maximum floor area ratio of 0.5 (See definitions Section 13).

(c) Minimum floor area.

Motels and tourist courts, 200 square feet per unit.

(4) Yard Requirements:

(a) For residential buildings, yard requirements shall be the same as stipulated for the applicable residence districts. See Section 4, Paragraph F (2) (a) above.

(b) Minimum front yard:

For hotels, motels and tourist courts, 50 feet

For all other buildings or uses except those included in (a) above, 50 feet

(c) Minimum side yard:

For all buildings abutting a residential district, 15 feet

For hotels, motels and tourist courts, 15 feet

For all other buildings, unless masonry or other fire resistant party walls approved by the Building Inspector are provided, 10 feet

(d) Minimum rear yard:

Hotels, motels and tourist courts, 20 feet

For all business and office buildings and uses no rear yard shall be required, except for those lots abutting upon a residence district in which case the rear yard regulations of such residence district shall apply.

(5) Off-street Parking and Loading. See Section 6.

G. B-2 General Business District

(1) Description and Purpose: A general business district, as distinguished from a local business district, contains uses which include the sale of commodities or performance of ser-

vices more specialized in nature and such as require locations available to heavily traveled ways.

(2) Permitted Buildings and Uses:

(a) Retail business uses permitted in the B-1 Local Business District as enumerated in Section 4, Paragraph F (2) (b). No residential buildings or uses shall be permitted except hotels, motels, tourist courts and dwellings of operators of such establishments.

(b) Additional retail business uses as follows:

— The sale of food and beverages of all kinds, including sale for consumption on the premises, subject to applicable ordinances and State laws.

— The sale of general merchandise, apparel of all kinds, furniture and household goods, including accessory storage.

— Eating places of all types.

— Service establishments, printing shops, research laboratories, radio or television stations, telephone exchanges, or transformer stations, provided all buildings and structures except fences and barriers are located not less than 50 feet from a residence district; veterinary hospitals and pet shops, provided that noise and odors are effectively controlled.

(c) Business Offices in addition to those permitted in B-1 Local Business District in Section 4, Paragraph F (2) (c): Office buildings; banks, business colleges; private trade schools.

(d) Automotive Services in addition to those permitted in B-1 Local Business District in Section 4, Paragraph F (2) (d): Service garage; automobile laundry, provided the premises are located not less than 50 feet from a residence district; lot for the sale of new and second hand motor vehicles or trailers provided that all vehicles are placed not closer than 15 feet to the front property line.

(e) Funeral home or mortuary.

(f) Display of goods. There shall be no display of goods in front of applicable setback line.

(g) Advertising signs. Signs of 50 square feet or less in area may be erected in front of the building setback line to advertise goods and services offered on the premises, whereas

larger signs must conform to the applicable yard requirements. All signs shall be illuminated so that all light sources are either hooded or diffused in such a manner as to prevent glare onto public ways or to the immediately adjacent property.

(h) Amusement and Recreation: Armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social sport or recreation center operated as a business, provided the place or building in which it is operated is sufficiently sound insulated to effectively confine the noise to the premises, and provided, further, that such building or premises is not located closer than 300 feet to the lot line of an elementary or high or selected site for such existing at the time of request for building permit.

(i) Office display or sales space of a wholesale, jobbing or distributing establishment, in connection with which not more than 50% of the floor area of the building or part of the building occupied by the said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise, and provided that: Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor, or vibration is effectively confined to the premises.

(j) Food processing establishments when conducted wholly within a building provided that any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor, or vibration is effectively confined to the premises.

(k) Accessory uses are permitted only to the extent necessary and normally accessory to the main uses permitted.

(3) Area Requirements:

(a) Hotels, motels, tourist courts: Requirements shall be the same as specified for B-1 district. See Section 4, Paragraph F, (3) db).

(b) For all other buildings and uses: Maximum floor area ratio of 0.5 (See definitions, Section 13).

(4) Yard Requirements:

(a) Minimum front yard:

For hotels, motels and tourist courts and all other buildings, 50 feet

All buildings in the B-2 district fronting on or abutting onto

either side of Route 1 shall observe a setback of 80 feet from the street line. The exception described in Section 4, Paragraph D, 3 shall apply.

(b) Minimum side yard:

For all buildings abutting a residential district, 15 feet

For hotels, motels and tourist courts, 15 feet

For all other buildings, unless masonry or other fire resistant party walls approved by the Building Inspector are provided, 10 feet

(c) Minimum rear yard:

For hotels, motels and tourist courts, 20 feet

For all other buildings and uses no rear yard shall be required except for those lots abutting upon a residence district in which case the rear yard regulations of such residence district shall apply.

(5) Off-street Parking and Loading: See Section 6.

H. IND Industrial District

(1) Description and Purpose: With the exception of nuisance operations, as defined below, this district permits most compounding, assembly or treatment of articles or materials, motor truck freight terminals and other types of warehousing activities.

(2) Permitted Buildings and Uses:

(a) Manufacturing, processing and assembling operations, storing, warehousing, distributing, transport terminal facilities

(b) Any of the business, service, business office, automotive service, transportation service, wholesale, jobbing or distributing uses and buildings permitted in the B-2 Business District.

(c) Single-family residences shall be permitted provided the requirements of the Single Residence District R-2 are met.

(d) No building or use shall be permitted in this district without application to the Building Inspector for a Certificate of Acceptance. The decision of the Building Inspector shall be based upon anticipated compliance of the applicant's proposed building or use to a set of criteria to be known as Performance Standards. The Building Inspector shall be further empowered to attach to his Certificate of Acceptance such conditions as may be deemed necessary to carry out

the intent of this Ordinance. In general, no building or use shall be permitted which would be offensive because of injurious or obnoxious noise, smoke, vibration, odor, dust and dirt, noxious gases and fumes, glare and heat, industrial sewage wastes; or because of the hazards of fire or explosion or any other cause or use which might prove injurious to the safety of the particular neighborhood.

(e) The sale, storage or sorting of junk, waste, discarded or salvaged materials, machinery or equipment. Any storage or other open air use in this connection shall require a five (5) feet high solid fence or wall on all sides of the area used in addition to any other conditions stipulated by the Municipal officers. Nothing contained herein shall be deemed to abrogate the provisions of Chapter 100, Sections 137-144 inclusive of the Revised Statutes of Maine, 1954, as amended, where such provisions are applicable.

(3) Performance Standards: The following paragraphs outline the criteria to be used by the Building Inspector in so far as practicable.

(a) **Noise:** At no point on the boundary of a residence district shall the sound pressure level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown below.

Octave Band Cycles Per Second	Along Residence District Boundaries - Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

(b) **Smoke:** The emission of dense smoke is expressly forbidden. The measurement of the density of smoke is to be done by the use of the Ringelman Chart published by the U. S. Bureau of Mines. Dense smoke is hereafter defined as equal to or darker than shade No. 2 on the Ringelman Chart.

(c) **Vibration:** Buildings and uses which create intense vibration shall be regulated by setback requirements from adjoining property lines and special care in foundation construction depending upon subsoil conditions to prevent hazard or nuisance to adjacent property.

(d) **Odor:** In cases where permitted operations are accompanied by odors, it shall be required that such users employ measures to confine or reduce the odors to such an extent that said odors do not produce hazard or nuisance beyond the lot lines of the property where such odors are generated.

(e) **Dust and Dirt:** The emission of dust and dirt or other particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare shall be declared to be a public nuisance and shall be prohibited.

The emission from all sources within any lot area of particulate matter containing more than 10 per cent by weight of particles having a particle diameter larger than 44 microns is prohibited.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, etc., within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of **one pound per acre of lot area during any one hour**, after deducting from the gross hourly emission per acre the correction factors set forth in Tables 1, 2 and 3 below for height, velocity and temperature of emission respectively. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

First — Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area — thereby obtaining the gross hourly rate of emission in pounds per acre.

Second — From each gross hourly rate of emission derived

in the first step above, deduct the appropriate correction factor (interpolating as required) for height, velocity and temperature of emission set forth in tables 1, 2 and 3 which follow — thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

Third — Add together the individual net rates of emission derived in the second step above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot.

Table 1

ALLOWANCE FOR HEIGHT OF EMISSION*

Height of Emission in Feet Above Grade	Particulate Matter Correction in Pounds per Hour per Acre
50	0.00
100	0.06
150	0.10
200	0.15
250	0.20
300	0.26
350	0.33
400	0.40
450	0.46
500	0.52
550	0.60
600	0.70

* Interpolate for intermediate values not shown in table.

Table 2

ALLOWANCE FOR VELOCITY OF EMISSION*

Exit Velocity of Feet per Second	Particulate Matter Correction in Pounds per Hour per Acre
0	0.0
10	0.1
20	0.2
30	0.3
40	0.4
50	0.5
60	0.6
70	0.7
80	0.8

* Interpolate for intermediate values not shown in table.

Table 3

ALLOWANCE FOR TEMPERATURE OF EMISSION*

Temperature of Emission in Degrees of Fahrenheit	Particulate Matter Correction in Pounds per Hour per Acre
100	0.00
200	0.01
300	0.02
400	0.03
500	0.04
600	0.05
700	0.06
800	0.07
900	0.08
1000	0.09
1100	0.10
1200	0.11
1300	0.12
1400	0.13
1500	0.14
1600	0.15
1700	0.16
1800	0.17
1900	0.18
2000	0.19

* Interpolate for intermediate values not shown in table.

(f) **Noxious Gases and Fumes:** This category includes gases that are relatively odorless, but which can, in sufficient concentration, be dangerous to plant and animal life. All efforts to cease the release of any amount of noxious gases shall be made, but where this is impossible, no building or use should be permitted which emits more than 1/20th of the concentration (measured in parts per million) considered to be dangerous to human life.

(g) **Glare and Heat:** Operations producing glare and heat such as arc welding or acetylene torch cutting, shall be performed so that they may not be seen from outside the property. If outdoor work of such nature is necessary, it shall be performed behind a solid fence or wall.

(h) **Industrial Sewage Wastes:** The disposal of industrial sewage wastes into rivers, streams, ponds and inlets shall

be subject to all provisions of applicable State laws relating to water pollution control. The Building Inspector shall be given a full and detailed report concerning the type, quantity and method of disposal of the prospective user's industrial sewage wastes.

(i) **Fire and Explosive Hazards:** The Building Inspector may require additional yard areas for buildings and uses constituting fire and explosive hazards.

(4) **Area Requirements:**

For all buildings and structures, Maximum floor area ratio of 0.5

(5) **Yard Requirements for all buildings and structures:**

(a) Minimum front yard, 50 feet

(b) Minimum side yard, 25 feet

(c) Minimum rear yard, 25 feet

(6) **Off-street Parking and Loading:** See Section 6.

Section 5. Accessory Uses Permitted in Residence Districts R-1, R-2, R-2-S, R-3 and RF.

A. Professional Offices. Within a main building, the office of a medical doctor, clergyman, architect, engineer, attorney or similar professional person residing in such main building.

B. Home Occupations. Customary home occupations for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment.

C. Agricultural Uses. In residence districts R-1, R-2, R-2-S and R-3, the operation of farms, truck gardens, nurseries and greenhouses shall be permitted provided the conditions applying to such activities in the RF district are met. See Section 4, Paragraph E, (2) (c). The keeping of livestock and poultry may be permitted by the Board of Appeals after public hearing has been held in accordance with Section 11.

D. Identification Signs: Signs bearing the house number and the name of the occupant or buildings or indicating the existence of an enterprise permitted on the premises, shall not exceed four (4) square feet in area and shall be illuminated in such a manner that no glare is produced onto areas outside the premises.

E. Announcement Signs. Signs for the following purposes not exceeding thirty (30) square feet in area and illuminated in such a manner that no glare is produced onto areas outside the premises:

(1) A sign advertising only the sale, rental, or lease of the building or premises upon which it is maintained.

(2) An announcement sign or bulletin board for the use of a public, charitable or religious institutions occupying the premises.

(3) An advertising sign in connection with a lawfully maintained non-conforming use.

F. Accessory Building Erected Prior to Erection of Main Building. An accessory building may be erected prior to the construction of the main building only if:

(a) The accessory building is so placed as not to prevent the practicable and conforming location of the main building.

(b) The main building is completed within 3 years from the date of issuance of the permit for the accessory building.

Section 6. Supplementary Regulations.

A. Essential Services. Essential services, as defined in this Ordinance shall be permitted in all districts.

B. Removal of Top Soil. The removal of top soil from any parcel of land in the Town of Scarborough by any person, firm or corporation shall be allowed only under permit from the Board of Appeals after public notice and hearing. However, no permit shall be required wherein the amount of the top soil to be removed is necessarily incidental to or in connection with the construction, alteration, excavation or grading for a building or road or other facility involving a permanent change in the use of the land provided that there is reasonable assurance that the construction will be completed. Further, no permit shall be required where the area from which topsoil is removed is less than 200 square feet and where the topsoil is not removed for sale.

Top soil may be removed only in the following districts: RF, B-1, B-2 and IND. It must be determined by the Board of Appeals that such removal is not seriously detrimental or injurious to the neighborhood. Top soil removal operations shall not be performed closer than 300 feet to a public road or to any existing dwelling, school or park. No permit shall be issued for a period of more than two years.

All areas from which top soil has been removed shall be treated as follows:

(1) Edges of areas shall be graded to meet existing ground elevations.

(2) Plant cover shall be seeded and maintained until well established.

(3) Top soil in close proximity to existing trees shall not be removed.

In issuing a permit, the Board of Appeals may impose other reasonable restrictions upon removal operations, such requirements in addition to those above shall be considered as conditions of the permit.

C. Removal of Stone, Sand, Gravel and Subsoil. The quarrying of stone, sand, gravel and subsoil shall be prohibited in the R-1, R-2, R-2-S and R-3 Residence Districts and shall be permitted in other districts only under permit from the Board of Appeals after public notice and hearing. The Board of Appeals shall require the following:

(1) That quarrying operations be performed not closer than 500 feet to a public road or to any existing dwelling, school or park.

(2) That when quarrying is discontinued, earth shall be reshaped to reduce the disfigurement of the land. The maximum allowable slopes shall be 50% (fall of 1 foot in 2 feet or a 30-degree slope) and a suitable ground cover shall be planted and maintained until established. These measures shall be taken progressively as the use of each part of an operating quarry is discontinued to all intents and purposes, and shall not be postponed until final abandonment of the entire quarry.

(3) That all timbers, structures and the like shall be removed when the operation is terminated.

(4) Whatever additional requirements it may deem necessary to accomplish the purposes herein stated. These requirements in addition to those above shall be considered as conditions of the permit.

The extension of existing quarries in Residence District R-1, R-2, R-2-S and R-3 shall be restricted to the property lines (at the time of the passage of this Ordinance) of the particular parcel used for quarrying. Operations shall not be extended to fall closer than 500 feet from a public road or to any existing dwelling, school or park and shall conform to all other requirements stated herein. The extension of existing quarries in other districts shall be subject to all the above requirements.

D. Forestry Uses: Portable sawmills shall be permitted in the

RF District provided the following requirements are met:

- (1) Slabs and trimmings are removed.
- (2) Sawdust piles are leveled, burned or removed.
- (3) No sawmill operation shall be located closer than 300 feet to any dwelling, school or park.

The Board of Appeals may permit portable sawmills in all other districts after public notice and hearing. The conditions as listed above plus what other requirements the Board shall specify shall be considered as conditions of the permit.

E. Television and Radio Broadcasting towers may be permitted in any district by the Board of Appeals after public notice and hearing.

F. Buildings on Small Lots. Dwellings may be erected on lots smaller than required in this Ordinance provided such lots were separately owned, or for which subdivision plats have been recorded in the Registry of Deeds, Cumberland County at the time of the passage of this Ordinance and provided that the lots are not located within the B-2 or IND districts. Other proposed buildings and uses which are specifically allowed in the various districts, on lots which fail to meet the area requirements of this Ordinance may be permitted by the Board of Appeals after public hearing provided that such lots were separately owned, or for which subdivision plats have been recorded in the Registry of Deeds, Cumberland County, at the time of the passage of this ordinance.

G. Open Spaces. No lot, yard, court or other open space, already containing less area than the minimum required under this Ordinance shall be further divided or reduced.

H. Trailers and Trailer Camps. All uses of house-car trailers shall be governed by regulations of the Town of Scarborough Ordinance Relating to Trailers and Trailer Camps, provided that trailers for residential purposes shall be permitted only in the R-3 and RF Districts.

I. Conversion of Single Family Residences to Two-Family Residences. The Board of Appeals may permit the conversion of single-family dwellings to two-family dwellings in cases where such dwellings existed at the time of the enactment of this ordinance and are located in other than the R-1 District. The gross floor area of the existing buildings shall not be increased more than 15 percent.

Section 6. Off-Street Parking and Loading.

A. Off-street parking space shall be provided in connection with the erection or increase by units or dimension of any building or structure, in the following amounts:

- (1) For one-family and two-family dwelling houses, one parking space per dwelling unit.
- (2) For multi-family dwellings of three or four family units, one parking space per dwelling unit; for multi-family dwellings of more than four units, parking spaces equal in number to not less than 80% of the number of dwelling units in each multi-family structure.
- (3) For hotels, one parking space for each two guest or sleeping rooms and suites, plus one additional space for each three employees, plus one additional space for each 70 square feet of public assembly or dining space.
- (4) For tourist homes, tourist courts, cabins or motels, one parking space for each guest or sleeping room or suite plus one additional space for the owner or manager.
- (5) For lodging, rooming and boarding homes, one parking space for each guest room plus one additional space for the owner or manager.
- (6) For private clubs or lodges, parking spaces equal in number to not less than 30% of the active membership thereof, plus one additional space for each two employees of the club or lodge.
- (7) For hospitals, sanitarium, nursing or convalescent homes, one parking space for each four patient beds (excluding bassinets), plus one additional space for each staff or visiting doctor, plus one space for each three employees including nurses; loading and unloading space for hospital ambulances and similar vehicles are not included in the spaces required herein.
- (8) For medical or dental clinics, two parking spaces per doctor engaged at the clinic, plus one additional space for every two employees.
- (9) For mortuaries or funeral parlors, one parking space for each hearse or service vehicle, plus one space for each family resident on the premises, plus additional spaces equal in number to one space for each 100 square feet of public area.
- (10) For welfare institutions such as asylums, homes for aged,

orphanages, etc., one parking space for each staff or visiting doctor, plus one additional space for each two employees, plus one space for each 10 residents.

(11) For community centers, libraries, museums, civic clubs and similar uses, one parking space for every two employees plus one additional space for each 100 square feet of public area.

(12) For dance halls, one space for each 36 square feet of dance floor area plus one space for each two employees.

(13) For bowling alleys, three parking spaces for each alley, plus one space for each two employees.

(14) For convention halls, gymnasiums, parks, race tracks, skating rinks and similar uses, parking spaces equal in number to at least one space for each two employees and one space for each four seats.

(15) For theaters, one parking space for each four seats plus one space for each two employees.

(16) For auditoriums, stadiums, sports arenas or similar uses, one parking space for each four seats plus one additional space for each two employees thereof. Where individual seats are not provided, each twenty inches of benches or other similar seating, or 8 square feet of seating space shall be considered as one seat for the purposes of determining requirements thereof.

(17) For churches, one parking space for each four seats plus one additional space for each church official resident on the premises, plus one space for each two employees thereof. If individual seats are not provided, each twenty inches of benches or other similar seating shall be considered as one seat for the purpose of determining requirements hereunder.

(18) For schools, one parking space for each two employees including teachers and administrators, plus sufficient off-street space for the safe and convenient loading and unloading of students, plus one space for each four persons seated in public assembly rooms.

(19) For office, professional or public buildings having a floor area of over 2,000 square feet exclusive of basement, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than the ground floor.

(20) For airports, railroad passenger stations, bus depots, or other passenger terminal facilities, parking space adequate for employees, for the loading and unloading of passengers and for spectators, visitors and others.

21) For restaurants, tea rooms, lunch counters or the like, one parking space for each three employees, plus one additional space for each four patrons accommodated at tables and counters.

(22) For roadside stands, filling stations, automobile repair shops or other roadside service establishments, one parking space for each two employees plus such additional spaces as will be adequate for customer use to eliminate the necessity for parking on public streets.

(23) For general business, commercial and personal service establishments unless otherwise mentioned herein, parking parking facilities on the basis of one parking space per 70 square feet of floor area, exclusive of basement storage space or other space not used for business purposes. In addition to this amount, one space for each two employees shall be provided.

(24) For industrial or manufacturing establishments, one parking space for each two employees (based upon the maximum number employed at any one time), plus such additional parking space as shall be required for all vehicles used directly or indirectly in the conduct of the enterprise.

(25) For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking space as shall be necessary to eliminate the necessity for parking on public streets.

B. Whenever after the date of this Ordinance, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this section, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces as determined by the requirements of this section, more off-street parking facilities shall be provided within a reasonable time on the basis of the adjusted needs, as determined by this section.

C. Mixed Uses: In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this subsection; parking facilities for one use shall not be considered as

providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

D. Location of Facilities: Off-street automobile parking facilities, to the extent required in this section may be provided either on the same lot or premises with the parking-generating activity or on any lot or premises a substantial portion of which, at least, is within 500 feet of such activity.

E. Design Standards.

(1) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveway or curb cuts in any district shall exceed 40 feet in width, and detailed plans shall be submitted to the Road Commissioner for approval for all curb cuts or driveway openings before a permit may be obtained from the Building Inspector.

(2) Said parking areas shall be provided and maintained with a permanent dust free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.

(3) If lighting is provided, the source of light shall be so arranged, diffused or shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

F. Parking areas shall be used for automobile parking only with no sales, dead storage, repair work, dismantling or servicing of any kind.

G. Off-street Loading. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale trade, manufacturing, hotels, hospitals, laundry and dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any district after the date of the adoption of this Ordinance shall provide loading space either outdoor or indoor as follows:

(1) Office buildings and hotels with floor area of 10,000 square feet or more, one loading bay.

(2) Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet, in accordance with the following table:

5,000 to 40,000 square feet, one bay
40,000 to 100,000 square feet, two bays

100,000 to 160,000 square feet, three bays

160,000 to 240,000 square feet, four bays

240,000 to 320,000 square feet, five bays

320,000 to 400,000 square feet, six bays

each 90,000 square feet over 400,000 square feet, one additional bay.

(3) Each loading bay shall be not less than 12 feet in width, 30 feet in length and 14 feet in height, and may be located either with 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 vehicles are longer than the dimensions of the minimum loading bays, additional space shall be provided so that such vehicles park or stand completely off the street.

(4) Any additional bays which are provided in excess of the requirements of this Ordinance shall be located completely off every public street.

H. Parking Lots in Residential Districts. When in its opinion the best interests of the community will be served thereby, the Board of Appeals may permit, after public hearing, temporarily or permanently the use of land in a Residence District, other than in an R-1 District, for a parking lot where the land abuts or is across the street from a B-1, B-2 or IND district, provided that:

(1) The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, which person or firm shall be responsible for its maintenance.

(2) No charge is to be made for parking on the lot.

(3) The lot is not to be used for sales, repair work or servicing of any kind.

(4) Entrance to and exit from the lot are to be located as to be least objectionable to the residence districts as determined by the Board of Appeals in granting such permit and shall be in accordance with Paragraph E above.

(5) No advertising sign in excess of 15 square feet is to be located on the lot.

(6) All parking is to be kept back of the front yard line by barrier unless otherwise specifically authorized by the Board of Appeals.

(7) The parking lot and that portion of the driveway back of the front yard line is to be adequately screened from the street and from adjoining property in a residence district by a hedge, tight fence or wall not less than 4 feet high and not more than 6 feet high; all lighting shall be arranged so that there will be no glare onto adjoining property in a residence district, and the surface of the parking lot shall be in accordance with Section 6, Paragraph E, Design Standards.

Section 7. Interpretation of District Boundaries.

A. Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated on a public street or a public or private way, the district boundaries shall be deemed to extend to the center line of the traveled portion of such street or way.

(2) Where district boundaries are so indicated that they are approximately parallel to the street lines of streets or ways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

(3) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

(4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

(5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be at the limit of the jurisdiction of the Town of Scarborough unless otherwise indicated.

(6) All areas within the corporate limits of the Town which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts the boundaries of each district shall be construed to extend into the water to the center line of such body of water.

(7) Any areas shown on the zoning map as water, street or right-of-way shall be subject to the zoning regulations of the district in which they are located.

(8) Whenever any street, alley or other public way is vacated in manner authorized by law, the vacated area shall become a part of the district in which it is located.

Section 8. Transition Between Districts.

A. Where a district boundary line as established in this Ordinance and as shown on the zoning map divides a lot which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the less restricted portion of such lot under this Ordinance shall be considered as extending to a maximum of 50 feet beyond the district boundary into the more restricted district, provided the lot has a least twenty feet of frontage on a street in the less restricted district.

B. Wherever a parking lot or driveway to a parking lot is hereafter established in other than a residence district so as to abut the side or rear line of a lot in a residence district a barrier or natural growth, sufficient to obscure vision, not less than 4 feet high and not more than 6 feet high, shall be constructed and maintained along said side or rear lot line.

Section 9. Non-Conforming Uses.

A. The non-conforming use of any building, structure or land existing at the time of the enactment of this Ordinance or which may become non-conforming by reason of the enactment of a subsequent amendment may be continued although such use does not conform to the provisions of this Ordinance. For such non-conforming buildings or uses the following shall apply:

- (1) **Unsafe Structures.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- (2) **Alterations and Repairs.** A non-conforming building or structure may be altered, repaired, improved, or reconstructed provided the number of square feet of floor area devoted to the non-conforming use is not increased.
- (3) **Extensions.** A non-conforming use of a building or structure shall not be extended nor shall a non-conforming

use of a part of a building or structure be extended to other parts of the building or structure unless those parts were manifestly arranged or designed for such use prior to the enactment of this Ordinance or of any amendment making such use non-conforming. A non-conforming open use of land may not be extended to any part of the remainder of the lot.

(4) Changes in use. A non-conforming use of a building, structure or land may be changed to another non-conforming use only when the new use is similar in characted to the former use.

(5) Construction approved prior to Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and which entire building shall be completed according to such plans as filed within two years from the date of enactment of this Ordinance.

(6) Restoration. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of enactment of this Ordinance or any amendment making such use non-conforming, provided that the number of square feet of floor area devoted to the non-conforming use is not increased.

(7) Abandonment. A non-conforming use of a building, structure or land which has been abandoned shall not thereafter be resumed. A non-conforming use shall be considered abandoned:

(a) When it has been replaced by a conforming use.

(b) When the non-conforming use has been discontinued for a period of one year.

(c) When it has been changed to another non-conforming use under permit from the Board of Appeals.

(8) Lack of Required Parking or Loading Space. A building or structure which is non-conforming as to the requirements for off-street parking space shall not be enlarged or altered to create additional dwelling units, or seats as in the case of places of public assembly, or floor area as in the case of

commercial, industrial, business or institutional or recreational buildings, or accommodations as in the case of hotels, tourist homes, and tourist courts unless off-street parking is provided for such addition, enlargement or alteration. A building which is non-conforming as to the requirements for off-street loading space shall not be enlarged or added to, unless off-street loading space is provided sufficient to satisfy the requirements of this Ordinance for both the addition or enlargement and the original building or structure.

Section 10. Enforcement and Administration.

A. Administrative Official. The Building Inspector shall enforce the provisions of this Ordinance and shall issue building permits and certificates of occupancy as provided below.

B. Matter Accompanying Application. Each application to the Building Inspector for a building permit or a certificate of occupancy shall be accompanied by a site plan showing the dimensions of the lot and of all buildings, yards, and parking spaces, existing and proposed. Where off-street parking required by this Ordinance is proposed on a lot other than the lot on which the building is located, a plan of the off-street parking area shall also be provided.

C. Building Permits and Certificates of Occupancy Required. No building, or part thereof, shall be constructed, structurally altered, enlarged or moved unless a permit for such action has been issued by the Building Inspector. Applications for building permits required by the Building Code shall serve as applications for permits required by this Ordinance.

After the building, or part thereof, has been completed, altered, enlarged or relocated, the owner or his agent shall obtain a certificate of occupancy for the proposed use before the same may be occupied or used.

A certificate of occupancy shall also be required for any of the following:

- (1) Establishment of a home occupation as permitted by the provisions of this Ordinance.
- (2) Establishment of any professional office in connection with the residence of a professional person as permitted by the provisions of this ordinance.
- (3) Change in the non-conforming use of buildings or land.

(4) Occupancy and open air use of vacant land except for the raising of crops.

In cases of use and occupancy of any building or structure, or part thereof, during a period of construction or alteration, the Building Inspector may issue temporary certificates for periods not exceeding six months.

Section 11. Board of Appeals.

A. Creation, Appointment and Organization. Under the authority granted by Chapter 91, Section 97 of the **Revised Statutes of Maine, 1954**, as amended, a Board of Appeals is hereby created. Said Board shall consist of five members and two associate members, all of whom shall be residents of the Town of Scarborough. The members of the Board shall be appointed by the Selectmen for terms of five years, except that the original members shall receive appointments for one, two, three, four and five years, as respectively designated by the Selectmen. The members of the Board shall annually elect one of their number Chairman to preside at all meetings of the Board. The associate members shall be appointed by the Selectmen for terms of five years. The first named associate member, if able to act, otherwise the second, shall act in the place of any member unable to act, due to interest, absence from the state, or physical incapacity. Vacancies on the Board shall be filled by the Selectmen for the unexpired portion of the term. The members of the Board shall serve without compensation.

The Town Clerk shall act as Secretary to the Board of Appeals and shall keep minutes of its proceedings which shall show the vote of each member upon each question. All minutes and records of the Board shall be public records. All meetings of the Board shall be open to the public.

B. Powers and Duties. The Board of Appeals shall have all the powers and duties prescribed by Chapter 91, Section 97 of the Revised Statutes of Maine, 1954, as amended, and by this Ordinance and for that purpose may, by vote of not less than four of its members, after a public hearing in each case, interpret the details of the application of this Ordinance by determining appeals from the alleged erroneous refusal of building permits or other certificates required herein, by granting special permits in accordance with the provisions of this Ordinance and by permitting variations from the regulations so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent of plans and regulations of this Ordinance.

C. Appeal Procedure. Any person aggrieved by a decision of the Building Inspector may appeal such decision to the Board of Appeals and may further appeal to the Superior Court as provided by statute.

In all cases the person aggrieved shall commence his appeal by requesting a written decision from the Building Inspector setting forth the reasons for such decision provided, however, that no appeal shall be commenced after thirty days from the date of the refusal or issuance of a building permit or a certificate of occupancy. The Building Inspector shall comply with such request within seven days.

Within seven days after receipt of said decision, the appeal shall be filed in the office of the Town Clerk on forms to be approved by the Board of Appeals. The aggrieved person shall specifically set forth on said form the grounds of the appeal.

D. Public Hearings. For all appeals from decisions of the Building Inspector or for the considerations of applications for permits authorized herein, the Board of Appeals shall hold a public hearing as prescribed herein. The Clerk shall cause to be advertised in a newspaper of general circulation in the Town a notice which shall indicate the property involved, the nature of the appeal, and the time and place of public hearing; and further, the Clerk shall forthwith notify by mail the owners of the property within three hundred feet of the property for which the appeal is made. Failure to send or to receive this notice shall in no way invalidate the proceedings herein prescribed. For the purposes of determining who are the owners of the abutting property, the records of the Assessors shall be conclusive.

Following the receipt of any appeal, the Clerk shall notify forthwith the Building Inspector and the Chairman of the Board of Appeals. The appeal shall be in order for hearing at the next meeting of the Board of Appeals, following by at least seven days the publication of the notice of appeal in a newspaper of general circulation and of the mailing of notices.

The applicant for appeal shall pay to the Town Clerk (for the use of the Town) a fee of \$5.00 plus the cost of publication of the required notice.

Any appeal granted by the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date on which the change is voted, and if the work or change is not substantially completed within one year of the date on which such change is voted.

E. At any hearing a party may appear by agent or attorney. Hearings shall not be continued to other times except for good cause.

The Building Inspector shall attend all hearings, and may present to the Board all plans, photographs or other material he deems appropriate to an understanding of the appeal.

The appellant's side of the case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chairman. All persons at the hearing shall abide by the direction and order of the Chairman.

The Board of Appeals may prepare rules and orders for procedure not inconsistent with this Ordinance. When adopted, such rules and orders shall be filed in the office of the Town Clerk and be available for public inspection.

F. Successive Appeals. After decision has been made by the Board of Appeals on an appeal for a variance involving the use of land or buildings, or parts thereof, a new appeal of similar import shall not be entertained by the Board until one (1) year shall have elapsed from the date of the first decision; provided, however, that the Board of Appeals may entertain such a new appeal, if it finds, in the exercise of its sole and exclusive judgment, that, owing to a mistake of law or misunderstanding of fact the decision has been done, or may have done, an injustice in the particular case. However, at the expiration of six (6) months after the date of the decision, a new appeal may be entertained if the appellant shall establish to the satisfaction of the Chairman of the Board of Appeals that a change has taken place in essential aspects of the case or new evidence has been found of sufficient importance and of such a substantial nature as to warrant entertaining a new appeal.

Section 12. Legal Provisions.

A. Amendments. The Selectmen may from time to time on their own motion, or on petition, or on recommendation of the Planning Board, present warrants for consideration by the Town Meeting to amend, supplement or repeal the regulations and provisions of this Ordinance, provided that:

The Selectmen by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be published in at least one newspaper of general circulation in the Town of Scarborough for not less than three consecutive days. The last date of such publication of

notice shall be at least seven days before the hearing. The notice shall state the general nature of the proposed amendment as well as the text.

The Selectmen may refer proposed amendments to the Planning Board for report thereon before the public hearing.

B. Violations. The Building Inspector is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable that may be appropriate or necessary for the enforcement of this Ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

Any person, firm, or corporation, being the owner or occupant of, or having control of, or the use of, any building or land, or part thereof, who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars and not more than fifty dollars. Each day such violation is permitted to exist after notification thereof by the Building Inspector shall constitute a separate offense.

C. Separability. The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

D. Ordinances Repealed. All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. Specifically, the "Zoning Ordinance for Town of Scarborough" adopted at the Town Meeting of March 2, 1953 and any amendments thereto are hereby repealed.

Section 13. Definitions.

A. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) Accessory Building or Use: A subordinate building or use customarily incidental to and located on the same lot with the main building or use.

An accessory use shall not include:

(a) Any use injurious, noxious or offensive to the neighbor-

hood.

(b) Any use not on the same lot to which it is accessory.

(c) Garage space, parking or storage space for more than one commercial motor vehicle except as accessory to a farm, truck garden or nursery.

(2) Apartment House: A multi-family dwelling for three or more families, each living as an independent housekeeping unit.

(3) Dwelling House: A detached house designed for and occupied exclusively as the residence of one or two families, each living as an independent housekeeping unit.

(4) Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, bathing, sleeping and eating.

(5) Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

(6) Floor Area Ratio: The ratio of the gross floor area of all floors in a building to the area of the lot on which it is placed.

(7) Frontage: In the case of a lot fronting on a street, the frontage shall be the distance measured along the street line from one side line of the lot to the other side line.

(8) Gross Floor Area: For the purpose of determining the floor area ratio, the gross floor area shall be the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls and closed porches.

(9) Hotel: A building used for the more or less temporary occupancy of guests who are lodged with or without meals, having six or more guest rooms, and in which no provision

is made for cooking in any individual room or suite.

(10) Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance.

(11) Performance Standards: A set of quantitatively measurable standards developed for the purpose of determining whether any industrial or manufacturing operation constitutes a nuisance.

(12) Rooming House: Any dwelling in which more than three persons either individually or as families are housed for hire with or without meals.

(13) Row House: An attached house which is a part of a group of at least three houses, arranged in a row, such that the two side walls of each house are party walls separating one house from the next.

(14) Seasonal Dwelling House: A dwelling house which is occupied for not more than six months of each year.

(15) Setback Line: Any line, (front, rear or side) beyond which no building or structure is allowed.

(16) Tourist Courts: A group of attached or detached buildings containing guest rooms or dwelling units, most of which have separate outside entrances and parking spaces nearby, intended to be used principally by automobile transients. Tourist courts include auto courts, motels, motor lodges or cabins.

(17) Tourist Home: A residence in which two or more guest rooms are used to provide overnight accommodations for transient guests.

(18) Yard, Front: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the buildings projected to the side lines of the lot.

(19) Yard, Rear: An open, unoccupied space on the same lot with a main building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

(20) Yard, Side: An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard.

Article 40. To see if the Town will vote to authorize the Board of Selectmen to employ a qualified person to serve as Town Engineer, Building Inspector, Electrical Inspector and Assistant to the Board of Assessors and to authorize the Selectmen to pay a salary not exceeding \$4,000.00 per year and a sum not exceeding \$500.00 per year for expenses, for the above duties.

Budget Committee Recommends \$4,500.00

Article 41. To see if the Town will vote to authorize the Selectmen to annually appoint one member of the Planning Board for a term of five years, the first of such appointments to be made not later than April 1, 1956, and subsequent appointments to be made not later than April 1 of each year. Upon the death, or resignation or removal from town of any member of the Planning Board, the Selectmen shall appoint a successor to serve for the unexpired portion of the term.

Budget Committee Recommends passage as read

Article 42. To see if the Town will authorize the Selectmen and Planning Board to participate for planning purposes in a Federal assistance program through a State Agency.

Budget Committee Recommends passage as read

Article 43. To see if the Town will vote to raise a sum of money to defray the expenses of the Planning Board.

Budget Committee Recommends \$3,500.00

Article 44. To see if the Town will vote to employ a Town Manager as provided for in Chapter 91, Section 16 through 19 of the Revised Statutes of Maine of 1954, to become effective for the Municipal year of 1957, same to be decided by a written YES or NO ballot.

Budget Committee Recommends ought not to pass

Article 45. If the Town shall vote to employ a Town Manager, to see if the Town will vote to fix the salary of said Town Manager and, if so, what amount.

Budget Committee Recommends ought not to pass

Article 46. If the Town shall vote to employ a Town Manager, to see whether the Town will vote to make the following changes in the number and terms of the following Town Officers now elected by secret ballot, as provided in Chapter 91, Sections 49 through 63, Revised Statutes of Maine of 1954, as follows:

To omit from the ballot, and not to choose a Town Treasurer at the next Annual Town Meeting.

To omit from the ballot, and not to choose a Collector of Taxes at the next Annual Town Meeting.

To omit from the ballot, and not to choose a Road Commissioner at the next Annual Town Meeting.

To omit from the ballot, and not to choose an Overseer of the Poor at the next Annual Town Meeting.

Vote to choose all other Town Officers and terms thereof as at present.

Budget Committee Recommends ought not to pass

Article 47. If the Town shall vote to employ a Town Manager, to see if the Town will vote to direct the Selectmen to prescribe for the Town Manager the duties of the Town Treasurer, Collector of Taxes, Road Commissioner and Overseer of the Poor.

On Petition

Budget Committee Recommends ought not to pass

Article 48. To see if the Town will vote to raise a sum of money for the 300th anniversary fund of the Incorporation of the Town of Scarborough which will be in the year 1958.

Budget Committee Recommends \$2,000.00

Article 49. To see if the Town will vote to enact the following ordinance relating to parking of motor vehicles on the public streets or highways in the Town of Scarborough.

- (1) During the months of June, July, August and September of each year, it shall be unlawful and a violation of the provisions of this ordinance for any person to park or cause to be parked a motor vehicle,
 - (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 property now or formerly of one Edward Piper, and on the North by the Spurwink Road.
 - (b) Upon any of the public streets or highways within the area known as the Prouts Neck area. For the purpose of this ordinance, the Prouts Neck area is defined as including the area generally south of the property now or formerly owned by Eucharist Archambault on the Prouts Neck Road.
 - (c) Upon any of the public streets or highways within the area known as Pine Point. For the purpose of this ordinance, the Pine Point area is defined as including the area bounded on the West by the County line separating Cumberland and York Counties, on the South by the Atlantic Ocean, on the East by Scarborough River and on the North by the marshes.

- (2) The Selectmen are hereby empowered to make temporary parking rules and regulations to cover emergencies or special conditions. No such temporary rule and regulation shall remain in effect for more than sixty days and shall not again be put in effect except by an ordinance enacted at a town meeting.
- (3) For the purposes of this ordinance, a public street or highway is defined as the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic.
- (4) For the purposes of this ordinance, parking is defined as the standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- (5) Every person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not more than Twenty Dollars for each offense.
- (6) If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.
- (7) All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed.

Budget Committee Recommends passage as read

Article 50. To see if the Town will vote to authorize the Selectmen to petition the County Commissioners for discontinuance of a by passed portion of the Pleasant Hill Road between the residence of Niels Johnson and Harold Troxel plan of which is on file with Town Clerk.

On Petition

Budget Committee Recommends passage as read

Article 51. To see if the Town will vote to discontinue that portion of the Beech Ridge Road between Sherwood's Corner and the Johnson property which is no longer used as a traveled way, because of the relocation of the said Beech Ridge Road.

On Petition

Budget Committee Recommends passage as read

Article 52. To see if the Town will vote to accept Pleasant Avenue for a distance of 500 feet as laid out on a plan of Scarborough Acres on file with the Town Clerk.

On Petition

Budget Committee Recommends passage as read

Article 53. To see if the Town will accept North Street as laid out for a distance of two hundred (200) feet. Plan on file with the Town Clerk.

On Petition

Budget Committee Recommends passage as read

Article 54. To see if the Town will vote to accept Rosehill Way, so called, for a distance of 255 feet from U. S. Route 1 as laid out on a plan on file with the Town Clerk.

On Petition

Budget Committee Recommends passage as read

Article 55. To see if the Town will vote to accept for continued maintenance and repair a certain way known as the Honan Road, off the southerly side of the Mussey Road so-called and extending southerly from the intersection of the Honan Road with the Mussey Road 450 feet more or less measured on the easterly bound of the Honan Road.

On Petition

**Budget Committee Recommends ought not to pass.
Does not comply with Town ordinance**

Article 56. To see if the Town will vote that the portion of Pine Point Road from the residence of Wendell Whitten to the marshes be known by its historical name of "Dunstan Landing Road" and that an appropriate sign bearing the name of the Road and the year of "1650" be posted at the entrance to the Road.

On Petition

Budget Committee Recommends passage as read

Article 57. To see if the Town will vote that the name of the Anderson Road be changed to the name of the Sawyer Road making a continuous Sawyer Road from

Route 1 to the Gorham Road and that a road sign be placed on the Gorham Road reading "Sawyer Road."

On Petition

Budget Committee Recommends passage as read

Article 58. To see if the Town will vote to authorize the Selectmen to purchase from the Portland Airport Corporation 135 acres of land, more or less, and buildings formerly known as the old Portland airport for the sum of \$9,000.00.

Budget Committee Recommends \$9,000.00

Article 59. To see if the Town will vote to instruct the Selectmen to enter into a contract with Portland Water District to install a hydrant at the end of the Water Main on the Libby Road near the Libby-Mitchell Legion Post Home.

On Petition

Budget Committee Recommends passage as read and raise \$90.00

Article 60. To see if the Town will vote to install one hydrant on Downeast Lane approximately 654 feet south of U. S. Route 1.

On Petition

Budget Committee Recommends passage as read and raise \$90.00

Article 61. To see if the Town will vote to install one hydrant on Pleasant Avenue location of which shall be determined by Fire Department.

On Petition

Budget Committee Recommends passage as read and raise \$90.00

Article 62. To see if the Town will vote to instruct the Selectmen to enter into a contract with Portland Water District to install an 8" water main on Hunnewell Road from Elmwood Avenue to Maple Avenue, and install three (3) hydrants, and raise a sum of money for the same.

On Petition

Budget Committee Recommends ought not to pass

Article 63. To see if the Town will vote to instruct the Selectmen to enter into a contract with Portland Water District to extend the water main on the Old Blue Point Road to the residence of Charles O. Perry, a distance of three tenths of a mile and install necessary hydrants, and raise a sum of money for the same.

On Petition

Budget Committee Recommends ought not to pass

Article 64. To see if the Town will vote to instruct the Selectmen to enter into an agreement with the Portland Water District to install an 8" water main on the Gorham Road, from the existing main at Eight Corners to the residence of Walter Braley, a distance of approximately one half mile, install necessary hydrants and raise a sum of money for the same.

On Petition

Budget Committee Recommends ought not to pass

Article 65. To see if the Town will vote to install one hydrant on Dunstan Avenue to be located at the beginning of the eight inch main.

On Petition

**Budget Committee Recommends passage as read
and raise \$90.00**

Article 66. To see if the Town will vote to instruct the Selectmen to enter into a contract with the Portland Water District to install one hydrant on the existing main in Willowdale Road, location be left to Fire Department.

On Petition

Budget Committee Recommends passage as read and raise \$90.00

Article 67. To see if the Town will vote to instruct the Selectmen to install two (2) street lights on Willowdale Road, the location to be left to their discretion.

On Petition

Budget Committee Recommends ought not to pass

Note: Budget Committee recommends "ought not to pass" on articles 67, 68, 69 and 70 after a careful study of the street light setup as proposed by Central Maine Power Co., which will cost the town an additional \$1,000.00 and is due for completion in 1957.

Further they feel that many dangerous road junctions are still without lights and all future installations should be based on a planned map which will be completed this year.

Article 68. To see if the Town will vote to install one street light on Greenwood Avenue, Higgins Beach, on Pole No. 3½ near property of George Young, and raise a sum of money for the same.

On Petition

Budget Committee Recommends ought not to pass

Article 69. To see if the Town will vote to install street lights on Snow Road in the Blue Point Area, number and location to be decided by the Selectmen.

On Petition

Budget Committee Recommends ought not to pass

Article 70. To see if the Town will vote to install street lights on the Broadturn Road between the residence of Louis Grant and the Olive Carter Talbot dance hall, number and location to be decided by the Selectmen.

On Petition

Budget Committee Recommends ought not to pass

Article 71. To see if the Town will vote to allow the Scarborough Parent-Teacher Association's Youth Canteen the use of the Gymnasium in the Scarborough High School on Saturday evenings.

On Petition

Budget Committee Recommends passage as read subject to the rules and regulations of School Board

Article 72. To see if the Town will accept the sum of \$200.00 for the perpetual care of the Albert Collins lots 31 and 32 at Dunstan Cemetery.

On Petition

Budget Committee Recommends passage as read

Article 73. To see if the Town will vote to collect garbage from Elmwood Avenue north to the Gorham Road on Maple Avenue.

On Petition

Budget Committee Recommends passage as read

Article 74. To see if the Town will vote to purchase a Case Power-loader with Material Bucket, all standard equipment, ballast box filled, and solution in rear tires from Files & O'Keefe Company, and raise the sum of \$3,000.00 for the same.

Budget Committee Recommends \$3,000.00

Article 75. To see if the Town will vote to raise the sum of \$3,500.00 to provide office and Sub Primary space in the Town Hall.

Budget Committee Recommends \$3,500.00

Article 76. To see if the Town will vote to accept an extension of Dunstan Avenue to a total distance of 700 feet from Route 1.

Budget Committee Recommends passage as read

Article 77. To see if the Town will vote to adopt the following addition to Article 6 as passed at Special Town meeting held May 28, 1953: All roads to be accepted as Town Roads must have a reasonably available water main of at least eight (8) inches in diameter for the use of buildings, residents and occupants of the road to be accepted and the chief of the Fire Department must in writing certify that adequate water service for sufficient fire protection hydrants obtains.

Provided, however, that the Selectmen may approve a water main of less than eight (8) inches in diameter when the chief of the Fire Department and the Planning Board in writing certify that a water main of less than eight (8) inches in diameter will furnish adequate water service for sufficient fire protection hydrants for

the road to be accepted and any future extension or extensions of said road.

Budget Committee Recommends passage as read

Article 78. To see if the Town will vote to raise the sum of \$600 for Cleaning of Beaches.

Budget Committee Recommends \$600

The Selectmen hereby give notice that they will be in session at the Town Hall on March 3rd, 1956, from 10:00 A.M. to 4:00 P.M. for the purpose of correcting the check list.

Given under our hand at Scarborough, Maine, this 16th day of February, 1956.

L. HASWELL TURNER	}	Selectmen
J. ROSS SHERWOOD		of
DONALD J. CLARK		Scarborough



