

WARRANT
FOR THE
TOWN MEETING
OF THE TOWN OF
SCARBOROUGH



Monday, March 10

1958

WARRANT FOR TOWN MEETING

March 10, 1958

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 10, 1958 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 and Assessor to represent the First District for a term of two (2) years; One (1) Selectman and Assessor to represent the Second District for a term of two (2) years; One (1) Selectman and Assessor to represent the Seventh District for a term of two (2) years; Town Clerk for a term of one (1) year; One (1) member of School Board for a term of three (3) years; to vote on the following question:— shall "an act providing for the establishment of a five (5) member Superintending School Committee" be approved; 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 and adopt Reports.

Article 2. To see what sum of money the Town will vote to raise and appropriate for each of the following General Government expenses.

Administration	\$13,800.00	
Ballots and Reports	1,775.00	
Budget Committee	416.00	
Election Expense	650.00	
Property and Liability Ins.	3,800.00	
Social Security	1,900.00	
Town Office	1,375.00	
Town Hall	1,875.00	
Workmens Compensation	1,955.00	
Planning Board	1,000.00	
Contingent	1,000.00	
Legal Advise	750.00	
		<hr/> \$30,296.00

Budget Committee Recommends \$30,296.00

Article 3. To see what sum of money the Town will vote to raise and appropriate for each of the following

Public Safety accounts:

Fire Department	\$13,000.00
Hydrant Rental	15,855.00
Police Department	12,000.00

Street Lights	7,225.00	
Traffic Signals	600.00	
	<u> </u>	\$48,680.00

Budget Committee Recommends \$48,680.00

Article 4. To see what sum of money the Town will vote to raise and appropriate for each of the following Debt Service accounts:

Debt Amortization	\$68,966.00	
Debt Interest	17,830.00	
Int. on Tax Antic. notes	3,000.00	
	<u> </u>	\$89,796.00

Budget Committee Recommends \$89,796.00

Article 5. To see what sum of money the Town will vote to raise and appropriate for each of the following Health and Welfare accounts:

Scarborough Nursing Service	\$4,700.00	
Support of Poor	10,000.00	
Health Department	280.00	
	<u> </u>	\$14,980.00

Budget Committee Recommends \$14,980.00

Article 6. To see what sum of money the Town will vote to raise and appropriate for Memorial Purposes upon request of:

(a) Americal Legion Post No. 76	\$300.00	
(b) Amvets Post No. 7	150.00	
	<u> </u>	\$450.00

Budget Committee Recommends \$450.00

Article 7. To see what sum of money the town will vote to raise and appropriate for the following Public Works accounts:

Roads and Bridges		
Raise and appropriate	\$14,000.00	
Appropriate from Treasury	31,000.00	
Collection of Garbage and Rubbish	3,133.00	
Dump Maintenance	2,200.00	
Care of Beaches	1,000.00	
New Equipment		
Raise and appropriate	10,000.00	
Appropriate from Treasury	4,000.00	
State Aid Road construction		
Raise and appropriate	3,487.00	
	<hr/>	\$68,820.00

Budget Committee Recommends \$68,820.00

Article 8. To see if the Town will vote to raise and appropriate the sum of \$1,000.00 for the Support of the Scarborough Public Library.

Budget Committee Recommends \$1,000.00

Article 9. To see if the town will vote to authorize the selectmen to procure a temporary loan or loans within the 1958 taxable year in anticipation of taxes for the purpose of paying obligations of the town; such loan or loans to be paid during said taxable year.

Budget Committee Recommends \$300,000.00

Article 10. To see if the Town will vote to raise and appropriate the sum of \$285,393.35 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 \$279,810.35

Article 11. To see if the Town will vote to raise and appropriate the sum of \$17,370.00 for repairs, equipment and rent for the elementary and secondary schools for the ensuing year.

Budget Committee Recommends passage as read

Article 12. To see if the Town will vote to raise and appropriate the sum of \$6,341.00 which, together with the balance remaining in the New Bus Account, may be used for the purchase of a new school bus to replace an old bus.

Budget Committee Recommends passage as read

Article 13. To see if the Town will vote to raise and appropriate the sum of \$30,000.00 to be added to the

balance of the School Housing Project Fund, to be expended only upon a future vote of the Town.

Budget Committee Recommends not to raise at this time

Article 14. To see if the Town will vote to raise and appropriate the sum of \$2,500.00 to provide adequate sources of water at the North Scarborough and Libby District Schools, with such pipes and pumps as may be required.

Budget Committee Recommends passage as read

Article 15. To see if the Town will vote to re-appropriate the sum of \$1,100.00 from the balance of the sinking fund formerly appropriated for Alterations and Repairs to the Elwood G. Bessey School, for the purpose of securing an adequate water connection from the main to the south line of the state highway.

Budget Committee Recommends passage as read

Article 16. To see what sum the Town will vote to raise and appropriate for starting a program of Football at Scarborough High School, including protective uniforms for players, equipment of all necessary kinds, insurance, and services of coaches and officials.

Budget Committee makes no recommendation

Article 17. Zoning.

PROPOSED 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 development 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; and 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. Application of Regulations. No buildings or structure shall be erected, structurally altered, enlarged, moved or used and no land shall be used unless in conformity to the regulations of this Ordinance.

C. 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 December 1957, 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 part of this Ordinance.

D. Interpretation. Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the Board of Appeals shall determine the boundaries in accordance with common zoning practice and with consideration of the interests of the owners of the affected property.

SECTION 4. DESCRIPTION OF DISTRICTS

A. The buildings and uses permitted in each district, the restrictions imposed upon them, and the regulations concerning area and setback, are shown in the accompanying tables.

TABLE A — R-1 DISTRICT (LIMITED SINGLE RESIDENCE)

Permitted Buildings & Uses	Restrictions	Min. Area Requirements		Min. Setback Requirements			
		Lot size (sq. ft.)	Front Per lot	Fl. area per D.U. (sq. ft.)	Front	Side	Rear
Single family dwelling house & attached accessory building	No paying guests.	20,000	100' for all uses in this dist.	1,200 ¹ all year 900 ¹ seasonal	30	15	20
Home workroom or workshop	Customary home equipment only. No full time employees.						
Professional office of resident of dwelling	Within main building only.						
Church, parish house		10,000			50	50	50
School, library, museum		10,000			50	100	100
Unattached building accessory to any permitted building or use					30	10	10
Agriculture: Farm, truck garden, nursery	Poultry and livestock raising may be permitted by the Board of Appeals after a public hearing. No pig enclosure shall be closer than 50 ft. to a street or property line.						
Accessory stable, beehive, or rabbit warren							

General Restrictions in R-1 Districts

No **identification sign** shall exceed 4 square ft. in area.

No **announcement sign** shall exceed 30 square ft. in area.

The light source of an **illuminated sign** shall be concealed or shielded.

Offensive odors shall be restricted by proper care.

1. Exclusive of garage, porch and basement.

TABLE B — R-2 DISTRICT (SINGLE RESIDENCE) & R-2S DISTRICT (SEASONAL RESIDENCE)

Permitted Buildings & Uses	Restrictions	Min. Area Requirements		Min. Fl. area per D.U. (sq. ft.)	Min. Setback Requirements		
		Lot size (sq. ft.)	Front Per lot		Front	Side	Rear
Single family dwelling house & attached accessory building	No restriction on the taking of paying guests.	10,000 for all use in this district	75 for all uses in this district	700 ¹	302	10	20
Home workroom or workshop	Not over 3 full time employees. All work and all storage to be within building.						
All other buildings and uses allowed in R-1 district	Same restrictions as in R-1 district.						
Educational institution, including day nursery					50	100	100
Hospital, nursing or convalescent home	Not for care of epileptics, or drug or alcoholic patients, nor for care of feeble minded or insane, nor primarily for contagious cases.				50	100	100
Orphanage, home for aged					50	100	100
Charitable institution	Not correctional.				50	100	100
Telephone exchange, transformer station	No business office. Accessory storage only.				50	50	50
Community building	Not operated for private gain.				50	100	100
Unattached building accessory to any permitted bldg. or use					302	8	10
Park, playground							
Cemetery	Addition to existing cem. only.						

R-2S DISTRICT (Seasonal Residence)

Single family dwelling house & attached accessory building	5,000 for all uses in this district	50 for all uses in this district	550 ¹	20	8	15
Unattached accessory building				20	8	10
All other uses permitted in R-2 district	Same restrictions as in R-2 district					

General Restrictions in R-2 and R-2S Districts

Same restrictions as in R-1
districts.

1. Exclusive of garage, porch and basement.
2. 50 feet for properties fronting U. S. Route 1.

TABLE C — R-3 DISTRICT (GENERAL RESIDENCE)

1 or 2 family dwelling house & attached accessory building	7,000	75	700 ¹	20 ²	10	20
Row house (3 or more units)	5,000 per unit	35 per unit	700 ¹	20 ²	10	20
Apartment house (3 or more units)	4,000 per unit	75 for this and all	650 ¹	20 ²	20	20
Rooming house, tourist home	7,000 +300 per guest room	following main uses		20 ²	10	20
Hotel, lodge, private club	10,000 +300 per guest rm.			50 ³	15	20

Permitted Buildings & Uses	Restrictions	Min. Area Requirements		Min. Setback Requirements			
		Lot size (sq. ft.)	Front Per lot	Fl. area per D.U. (sq. ft.)	Front	Side	Rear
Motel, tourist court		10,000 +2,000 per unit over 5		200 ¹	50 ³	15	20
Public building or property	Not over 1/3 of lot area to be covered by buildings	10,000			20 ³	10	20
Unattached building accessory to any permitted building or use					20 ^{2,3}	8	10
All other uses permitted in R-2 district	Same restrictions as in R-2 districts Not over 1/3 of lot area to be covered by buildings.	10,000			20 ³	10	20
General Restrictions in R-3 Districts							
	Same restrictions as in R-1 district						
	No public building shall be erected within 25 feet of an adjoining property occupied by a private dwelling.						
1. Exclusive of garage, porch and basement. 2. 50 feet on private residential property fronting U.S. Route 1. For exceptions see Sec 5, par. L. 3. 80 feet for hotels, etc., and other uses fronting U.S. Route 1. For exceptions see Sec 5, par. L.							
TABLE D — RF DISTRICT (RESIDENCE FARM)							
1 & 2 family dwelling house & attached accessory building		N.W. Me. 150 Turnpike for all 1 acre uses in S.E. Me. this Turnpike dist. ½ acre		700 ¹	40	15	30
Any building or use permitted in R-2 districts	Same restrictions as in R-2 district (except agriculture; see below)				40	15	30

Unattached building accessory to
a permitted bldg. or use

30

15

15

Cemetery

Golf Course

Agriculture:

Farm, truck garden, nursery
Raising of poultry, livestock,
bees, etc.

Livestock sales

Commercial piggery

Slaughtering and disposal of
offal

No pig enclosure shall be closer
than 50 ft. to a street or property
line. Not more than 4 pigs shall
be raised at any one time.

Restricted to areas in this dis-
trict northwest of the Maine
Turnpike, and subject to such
conditions as may be specified
by the Board of Appeals to in-
sure that such activities do not
become offensive.

General Restrictions in RF Districts

Same restrictions as in R-1
districts.

Not over 30% of the area of a
lot used primarily for non-resi-
dential purposes shall be oc-
cupied by buildings.

1. Exclusive of garage, porch and basement.

TABLE E — B-1 DISTRICT (LOCAL BUSINESS)

Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements
All uses (except house-car trailers) permitted in the least restricted residential area adjacent to any part of the B-1 district	For Residential Buildings and Uses: Same restrictions, area, and setback requirements as apply in that residential district.		
Bakery		10,000 square feet minimum lot size for all non-residential uses.	For all non-residential uses: Front: 50 ft. Side: For all bldgs. abutting a residential district 15 ft. For fire resistant bldgs, or bldgs. w/fire-resistant party walls approved by Bldg. Inspector: None. For other bldgs. 10 ft.
Retail Outlets: Food, including candy & dairy products, dry-goods, variety mdse., hardware, home furnishings, appliances, drugs, printed matter, stationery			Rear: For all bldgs. abutting a residential district, the rear setback regulation of that district shall apply. For other commercial bldgs & uses: None.
Eating place	No dancing or live entertainment.		
Service Establishments: Barber, beauty shop, tailor, cobbler, ice station, hand laundry, self service laundry, dry cleaning pressing	No use of flammable solvents; no work to be done for distribution through other outlets.		
Business offices: Real estate, insurance, telephone, bank, medical or dental clinic, professional office of lawyer, engineer, etc.			

Automotive uses: Parking lot,
service station, public storage
& repair garage
Shop of printer, carpenter, or
other skilled worker
Accessory buildings or uses

Community or fraternal building

Hotel

Motel, tourist court

Washing and lubricating of vehicles to be done with-
in the building.

All storage to be enclosed within a bldg.

Only those normally or necessarily accessory to a
permitted main bldg. or use.

Not operated for private gain.

10,000 sq. ft. minimum lot size
plus 300 sq. ft. per guest room.

Front 50 ft.
Side 15 ft.
Rear 20 ft.

10,000 sq. ft. plus 2,000 sq. ft.
per unit over 5.

Minimum floor area per unit:
200 square feet.

Same as hotel.

General Restrictions in B-1 District

No goods other than those commonly used in the servicing of vehicles, may be displayed between the street and setback line.

No sign shall exceed 50 square feet in area. Signs shall deal only with goods or services provided on the premises. The source of light of an illuminated sign must be shielded or concealed. For relaxation of these restrictions, see Section 5, par. M.

Noise, odors and smoke shall be effectively controlled or confined to the premises.

No building shall have a gross floor area (including basement) in excess of 50% of the area of the lot on which it is built.

TABLE F — B-2 DISTRICT (GENERAL BUSINESS)

All uses, except private dwellings,
permitted in B-1 district

10,000 square feet minimum lot
size for all uses except hotels,
motels, etc.

Front: 50 ft. (for all properties
fronting upon US Rt. 1, 80 ft;
for exceptions, see Sec. 5, par.
L).

Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements
Additional retail outlets: Bever- ages, whether or not consumed on premises, apparel, furniture, general merchandise Eating place	Subject to State laws and other ordinances.		Side: Same requirements as in B-1 district.
Additional service establishments: Veterinary hospital, pet shop, kennel, telephone exchange, transformer station, radio or T.V. station	No specific restriction. No structure, other than a fence or barrier, to be within 50 ft. of a residence district.		Rear: Same requirements as in B-1 district.
Additional business office: Office building			
Additional automotive uses: Service garage, auto laundry, open-air auto or trailer sales			
Private trade or business school			
Research laboratory			
Funeral home			
Places of recreation or assembly: Armory, assembly or dance hall, bowling alley, pool room, theater, skating rink, other social sport or recreation center operated as a business	Not to be situated within 300 ft. of property on which is built or is about to be built an elementary or high school.		

Wholesale or distributing establishment

Not more than 50% of the total floor area of the establishment to be used for other than display or sales.

Food processing establishment
Accessory buildings & uses

All processing to be done within building.
Only those normally or necessarily accessory to a permitted main use.

Hotel, Motel, etc.

Same minimum area and setback requirements as in B-1 district.

General Restrictions in B-2 District

No **private dwelling**, except one that is accessory to the operation of a motel, hotel or other business on the premises.

No **goods** other than those commonly used in the servicing of vehicles, shall be displayed between the street and setback line.

No **sign** in front of the setback line shall exceed 50 square feet in area. Such a sign shall deal only with goods or services provided on the premises.

No **illuminated sign** shall cause glare on a public way or on adjoining premises.

Noise, odors and smoke shall be effectively controlled or confined to the premises.

No building shall have a **gross floor area** (including basement) in excess of 50% of the area of the lot on which it is built.

TABLE G — IND DISTRICT (INDUSTRIAL)

Single family dwelling house and accessory buildings and uses

Same area and setback requirements as in R-2 districts.

All business uses, including
Hotels, etc., permitted in B-2 districts

Minimum setback requirements for all buildings and structures except single family dwellings and their accessory buildings.

Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements
Factory			Front 50 ft.
Warehouse			Side 25 ft.
Transport terminal			Rear 25 ft.
Junk yard, other storage or sale of waste material	To be enclosed on all sides by solid fence or wall, 5 ft. high, and subject to such other conditions as the Town Officers shall specify.*		

General Restrictions in IND District

No illuminated sign shall cause glare on a public way or on adjoining premises.

Noise, odors and smoke shall be effectively controlled or confined to the premises.

No building shall have a gross floor area (including basement) in excess of 50% of the area of the lot on which it is built.

The disposal of industrial wastes into rivers, streams, ponds and inlets shall be subject to provisions of applicable State laws relating to water pollution control.

Buildings and uses constituting fire and explosive hazards may be prohibited unless they meet such additional setback requirements as the Building Inspector shall specify.

* See also Chap. 100, sec. 137-144, Revised Statutes of Maine, 1954, as amended.

SECTION 5. SUPPLEMENTARY REGULATIONS

A. Buildings on Small Lots. Dwellings may be erected on lots smaller than required in this Ordinance, provided that such lots were separately owned, or that subdivision plats showing such lots were recorded in the Registry of Deeds, Cumberland County, prior to 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 that subdivision plats showing such lots were recorded in the Registry of Deeds, Cumberland County, prior to the time of passage of this ordinance.

B. Lots in Two or More Districts. 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 at least 20 feet of frontage on a street in the less restricted district.

C. Conversion of Single Family Dwelling to Two Family Dwelling. 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 (excluding basements) of the existing buildings shall not be increased more than 15% due to such conversion.

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

- (1) The accessory building is so placed as not to prevent the conforming location of the main building.
- (2) The Building Inspector is satisfied that there is reasonable

assurance that the main building will be completed within 3 years from the date of issuance of the permit for the accessory building.

E. Television and Radio Broadcasting Towers may be permitted in any district by the Board of Appeals after public notice and hearing, subject to such setback regulations as the Board shall specify.

F. No Lot, Yard, or Other Open Space, already containing less area than the minimum required under this Ordinance shall be further divided or reduced.

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

H. Reduction of Setback Requirement. The Board of Appeals may permit reduction of the setback requirement on U. S. Route #1 in cases where the existing buildings immediately adjacent are closer to the exterior line of the street than the above requirements, or in cases where the property is less than 160 feet deep and has been owned separately or is shown on a subdivision plat recorded in the Registry of Deeds, Cumberland County, prior to the passage of this Ordinance.

I. Relaxation of Sign Restrictions in B-1 Districts. When, in the opinion of the Board of Appeals, two thirds of the number of business establishments in a B-1 District pertain more to the character of a B-2 than a B-1 District, the regulations concerning signs in B-2 Districts shall apply to that District.

SECTION 6. NON-CONFORMING USES

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. Repairs and Alterations.** A non-conforming building or structure may be repaired, altered, improved, or reconstructed,

provided the number of square feet of floor area devoted to the non-conforming use is not increased.

2. **Rebuilding.** A non-conforming building or structure damaged or destroyed by fire, explosion, or Act of God may be rebuilt, provided the rebuilding is begun within one year of the disaster, and provided that 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 remaining 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, in the opinion of the Board of Appeals, the new use is similar in character to the former use.
5. **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.
6. **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.

Nothing herein contained shall prevent the completion of any non-conforming project for which septic tanks or other sewerage facilities have been designed and substantially completed at the time of the enactment of this Ordinance. But no non-conforming project may be expanded beyond the designed capacity of such sewerage facilities.

SECTION 7. ADMINISTRATION AND ENFORCEMENT

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

B. Building Permits and Use Permits 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 Building Inspector shall issue a use permit for the proposed use before the building or part thereof may be occupied or used. During construction or alteration of a building or part thereof the Building Inspector may issue temporary use permits for periods not exceeding six months.

A use permit 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 a professional office in a dwelling as permitted by the provisions of this Ordinance.
3. Change in the non-conforming use of buildings or land.
4. Occupancy of any vacant land, for any purpose except the raising of crops.

C. Industrial Permits. No non-residential or non-agricultural building or use shall be permitted or altered in an IND District without an industrial permit, which shall be issued by the Building Inspector only when he is satisfied that there is reasonable assurance that the proposed use will not be offensive because of noise or vibration, odors or fumes, smoke or dirt, or be-

cause of fire or explosion or other danger. The Building Inspector shall be empowered to attach such conditions to the industrial permit as he may deem necessary to satisfy the intent of this section.

D. Matter Accompanying Application. Each application to the Building Inspector for a permit shall be accompanied by a site plan showing the measurement of the lot and of all buildings, setbacks, 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 parking area shall also be provided. Where industrial sewage wastes will be produced, a full and detailed report concerning their type, quantity, and the proposed method of disposal will be provided.

SECTION 8. BOARD OF APPEALS

A. Creation, Appointment and Organization. Under the authority granted by Chapter 405, Section 61 of the Public Laws of Maine, 1957, as amended, a Board of Appeals is hereby created. Said Board shall consist of five members and one associate member, all of whom shall be residents of the Town of Scarborough. The members of the Board shall be appointed by the Municipal Officers 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 Municipal Officers. The members of the Board shall annually elect a chairman and secretary from its own membership. The associate member shall be appointed by the Selectmen for a term of five years. The associate member 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 Secretary 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 405, Section 61 of the Public Laws of Maine, 1957, 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 granting or refusal of permits 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 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, and the Building Inspector shall comply with such request within seven days.

The appeal shall be filed in the office of the Town Clerk on forms to be approved by the Board of Appeals not later than thirty days after receipt of said written decision. 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 properties within three hundred feet of the property for which the appeal is made. Failure to receive this notice shall in no way invalidate the proceeding herein prescribed. For the purposes of determining who are the owners of the properties, 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 permit granted by the Board of Appeals shall expire if the work or change involved is not commenced within six months of the granting of the permit, and if the work or change is not substantially completed within one year of the granting of the permit, except as otherwise provided in this Ordinance.

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.

At any hearing a party may appear by agent or attorney.

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.

Hearings shall not be continued to other times except for good cause.

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.

E. Successive Appeals. After decision has been made by the Board of Appeals, 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 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 9. LEGAL PROVISIONS

A. Amendments. The Selectmen may from time to time on their own motion, or on petition, or 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 the Town of Scarborough" adopted at the Town Meeting of March 2, 1953 and any amendments thereto are hereby repealed.

SECTION 10. 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 neighborhood.
- (b) any use not on the same lot as the building or use 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. **Frontage.** In the case of a lot fronting on a street, the frontage is the distance measured along the street line from one side line of the lot to the other side line.
7. **Gross Floor Area.** The sum of the areas of the several floors of the building. All dimensions shall be taken from the exterior faces of walls.
8. **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.
9. **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.
10. **Rooming House.** Any dwelling in which more than three persons either individually or as families are housed for hire with or without meals.
11. **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.
12. **Seasonal Dwelling House.** A dwelling house which is occupied for not more than six months of each year.
13. **Service Garage.** A garage operated primarily for the maintenance or repair of four or more vehicles owned by one

person or organization, or of the vehicles of two or more persons or organizations.

14. **Setback.** As used in this Ordinance, the shortest distance from a property line or the edge of a street to a building or structure.

15. **Signs**

Identification Sign. A sign bearing the house number and the name of the occupant or of the building, or showing the existence of an enterprise on the premises.

Announcement Sign. A sign that:

(a) advertises the sale, rental, or lease of the building or premises on which it is situated.

(b) advertises the existence or products of a non-conforming use, permitted by this Ordinance, on the premises on which it is situated.

(c) presents information concerning or issued by a public, charitable, or religious institution on the premises.

(d) at a junction of two or more roads, shows the direction toward or distance to some geographical area, as Higgins Beach, Blue Point, etc.

16. **Tourist Court.** A group of attached or detached buildings containing guest rooms or dwelling units, most of which have separate outside entrances and parking spaces nearby, for the accommodation primarily of transients. "Tourist court" includes 'auto court,' 'motel,' 'motor lodge,' and 'cabin.'

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

Budget Committee Recommends passage as read

Article 17A. To see if the Town will vote to enact the following ordinance:

Hawkers or Peddlers Ordinance

Section 1. No person shall carry on the business of hawking or peddling of goods, wares or merchandise at retail within the limits of the Town of Scarborough without first having obtained a license from the Municipal Officers of the Town of Scarborough. The fee for such license shall be \$5.00 per year, and said license shall expire on July 1st.

Section 2. This ordinance shall not apply to persons selling merchandise by sample, list or catalogue for future delivery; farm, dairy, orchard, fish and forest products of their own production; newspapers and religious literature.

Section 3. Every person convicted of a violation of this ordinance shall be punished by a fine of not more than \$100.00 to be recovered on complaint to the use of the Town of Scarborough. Each day such violation occurs or continues shall constitute a sparate offense.

Budget Committee Recommends passage as read

Article 18. To see if the Town will vote to raise and appropriate a sum of money to be used to improve the street lighting system of the Town.

Budget Committee Recommends \$200.00

Article 19. To see if the Town will vote to choose two members (2) of the Budget Committee, one for a term of six (6) years, and one for a term of three (3) years

to serve the unexpired term of Albert Harmon, and determine the method of choosing.

Budget Committee Recommends Moderator appoint before May 1st.

Article 20. To see if the Town will vote to raise and appropriate a sum of money for maintenance and repair of the Pine Point Dock or Pier and its float.

Budget Committee Recommends \$1,000.00

Article 21. To see if the Town will vote to raise and appropriate the sum of \$6,500.00 to be added to the 300th Anniversary Fund to be expended in celebration of the event to be held during 1958, and to authorize the Selectmen to use a sum not to exceed \$4,000.00 from the contingent account if necessary.

Budget Committee Recommends approval as read

Article 22. 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 23. To see if the Town will vote that poll, personal and real estate taxes shall be due and payable upon mailing of bills, and that interest shall be charged at the rate of $\frac{1}{2}$ of 1% per month on all unpaid accounts after December 15, 1958.

Budget Committee Recommends passage as read

Article 24. To see if the Town will vote to instruct the trustees to the Dunstan Cemetery to employ necessary labor and purchase necessary material to care for the cemetery and to raise a sum of money therfor. Any unexpended balance to revert to tomb fund.

**Budget Committee Recommends \$700.00 on Article 22 as read and \$800.00 to be added to the tomb fund.
Total of \$1,500.00**

Article 25. To see if the Town will vote that all unexpended balance of the Fire Department Appropriation shall revert to the Scarborough Fire Department Equipment Fund.

Budget Committee Recommends passage as read

Article 26. To see if the Town will vote to authorize the Selectmen in conjunction with the Chief of the Fire Department to sell Old Engine 6 with miscellaneous equipment, and the proceeds revert to the Fire Department Equipment Fund.

Budget Committee Recommends passage as read

Article 27. To see if the Town will vote to raise a sum of money in order to pay one hundred dollars (\$100.00) to each of the members of the Scarborough School Board to help defray expenses incurred by them.

Budget Committee Recommends \$300.00

Article 28. To see if the Town will vote to raise and appropriate the sum of \$500.00 to reseed the Monument Lot at Dunstan.

Budget Committee Recommends \$350.00

Article 29. 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 attractions 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 30. 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 \$200.00

Article 31. To see if the Town will vote to raise and appropriate a sum of money to assist in support of the Scarborough Mobile Canteen.

**Budget Committee Recommends no appropriation.
In emergency Selectmen to expend funds from Civil
Defense appropriation.**

Article 32. 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 \$100.00

Article 33. To see what sum, if any, the town will vote to raise and appropriate for the support and maintenance of the Area Development Council of the Greater

Portland Chamber of Commerce to promote industrial development of the town and the Greater Portland Area.

Budget Committee Recommends \$500.00

Article 34. To see if the Town will vote to raise and appropriate a sum of money to continue the program to control Dutch Elm Disease.

Budget Committee Recommends \$250.00

Article 35. To see if the Town will vote to authorize and instruct the Selectmen to appoint a committee to study the mosquito control problem and said committee to bring in a report and recommendation at the 1959 annual town meeting.

Budget Committee Recommends a committee of five

Article 36. To see if the Town will vote to authorize the Selectmen to appoint a committee to study the Building Code and to bring in a report and recommendation at the 1959 annual town meeting.

Budget Committee Recommends a committee of five

Article 37. To see if the Town will vote to accept an extension of Charles Circle for a distance of 215 feet making a total length accepted of 405.33 feet.

Budget Committee Recommends passage as read

Article 38. To see if the Town will vote to instruct the Selectmen to enter into a contract with the Portland Water District to install a Fire Hydrant at the inter-

section of Robinson Road and Fowler Road, and to raise the sum of \$90.00 therefor.

Budget Committee Recommends passage as read

Article 39. To see if the Town will vote to accept (a) Fowler Road from Chamberlain Road to Robinson Road being 389 feet in length, and (b) Robinson Road extension from Fowler Road westerly 515 feet more or less to the dead end, said acceptance to take effect upon installation of the fire hydrant as proposed in the previous article.

Budget Committee Recommends passage as read

Article 40. To see if the Town will vote to accept Nelsen Road for a distance of approximately 450 feet from Pleasant Hill Road as a town road.

Budget Committee Recommends passage as read

Article 41. To see if the Town will vote to instruct the Selectmen to enter into a contract with the Portland Water District to install a hydrant in the existing main on Nelsen Road approximately 500 feet away from Pleasant Hill Road, and to raise and appropriate \$50.00 therefor.

Budget Committee Recommends approval but location of hydrant to be established by Fire Chief

Article 42. To see if the Town will vote to adopt the following addition to Article 6 as passed at a Special Town Meeting held May 28, 1953: All roads, the acceptance of which is to be considered at any annual Town

Meeting, must be constructed to the requirements of the town, inspected, and approved before November 1, of the previous year.

Budget Committee Recommends passage as read

Article 43. To see if the Town will vote to reappropriate the 1957 balance in the Clam Management Program account, to the Clam Management Program Fund, to raise an additional amount therefor with which to hire a warden, or do anything related thereto.

Budget Committee Recommends reappropriation as requested, all fees for 1958-59 to revert to the Clam Management Program, to raise \$100.00 and to authorize the Selectmen to hire a warden.

Article 44. To see if the Town will vote to reappropriate the balance of the 1957 Athletic Field account to the 1958 Athletic Field account, said balance being money withheld from the contractors pending acceptance of project.

Budget Committee Recommends passage as read

Article 45. To see if the Town will vote to transfer any balances remaining in the Elwood G. Bessey School account (repairs and alterations) and in the Scarborough High School Building Fund to the School Housing Project Fund, to be expended only upon a future vote of the Town.

Budget Committee Recommends passage as read

Article 46. To see if the Town will vote to authorize the Selectmen to appoint a committee of five (5) to study the development of Beach property with parking lots and sanitary facilities, and to make a report and recommendation at the next annual or special town meeting.

Budget Committee Recommends passage as read

Article 47. To see if the Town will vote to raise and appropriate a sum of money to repair or replace the 1946 Oshkosh snowplow.

Article 48. To see if the Town will vote to authorize the Selectmen and Treasurer to borrow upon such terms as they see fit a sum not to exceed \$18,000.00 to replace the 1946 Oshkosh snowplow.

The Selectmen hereby give notice that they will be in session at the Town Hall on March 6th and 7th 1958 from 6:00 P.M. to 9:00 P.M. and March 8th, 1958 from 9:00 A.M. to 12:00 N. for the purpose of correcting the check list.

Given under our hand at Scarborough, Maine, this
11th day of February, 1958.

DONALD J. CLARK
PAUL S. SCAMMAN
NEAL A. JANNELLE
ELWOOD R. MITCHELL
ASA M. DOUGLAS, Jr.
OTIS C. LILLEY
W. THOMAS BURNS

Selectmen

of

Scarborough

Memorandum

Memorandum

