

WARRANT
FOR THE
TOWN MEETING
OF THE TOWN OF
SCARBOROUGH



Monday, March 4

1957

WARRANT FOR TOWN MEETING

March 4, 1957

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 4, 1957 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 from the Second District for a term of one year; One (1) Selectman and Assessor from the Third District for a term of two years; One (1) Selectman and Assessor from the Fourth District for a term of two years; One (1) Selectman and Assessor from the Fifth District for a term of two years; One (1) Selectman and Assessor from the Seventh District for a term of one year; Town Clerk for a term of one (1) year; One (1) member of School Board 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 and
adopt 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 \$4,000.00 to continue the Scarborough Nursing service for the ensuing year.

Budget Committee Recommends \$4,000.00

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.

On Petition A. L. Post No. 76 and Amvets Post No. 7

Budget Committee Recommends \$450.00

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

Budget Committee Recommends — Hydrant Rental \$17,252.00, Garbage, Rubbish and Dumps \$5,500.00, Beaches \$1,000.00, Officers Salaries \$8,150.00, Office Hire \$4,990.00, Interest \$3,300.00, Contingent \$1,000.-00, Social Security \$1,600.00, Town Hall \$5,000.00, Office Supplies \$675.00, Office Equipment \$585.00, Health Department \$280.00, Ballots & Reports \$1,500.00, Budget Committee and Election Officials \$500.00, Legal Advice \$750.00, Total \$52,082.00

Article 6A. 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 \$300,000.00

Article 7. To see if the Town will vote (a) to enter into a street lighting contract with Central Maine Power Company for a term of not less than ten (10) years covering the Town's existing street lighting system and such additional installations as may be installed in accordance with the provisions of the contract; the Town to pay to Central Maine Power Company for the street lighting service furnished and delivered to it under the provisions of the contract the sums prescribed by the Company's applicable rate schedule, which in no event shall be less than 90% of the maximum amount of the Company's monthly billing to the Town for the street lighting service contracted for under the Company's applicable rate schedule during any previous twelve months' period expiring on the anniversary date of the contract, and (b) to authorize the Selectmen or the Town Manager to execute and deliver to Central Maine Power Company said street lighting contract.

Budget Committee Recommends passage as read

Article 8. To see if the Town will vote to raise and appropriate the sum of \$7,100.00 necessary to cover the street lighting service furnished to the Town for the current fiscal year under the contract with Central Maine Power Company.

**Budget Committee Recommends passage as read
and raise \$7,100.00**

Article 9. To see if the Town will vote to raise and appropriate the sum of \$245,922.66 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 passage as read
and raise \$245,922.66**

Article 10. To see if the Town will vote to raise and appropriate the sum of \$17,645.00 for repairs, equipment and rent for the elementary and secondary schools for the ensuing year.

Budget Committee Recommends \$16,000.00

Article 11. To see if the Town will vote to raise and appropriate the sum of \$2,700.00 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 \$2,700.00 for New
Bus only**

Article 12. 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 of School Housing Project fund**

Article 13. To see if the Town will vote to purchase a lot, build and equip an elementary school in the Highland Avenue-Pleasant Hill Road area for a sum not exceeding \$100,000.00 and for such purpose to appropriate the sum of \$46,000.00 from the School Housing Project Fund, and to raise and appropriate the sum of \$10,000.00 making available the sum of \$56,000.00, and that the Selectmen and Treasurer are authorized on behalf of the Town to borrow, upon such terms and conditions in accordance with law as they may deem prudent, an additional sum not exceeding \$44,000.00 to be repaid at the rate of \$11,000.00 per year in 1958, 1959, 1960 and 1961 and to execute on behalf of the Town a note or notes therefor.

**Budget Committee Recommends passage as read
and raise the sum of \$10,000.00**

Article 14. To see if the Town will vote to raise and appropriate the sum of \$1,500.00 for operation of the school proposed in Article 13, from September 1, 1957 to January 31, 1958.

**Budget Committee Recommends passage as read
subject to passage of Article 13**

Article 15. To see if the Town will vote to raise and appropriate the sum of \$160.00 for the installation of street lights at the entrances to Scarborough High School.

Budget Committee Recommends \$160.00

Article 16. To see if the Town will vote to construct a Community Athletic Field at the High School, a plan of which is on file with the Town Clerk, for a sum not exceeding \$60,000.00 and for such purpose to raise and

appropriate the sum of \$12,000.00 and that the Selectmen and Treasurer are authorized on behalf of the Town to borrow, upon such terms and conditions in accordance with Law as they may deem prudent, an additional sum not exceeding \$48,000.00 to be repaid at the rate of \$12,000.00 per year in 1958, 1959, 1960 and 1961, and to execute on behalf of the Town a note or notes therefor.

On Petition

**Budget Committee Recommends passage as read
and raise \$12,000.00**

Article 17. To see if the Town will vote to raise the sum of three hundred (\$300.00) Dollars in order to pay one hundred dollars (\$100.00) to each of the three members of the Scarborough School Board to help defray expenses incurred by them.

On Petition

Budget Committee Recommends \$300.00

Article 18. To see if the Town will vote to sell to the Libby - Mitchell Post No. 76 of the American Legion a parcel of land consisting of 8,000 square feet more or less and located to the North East and South East of the Legion property on Libby Road, Scarborough as per drawing on file in the Town Clerk's office also to see what sum of money the Town would charge for this property and authorize the Selectmen to convey a deed for same.

On Petition A. L. Post No. 76

**Budget Committee Recommends to sell one fifth
acre more or less to straighten property lines as
proposed for a sum of \$1.00**

Article 19. To see if the Town will vote to raise and appropriate the sum of \$37,877.50 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 fourth payment, due December 1, 1957, in accordance with the terms of said agreement.

Budget Committee Recommends \$37,877.50

Article 20. To see if the Town will vote to raise and appropriate money necessary for the payment of Dunstan school bonds for the ensuing year.

Budget Committee Recommends \$5,000.00

Article 21. 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 \$1.25, Trucks 4 yds. Capacity \$3.25 per
hour including driver**

Article 22. 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 23. To see what sum of money the Town will vote to raise for the repair of Roads and Bridges, including Winter Roads.

**Budget Committee Recommends to raise \$17,000.00
and take \$26,000.00 from the Treasury**

Article 24. 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 to raise the sum of \$3,487.00 and transfer from the Treasury the sum of \$5,864.00

Article 25. To see what sum of money the Town will vote for Police Protection for the ensuing year.

Budget Committee Recommends \$11,000.00

Article 26. 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 27. 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 28. 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 29. 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 30. 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 \$4,350.00

Article 31. 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 32. To see if the Town will vote to carry workmen's compensation for the volunteer firemen.

Budget Committee Recommends \$225.00

Article 33. To see if the Town will vote to purchase a new fire truck to replace old engine No. 6 for a sum not exceeding \$12,500.00, and for such purpose to raise and appropriate the sum of \$4,168.00 and that the Selectmen and Treasurer are authorized on behalf of the Town to borrow, upon such terms and conditions in

accordance with law as they may deem prudent, an additional sum not exceeding \$8,332.00 to be repaid at the rate of \$4,166.00 per year in 1958, and 1959 and to execute on behalf of the Town a note or notes therefor.

**Budget Committee Recommends passage as read
and raise \$4,168.00**

Article 34. To see if the Town will vote to raise and appropriate the sum of \$2,795.00 to meet the final payment on the Power Grader purchased on the five year plan.

**Budget Committee Recommends passage as read
and raise \$2,795.00**

Article 35. 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 36. 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 37. 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 38. To see if the Town will vote to appropriate the sum of \$200.00 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 \$200.00

Article 39. To see what sum of money the Town will vote to appropriate for the control of Dutch Elm Disease.

Budget Committee Recommends to indefinitely postpone

Article 40. 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 40A. Budget Committee Recommends the following Article: To see if the Town will vote to set the fees for Clam Diggers Licenses at \$5.00 and Clam Dealers Licenses at \$20.00, all license fees to revert to Clam Management Program.

Article 41. 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****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 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 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						
Accessory stable, beehive, or rabbit warren	No pig enclosure shall be closer than 50 ft. to a street or property line.						

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. 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 restriction on the taking of paying guests	10,000 for all uses in this district	75 for all uses in this district	700 ¹	30 ²	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					30 ²	8	10
Park, playground							
Cemetery	Addition to existing cem. only						

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		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	following main uses		20 ²	10 20
Trailer, used as dwelling	See Sec. 5, par. E		per guest room			
Hotel, lodge, private club		10,000			50 ³	15 20

Motel, tourist court		+ 300 per guest rm. 10,000 + 2,000 per unit over 5 10,000	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		1 acre for all uses in this district	150 for all uses in this district	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

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
Unattached building accessory to a permitted bldg. or use					30	15 15
Trailer, used as dwelling	See Sec. 5, par. E					
Cemetery						
Golf Course						
Agriculture:						
Farm, truck garden, nursery	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.					
Raising of poultry, livestock, bees, etc.	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.					
Livestock sales						
Commercial piggery						
Slaughtering and disposal of offal						
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 Bldgs. & Uses	Restrictions	Minimum 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.			

Permitted Bldgs. & Uses	Restrictions	Minimum Area Requirements	Min. Setback Requirements
Automotive uses: Parking lot, service station, public storage & repair garage	Washing and lubricating of vehicles to be done within the building.		
Shop of printer, carpenter, or other skilled worker	All storage to be enclosed within a bldg.		
Accessory buildings or uses	Only those normally or necessarily accessory to a permitted main bldg or use.		
Community or fraternal building	Not operated for private gain.		
Hotel		10,000 sq. ft. minimum lot size plus 300 sq. ft. per guest room.	Front 50 ft. Side 15 ft. Rear 20 ft.
Motel, tourist court		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 U.S. Rt. 1, 80 ft; for exceptions, see Sec. 5, par. L).
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Additional retail outlets: Bever-

ages, whether or not consumed
on premises, apparel, furniture,
general merchandise

Subject to State laws and other ordinances.

Side: Same requirements as
in B-1 district.

Eating place

No specific restriction.

Additional service establishments:

Veterinary hospital, pet shop,
kennel, telephone exchange,
transformer station, radio or T.
V. station

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.

Permitted Bldgs. & Uses	Restrictions	Minimum Area Requirements	Min. Setback Requirements
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	All processing to be done within building.		
Accessory buildings & uses	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, or trailer, 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 bldgs.
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. 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.

F. 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.

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

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

I. 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.

J. Removal of Top Soil. The removal of top soil from any parcel of land in the Town of Scarborough shall be allowed only under permit from the Board of Appeals after public notice and hearing. However, no permit shall be required where such removal is necessarily incidental to or in connection with the construction, alteration, excavation or grading for a building, road, or parking area 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 graded and well established with grass or other vegetation. The Board of Appeals may impose other reasonable restrictions which, in addition to those above, shall be considered as conditions of the permit.

K. Removal of Sand, Stone, 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 re-shaped to reduce the disfigurement of the land. The maximum allowable slopes shall be 50% (fall of 1 foot in 2 feet) 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 abandonment of the entire quarry.
- (3) That all timbers, structures and the like 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 so as to fall closer than 500 feet to 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.

L. 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.

M. 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. OFF - STREET PARKING & LOADING.

A. Purpose: It is intended under this section to insure that new or enlarged buildings and uses shall be provided with off-street parking space in order that the highways and streets may be freed of the danger and inconvenience caused by the parking of vehicles on and along the public way.

B. Requirements: Off-street parking spaces shall be provided in connection with the erection or increase by units or dimension of any building or structure in the amounts below. The Board of Appeals shall be empowered to specify the number of parking spaces required for any use or structure not specifically provided for in the following list in order to satisfy the intent of this section. In so doing, the Board shall take into consideration especially the volume of traffic passing the particular site and the danger occasioned by on-street parking there.

1. For all dwellings — 1 parking space per dwelling unit.
2. For motels, tourist homes, rooming houses — 1 space per sleeping room or suite.
3. For hotels — 1 space per 2 sleeping rooms plus 1 space per 70 square feet of assembly or dining space.
4. For hospitals, nursing or convalescent homes — 1 space per 4 patient beds plus 1 space per 2 doctors, nurses, and employees.
5. For libraries, museums — 1 space per 100 square feet of public area.
6. For schools — 1 space per 2 employees (including teachers, etc.) plus 1 space per 4 seats in public assembly rooms plus loading space for buses.
7. For theaters, convention hall, skating rinks, race tracks, and similar places — 1 space per 4 seats or 1 space per 7 ft. of bench.
8. For dance halls — 1 space per 36 sq. ft. of dance floor.

9. For bowling alleys — 3 spaces per alley.
10. For restaurants, diners, and the like — 1 space per 4 seats plus 1 space per 3 employees.

C. Increase in Requirements. 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.

D. Parking Areas as Required by this Ordinance, shall be used for automobile parking only with no sales, dead storage, repair work, dismantling or servicing of any kind.

E. Off-street Loading. Every building devoted to retail trade, every retail or wholesale food market, warehouse, supply house, wholesale or manufacturing establishment, hotel, hospital, laundry or dry cleaning establishment, and every other building where large amounts of goods are received or shipped, shall, if erected after the date of the adoption of this Ordinance, be provided with off-street loading space in the following amounts:

(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 within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street and sidewalk.

F. 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.
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 so located as to be least objectionable to the residence districts as determined by the Board of Appeals in granting such permit.
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 setback line by barrier, unless otherwise specifically authorized by the Board of Appeals.
7. The parking lot 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. No lighting on the lot shall cast a glare onto adjoining property in a residence district.

The Board of Appeals may permit, after public hearing, the use of land in a residential district for a public parking lot, with or without charge, for the purpose of serving a beach or other public area. The parking lot shall be closed at night with a suitable barrier, and shall be subject to all the conditions above except No. 2.

G. Parking Lots in Non-Residential Districts. Wherever a parking lot or driveway to a parking lot is hereafter established on 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, shall be established and maintained along said side or rear lot line.

SECTION 7. 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. **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.
6. **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.

7. **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 8. 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 because 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 measurements 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 9. 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 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 provided, however, that no appeal shall be commenced after thirty days from the date of the refusal or issuance of a permit. The Building Inspector shall comply with such request within seven days.

Within seven days after receipt of said written 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 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 on an appeal for 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 10. 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 11. 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.

Article 42. 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 43. 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 44. To see if the Town will vote to enact the following ordinances 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 effect 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 45. To see if the Town will vote to raise a sum of money for the general expenses of the Cumberland County Soil Conservation District.

On Petition

Budget Committee Recommends \$25.00

Article 46. To see if the Town will vote to instruct the Selectmen and Town Manager to negotiate a contract for a professional revaluation, including aerial photo and mapping of the Town of Scarborough at a cost not to exceed \$36,000.00, and to raise and appropriate the sum of \$12,000.00 with remaining sum of \$24,000.00 to be paid in two equal payments not to exceed \$12,000.00 each in the years 1958 and 1959.

**Budget Committee Recommends passage as read
and raise \$12,000.00**

Article 47. To see if the Town will vote to instruct the Selectmen to enter into a contract with the Portland Water District to install water mains, together with hydrants, on the Payne Road, the Pleasant Hill Road, Highland Ave., and Maple Ave. as required by the New England Fire Insurance Rating Assoc., and as shown

on the accompanying map, such work to be done on an estimated two-year, eight-year, or thirteen year program as shown below, and to be paid for by the Town in yearly hydrant charges, adjusted to the actual cost of construction; said contract to contain such terms and conditions as the Selectmen and Portland Water District may agree upon; and for the year 1957 to appropriate the sum of money required to pay the hydrant charge on the work done under the program, if any, chosen by the Town at this meeting; or to see what other action the Town will take concerning the extension of water mains and hydrants.

Budget Committee Recommends to postpone pending further study

Article 48. To see if the Town will vote to instruct the Selectmen to enter into a contract with the Portland Water District to replace the existing water main in Portland Farms Road with an 8" main for a distance of 925 feet, and install one hydrant at the end of said main so as to provide more adequate fire protection for the new shoe factory and other property.

On Petition

Budget Committee Recommends indefinitely postpone

Article 49. 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.

Budget Committee Recommends passage as read

Article 50. To see if the Town will vote to discontinue that portion of the Pleasant Hill Road on the Westerly side of the Boston and Maine Railroad near the residence of Otis Witham which was by-passed by the construction of the railroad overpass, subject to the granting by adjoining land owner or owners of appropriate easements to any affected utilities.

Budget Committee Recommends passage as read

Article 51. To see if the Town will vote to discontinue the by-passed portion of the Two Rod Road adjoining the property of Dora Leighton.

Budget Committee Recommends passage as read

Article 52. To see if the Town will vote to discontinue the by-passed portion of the Beech Ridge Road on the westerly side of the Maine Turnpike adjoining the property of Robinson and Waterhouse.

Budget Committee Recommends passage as read

Article 53. To see if the Town will vote to accept the new location of the Old Neck Road, so called, and abandon the old portion of the road as defined on a map on file at the Town Clerk's office.

Budget Committee Recommends passage as read

Article 54. To see if the Town will vote to instruct the Selectmen to negotiate with the Portland Water District for the installation of a yard hydrant at the intersection of the Holmes and Payne Roads.

**Budget Committee Recommends passage as read
and raise the sum of \$220.00**

Article 55. 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 services 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
to become affective April 1, 1957**

Article 56. 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 water main on Church Street approximately 750 feet away from the nearest hydrant on U. S. Route 1.

On Petition

Budget Committee Recommends installation of hydrant with location to be determined by Fire Chief and Selectmen and raise the sum of \$86.00

Article 57. To see if the Town will vote to accept Pleasant Avenue for a distance of approximately 550 feet in addition to the 500 feet already accepted making a total distance of 1050 feet more or less as a town street.

On Petition

Budget Committee Recommends passage as read

Article 58. To see if the Town will vote to accept an extension of Church Street for a distance of 250 feet.

On Petition

Budget Committee Recommends passage as read

Article 59. To see if the Town will vote to accept an extension of Harlow Street to a total distance of 611 feet from Route 1.

On Petition

Budget Committee Recommends passage as read

Article 60. To see if the Town will vote to accept Higgins Street as laid out and described in a deed dated February 11, 1957 to be recorded in the Registry of Deeds Office.

On Petition

Budget Committee Recommends to accept 319 feet more or less

Article 61. To see if the Town will vote to accept Dunstan Avenue as laid out and described in a deed dated February 6, 1957 from Arthur H. Snow to be recorded in Registry of Deeds Office.

On Petition

Budget Committee Recommends to accept 165 feet

Article 62. To see if the Town will vote to accept Charles Circle as laid out for a distance of 190.33 feet southwesterly of the southwesterly sideline of Dunstan Avenue.

Budget Committee Recommends passage as read

Article 63. To see if the Town will vote to change the name of Pine Point to Pine Point Beach.

On Petition

Budget Committee Recommends ought not to pass

Article 64. To see if the Town will vote to define and surface, from King Street, to High Water mark, Avenues No. 1, No. 2, No. 4, and No. 6, which are defined on the Pillsbury Plan, as accepted at March Town Meeting, 1950, and recorded in the Cumberland County Registry of Deeds with any expense to come from regular road funds.

On Petition

**Budget Committee Recommends ought not to pass
but have Selectmen define the public right of way
and place suitable markers thereon**

Article 65. To see if the Town will vote to define and surface all the Streets and Avenues which are not so defined and surfaced, from East Grand Avenue to the High Water mark, which are defined on the Pillsbury Plan as accepted at March Town Meeting, 1950, and recorded in the Cumberland County Registry of Deeds.

Any expense to come from regular road funds.

On Petition

**Budget Committee Recommends to define and mark
only but not build or surface**

Article 66. To see if the Town will accept the sum of \$200.00 for the perpetual care of the Abbie T. Mason Bean lots in Dunstan Cemetery.

On Petition

Budget Committee Recommends passage as read

Article 67. To see if the Town will vote to install one street light at the corner of Dunstan Avenue and North Street.

On Petition

Budget Committee Recommends ought not to pass

The Selectmen hereby give notice that they will be in session at the Town Hall on March 2nd, 1957, 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 14th day of February, 1957.

J. ROSS SHERWOOD	{	Selectmen
DONALD J. CLARK		of
PAUL S. SCAMMAN		Scarborough



