

**MINUTES**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – SEPTEMBER 24, 2008**  
**SPECIAL MEETING – 7:00 P.M.**

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

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Brian A. Smith, Acting Town Manager, was also present.

Ronald D. Ahlquist, Vice Chair	Michael J. Wood
Carol S. Rancourt	Judith L. Roy
Richard J. Sullivan, Jr. [Absent]	Sylvia J. Most
Jeffrey A. Messer, Chair	

**Order No. 08-125, 7:30 p.m. Public Hearing on a referendum question, submitted by petition, to amend the Scarborough Zoning Ordinance, Section XIX, Subsection B and D.** Prior to re-opening the public hearing Chairman Messer gave a brief overview on the process that had been followed and what the process would be from this point forward. Chairman Messer then re-opened the public hearing at 7:05 p.m.

The following individuals spoke on this order: Joe Arnold of 113 Payne Road; Tom Sesto of 177 Spurwink Road; Gene Beaudoin the Developer; Dwayne Hopkins of 145 Old Blue Point Road; Jen Mains a resident and teacher from Westbrook; Bob Nadeau of 19 Evergreen Farms Road; Susan Higgins of 56 Baywood Lane, Yarmouth and an employee of Scarborough Downs; Ernest Lowell of Scarborough; Karen Vachon of 25 Ocean Avenue; Jim Shark of 90 High Point Road; Mark Follansbee of 33 Arbor View Lane; Rick Loisel of 7 Sextant Lane; Nancy Jones of 126 Broadturn Road; Leroy Crockett of 127 Sawyer Road; Bob Dyer of 11 Libby Street; Judy Lim of 34 Fengler Road; David Nitchen of 6 Hidden Creek Drive; David Darling a Scarborough property owner; Peter Vachon of 25 Ocean Avenue; John Zink of 10 Hidden Creek Drive; Phil Rowe of 8 Carriage Way; Ed MacColl 78 Well Road, Cape Elizabeth and attorney for the project as well as Sue Foley-Ferguson of 331 Black Point Road.

There being no further comments, Chairman Messer closed the hearing at 8:31 p.m.

**OLD BUSINESS:**

**Order No. 08-128. Act on the request to set the date, time, and location of the Special Municipal Referendum Election for Tuesday, November 4, 2008, on the proposed referendum question, attached to this order as Exhibit A and the polling place shall be Scarborough High School Plummer's Gym and the polling hours shall be from 6:00 a.m. to 8:00 p.m.** Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval to set Tuesday, November 4, 2008, as the date for a special municipal election on the proposed referendum question to amend the Scarborough Zoning Ordinance, Section XIX, subsections B and D, as examined and corrected by the Town Attorney, the polling place to be High School – Plummer's Gymnasium and the polling hours shall be from 6:00 a.m. to 8:00 p.m., with the understanding that the Council considers this referendum to affect the Scarborough Zoning Ordinance only and that any specific proposal for slot machines would require an additional, separate Town referendum vote in accordance with State law, and with

the further understanding that the Council opposes any changes to State law which would allow slot machines to be operated within Scarborough without an additional, separate Town referendum vote.

## Exhibit A

### Referendum Question:

Shall the Ordinance entitled “Amendments to Section XIX (Regional Business District B-2) of the Scarborough Zoning Ordinance Allowing Operation of Slot Machines at Commercial Racetracks pursuant to an Agreement with the Town Council Concerning Security and Revenue Sharing and Adoption of Town and Village Centers (TVC) Standards in Certain Sections of the B-2 Zone” be approved?

The full text of the proposed ordinance appears below:

AMENDMENTS TO SECTION XIX (REGIONAL BUSINESS DISTRICT B-2)  
OF THE SCARBOROUGH ZONING ORDINANCE  
ALLOWING OPERATION OF SLOT MACHINES AT COMMERCIAL RACETRACKS  
PURSUANT TO AN AGREEMENT WITH THE TOWN COUNCIL CONCERNING SECURITY  
AND REVENUE SHARING AND ADOPTION OF TOWN AND VILLAGE CENTERS (TVC)  
STANDARDS IN CERTAIN SECTIONS OF THE B-2 ZONE

Be it hereby enacted by the voters of the Town of Scarborough pursuant to Section 903 of the Council-Manager Charter of the Town of Scarborough that the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Section XIX(B)(3) (concerning permitted uses in the Regional Business District B-2) is amended by adding the underscored language as shown below:

Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting, except that operation of slot machines at a commercial racetrack is permitted provided such operation conforms to Maine law and is conducted pursuant to an agreement with the Scarborough Town Council that provides a security plan for the premises on which the slot machines are located and assures that the town will receive at least eight million dollars of new annual real estate, personal property and gaming tax revenues.

Section XIX(B) is further amended by adding the following new permitted uses:

15. Any use listed as a permitted use in the Town and Village Centers District (TVC), provided such use is located in the “Crossroads Mixed Use Development District” as described in Chapter 6 (Future Land Use Plan) of the Town of Scarborough Comprehensive Plan.
16. Senior housing.
17. Cross-country ski areas.

Section XIX(D) (Space and Bulk Regulations in the B-2 District) is amended by adding the new introductory paragraph shown below:

Buildings located in those portions of the B-2 District identified as the “Crossroads Mixed Use Development District” as described in Chapter 6 (Future Land Use Plan) of the Town of Scarborough Comprehensive Plan and containing only uses listed as permitted uses in the Town and Village Centers District (TVC) may comply with the space and bulk requirements for the Town and Village Centers District. All other buildings, structures and uses shall comply with the following space and bulk requirements:

Vote: 5 yeas.            1 nay (Councillor Rancourt)

**Item 4. Adjournment.** Motion by Chairman Messer, seconded by Councillor Wood, to move approval to adjourn the special meeting of the Scarborough Town Council.

Vote: 6 yeas.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Yolande P. Justice  
Town Clerk