

Town of Scarborough Conservation Commission

October 16, 2023 | 6:00 pm | Hybrid: Town Manager's Conference Room and via Zoom

To participate in the Conservation Commission meeting remotely, please follow this link:
https://scarboroughmaine.zoom.us/webinar/register/WN_IQOW2pUdTWaxbrDlnVLPHQ

To view the Conservation Commission, please follow this link:
<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

Agenda

- 6:00 pm Call to order and attendance**
- (1) Welcome and introductions
 - (2) Land acknowledgement
 - (3) Vote on minutes from 8/14/23 meeting
 - (4) Review 10/16/23 agenda
 - (5) Public comment
- 6:10 pm Old Business**
- (1) Conserving Land & Building Resiliency: finalize recommended Environmental Standards for Natural Resource Protection and discuss next steps
- 6:45 pm New Business**
- (1) Conserving Land: Update on Open Space Ad-Hoc Committee (draft charge attached)
 - (2) Building Resiliency: Update on Spurwink Marsh restoration (memo attached)
 - (3) Conservation Commission 2024 meeting dates
- 7:15 pm Updates**
- (1) Town Council
 - (2) Planning Board
 - (3) Citizen Stewardship:
 - Report out from sub-committee (August & September reports attached)
 - Report out on Sustainable Scarborough Day
 - (4) Sustainability Committee
 - (5) Parks and Conservation Land Board
- 7:25 pm Set next meeting agenda**
Next meeting: November 13, 2023 at 6:00 pm
- 7:30 pm Adjourn**

Engineering & Technical Services

259 US Route One | PO Box 360 | Scarborough, ME 04070 | P: 207.730.4400 | scarboroughmaine.org

Upcoming Dates

- 10/19/23: SPL & SLT - Conservation Options for Your Property, 7:00 pm @ SPL
- 10/30/23: Scarborough Planning Board – 6:30 pm @ Town Hall
- 11/2/23: Conservation Speaker Series – Protecting Forests & Connected Habitat, 6:30 pm @ SPL and on Zoom
- 11/7/23: Election Day
- 11/9/23: MaineDOT public meeting re: Route 1 & Route 9 resiliency project, 6:00 pm @ Scarborough Town Hall and on Zoom

Town of Scarborough Conservation Commission

August 14, 2023 | 6:00 p.m. | Scarborough Town Hall and via Zoom

Meeting Minutes - DRAFT

Present in person:

Commission: Dick Harvey, Randi Hogan

Staff: Jami Fitch, Autumn Speer

Guests: Andrew Mackie, SLT

Present via Zoom:

Commission: Rita Breton, Jessica Sargent, Maggie Vishneau, Marla Zando

Council: Karin Shupe

A recording of this meeting is available online: <https://www.youtube.com/watch?v=6O8xz5dSiu8>

Call to order

1. Meeting was called to order at 6:00 pm.
2. Randi offered a land acknowledgement to recognize the Wabanaki People as traditional stewards of Scarborough.
3. Jessica motioned to accept the minutes. Rita seconded. Rollcall vote was 4 in favor, 1 abstain. Motion passed.
4. Public comment
 - Andrew Mackie of Scarborough Land Trust (SLT) encouraged the Commission to recommend ordinance updates to protect the Town's stream and river headwaters. SLT has two property acquisition opportunities will go to the Parks and Conservation Land Board soon, and they are working on another project adjacent to the Scarborough Marsh.

Old Business

1. Conserving Land & Building Resiliency
 - a. Review and discuss proposed Environmental Standards for Natural Resource Protection
 - Autumn provided an overview of the proposed natural resources standards, which are based on similar standards from Portsmouth, NH. The document provided is a starting point for the Commission and others to respond to. The Long Range Planning Committee will also be asked to review the proposed standards. The standards will be inserted into the Town's Site Plan Review Ordinance (Ch. 405B)
 - Maggie asked how tributaries will be handled in the proposed standards.
 - The definition of river, stream, or brook within the document includes tributaries, which means tributaries will be subject to the proposed standards.
 - Dick noted that older some older USGS maps identify streams that no longer appear on more current maps. He'd like to understand why the streams are no longer mapped.
 - The Commission had the following recommended changes to the proposed standards:

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- Significantly increase the setback for small wetlands.
 - Consider establishing a consistent wetland setback, no matter the size of the resource.
 - Change all vegetated buffer widths to 75-feet.
 - Autumn urged the Commission to consider tiered wetland setbacks based on the size of the resource. The larger setback will leave some lots unable to be developed. Autumn plans to ask the Town GIS staff to complete a mapping exercise to see how the proposed standards will affect properties.
 - Jami encouraged the group to look at these standards as incremental progress because we don't currently have any wetland protections in most cases.
 - Andrew cautioned that vernal pool setbacks should be much larger. Research shows that 100-750 feet surrounding pools is important vernal pool species habitat that should be protected. He referenced the document, "[Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States](#)" as a resource.
 - Randi noted that a lot of wetland disturbance has occurred in the past and the larger setbacks would be a way to make up for this disturbance.
 - Jessica suggested the Commission put together a companion piece to accompany their recommendations that includes justification for their recommendations.
 - Karin encouraged the Commission to put in the numbers they feel are needed and not to put smaller setbacks in the standards because they are afraid the ordinance would not be successful.
 - Dick suggested adding resources to the Commission's shared folder that support the recommended setbacks and buffer widths.
 - The Commission would like Pete to help with a memo with justification for their recommended larger setbacks. Dick had volunteered to help. All Commissioners will seek out resources.
 - **ACTION:**
 - **COMMISSIONERS will look at what other municipalities have for regulations.**
 - **MAGGIE will reach out to the Casco Bay Estuary Partnership for their input.**
 - **COMMISSIONERS will be prepared to make recommendations at the September meeting.**
 - **PETE and DICK will begin working on a memo.**
 - Next Steps:
 - Complete a mapping exercise to understand how the proposed natural resource setbacks will impact properties.
 - Provide justification for the increased buffers and have a draft memo to review at the September meeting.
- b. Schedule and process for additional ordinance updates
- 405C: Shoreland Zoning (includes Resource Protection)
The natural resource protection standards process is supplemental to updating Ch. 405C, Shoreland Zoning Ordinance. The State of Maine sets the minimum shoreland zoning standards, so any changes to the ordinance will require State review, which will prolong the process. The Planning Department still intends to update Ch. 405C, but it will take longer than initially intended.

- Low Impact Development
Staff still hope to bring the LID ordinance to the September meeting, but the timeline may need to be revised.

Addition to the agenda

1. Dick asked if any Commissioners would be interested in assisting with a GIS project. He's looking for some technical support. He's also offered to provide the Commission with an overview of story maps, which may be an educational tool the Commission could use to promote their work.

Updates

1. Town Council
 - Councilors Shupe and Caterina plan to discuss the ad-hoc Open Space Committee with Tom Hall this month to determine how to move the process forward. Karin hopes to have more information at the Commission's September meeting.
 - There is an opening on the Long Range Planning Committee. It would be great to have representation from the Commission on that committee. There is also an opening on the Community Services Board and Portland Water District Board.
 - Karin would like the Town to consider a stormwater management fee to generate funding for stormwater management efforts.
2. Education Subcommittee
 - The Subcommittee report was provided with the agenda. Marla and Rita are working on two articles for *The Leader* and e-newsletter. The speaker series will begin soon – the first workshop about rivers and streams will be on 9/12. Commissioners are encouraged to attend.
3. Sustainable Scarborough Day
 - More than 20 vendors have signed up to participate and six workshops are planned. Jami is working on getting food trucks lined up. Articles in *The Leader* and in the e-newsletter are planned for the end of August and beginning of September. Participating organizations are being asked to help get the word out.
 - Volunteers may be needed on the day of the event. Commissioners are encouraged to attend and volunteer if they're able.
 - A draft proclamation naming October 1st at Sustainable Scarborough Day was circulated to the Commission for their review. The Commission will take action on the resolution at the September meeting. The resolution will be a joint request from the Commission and Sustainability Committee.
4. Sustainability Committee
 - The Sustainability Committee focusing on Sustainable Scarborough Day and a proposal for dedicated sustainability funding.
5. Parks and Conservation Land Board
 - The Parks and Conservation Land Board has not met. A meeting needs to be scheduled. They plan to send a letter to the Town Council to consider another land bond referendum.

Meeting adjourned at 7:24 pm.

Next Meeting:

September 11, 2023 @ 6:00 pm

The October meeting will be moved to 10/16 in observance of Indigenous Peoples' Day.

Draft 8.9.23

SECTION XXXX. ENVIRONMENTAL STANDARDS – NATURAL RESOURCE PROTECTIONS

A. PURPOSE.

The purpose of natural resource protections are as follows:

Maintain, and where possible improve, the quality of surface waters and ground water by controlling the rate and volume of stormwater runoff and preserving the ability of wetlands to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen.

To prevent the destruction of, or significant changes to, wetlands, related water bodies and adjoining land which provide flood protection, and to protect persons and property against the hazards of flood inundation by assuring the continuation of the natural or existing flow patterns of streams and other water courses within the Town.

To protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.

To protect, and where possible improve, wildlife habitats and maintain ecological balance.

To protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.

To protect, and where possible improve, shellfish and fisheries.

To prevent the expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.

To require the use of best management practices and low impact development in and adjacent to wetland areas.

The provisions and criteria set forth in this Section are in addition to the provisions of applicable state and federal laws and regulations, other sections of this Zoning Ordinance, and other local ordinances and regulations.

Where any provision of this Section conflicts with a state or federal law or regulation, another section of this Zoning Ordinance, or another local ordinance or regulation, the more restrictive provision shall apply.

Nothing in this Section shall permit a use or activity which is contrary to any other provision of the Zoning Ordinance.

B. APPLICABILITY.

Commented [1]: Should we also start out with a statement as to why Scarborough values the marsh, tributaries and ancillary wetlands, vernal pools, why they are important, and reference language from our COMP plan?

Commented [2]: This should be after all the "protect" statements

Commented [3]: This should be number 1. Protect natural functionality is a highest priority

Should we also start out with a statement as to why Scarborough values the marsh, its tributaries, and associated wetland? Reference COMP plan language in a preamble.

Commented [4]: Consider adding a statement here (or elsewhere if more applicable) that impacts to natural resources in the Town of Scapegoat need s to follow a sequential minimization process. This builds off USACE general permit language....avoidance of natural resource impacts, minimization of impacts, impacts with mitigation, etc.

Should this section get into required mitigation requirements for projects that DO NOT avoid impacts to natural resources? If so, what are those? Can we keep all mitigation in Scarborough or with in each applicable watershed where impacts are proposed?

These requirements shall apply to all new development requiring site plan or subdivision approval effecting any of the following natural resources:

Any vernal pool regardless of size

Any coastal, inland or fresh water wetland with an area of 1,000 square feet or more.

Any non-tidal perennial river, stream, or brook.

Commented [5]: Small vernal pools can have as many (or more) breeding amphibians as larger pools. Size is not a good measure of habitat value. (Source: UNH Vernal Pools Resource - located in Shared Documents)

C. DEFINITIONS.

Coastal Wetlands:

Coastal Wetland means all tidal and subtidal lands; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commented [6]: Wonder why this is non tidal. Do the tidal creeks anyway have better protections?

Diameter at Breast Height (DBH):

DBH is the diameter of a tree measured 4.5 feet above the ground.

Fresh Water Wetland:

Freshwater wetland means freshwater swamps, marshes, bogs, and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and not considered part of a great pond, coastal wetland, river, stream, or brook.

Commented [7]: I wonder if Scarborough would want to take the step of adopting use of the highest astronomical tide...the HAT is the highest predicted tide over a 19 year tidal datum epoch. This creates a stable number to use over a 20-25 year period as opposed to a number that changes each year. this something we are moving to at the state level at some point. LUPC had already adopted it and we at MGS already have a viewer for it. Recommend adopting this.

Natural Resource Setback:

A natural resource setback is a defined distance between a river, stream, or brook; wetland; or vernal pool, and any upland development and may include a vegetated buffer as required.

River, Stream or Brook:

River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

It is depicted as a solid or broken blue line on the most recent edition of the U.S.

Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.

It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.

The channel bed is primarily composed of mineral material such as sand and gravel, parent material, or bedrock that has been deposited or scoured by water.

The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.

The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch, grassy swale, or other drainage way constructed, or constructed and maintained, solely for the purpose of draining stormwater.

Vegetated Buffer:

A vegetated buffer is part of the natural resource setback area that maintains the natural vegetation cover from the natural resource for a specified distance.

Vernal Pool:

Vernal pools or "spring pools" are shallow depressions that usually contain water for only part of the year. "Significant vernal pools" are a subset of vernal pools with particularly valuable habitat. Vernal pools must be identified between April 10 and May 10 by a qualified wetland scientist.

D. GENERAL STANDARDS.

A natural resource setback is a defined distance between a river, stream, or brook; wetland; or vernal pool, and any upland development and may include a vegetated buffer as required.

The required vegetated buffer is part of the natural resource setback area that maintains the natural vegetation cover from the natural resource for a specified distance.

The following natural resource standards apply in accordance with the type of resource and its respective size, as follows:

Required Standards	Natural Resource				
	Wetlands < 1,000 sq. ft.	Wetlands ≥ 1,000 sq. ft but < 10,000 sq. ft.	Wetlands ≥ 10,000 sq. ft.	River, Stream or Brook	Vernal Pools
Natural Resource Setback	5'	25'	75'	100'	50'
Vegetated Buffer	NA	25'	50'	75'	50'
Boundary Markers	NA	Pins every 50'	Signage and Pins every 50'	NA	NA

ADD DIAGRAMS HERE

If the required vegetated buffer area contains an area that has a slope of 10% or more for at least 10 feet in a direction perpendicular to the edge of the jurisdictional area, the required width of the natural resource setback and vegetated buffer shall be increased by 10 feet.

All required boundary markers shall be installed before project construction commences.

Commented [8]: Best Development Practices for Conserving Pool-Breeding Amphibians by Univ. of Maine, Maine Audubon and Wildlife Conservation Society suggest a Vernal Pool Envelope of a 100-ft. area around the pool, measured from the spring high-water mark, as well as a Critical Terrestrial Habitat area that extends 650 ft. beyond the upland edge of the vernal pool envelope (i.e., 750 ft. beyond the edge of the pool). This area provides habitat for amphibians during the non-breeding season for foraging, dispersing, and hibernating. They also suggest maintaining a minimum of 75% of this zone in contiguous forest with undisturbed ground cover and a partially closed tree canopy stand that will provide shade, deep litter, and woody debris.

In Maine Municipal Guide to Mapping and Conserving Vernal Pool Resources by Univ. of Maine and Maine Audubon, they refer to this adjacent forested buffer zone as a "life zone," where amphibians typically travel over 700 feet to reach summer or winter habitat. Dispersal distances (distances traveled by juveniles to find new places to breed) may be even further, measured in miles rather than hundreds of feet.

Penn. Natural Heritage Program Vernal Pool Best Practices suggests a No-Disturbance Zone of 200 ft. around the vernal pool, measured from the edge of fully flooded pool, as well as Supporting Terrestrial Habitat of an additional 800 ft. into the surrounding uplands. Also, important to retain 50% to 75% of the tree canopy. Removing the shade of the tree canopy can heat up the air, soil, and water in the pool, change the period of time that water remains in the pool, and influence which species can survive there.

UNH Vernal Pools Resource suggests in upland areas within 300 ft. of a pool, and in corridors between vernal pools, that ground cover (logs, surface stones, deep leaf-litter) be retained. And when possible, keep development, roads and driveways at least 300 yds from vernal pools. ... [1]

Commented [9]: Recommend minimum 75 feet for all with 125 foot setbacks and 75-100 foot natural vegetated buffers for ANY tributary and any ancillary wetlands of the Scarborough marsh

Commented [10]: We need to increase this because vernal pools change size based on rain in certain years

Commented [11R10]: Should we add coastal bluffs to this list? Min setbacks are 75 ft from high tide for stable bluffs and 75 feet from top of bluff for unstable bluffs. Establishing top of bluff is confusing. Recommend establishing all setbacks from HAT+4, AND INCREASING SETBACK to 100 feet for stable bluffs and 125 feet or more for unstable bluffs. The +4 feet coincides with Maine Won't Wait sea level rise projections. Removing top of bluff creates an easy standard to work from. Using HAT establishes a stable number to use over a 20-25 year period un ... [2]

Commented [12]: Recommend requiring pins

E. PERMITTED ACTIVITY

Activities that do not involve the erection or construction of any structure or impervious surface, will not alter the natural surface configuration by the addition of fill or by dredging, will not result in site alterations, and is otherwise permitted by the Zoning Ordinance are permitted as shown in the following table.

Permitted use table abbreviations are as follows:

P – Permitted by Right

P[#] – Condition Applies

Blank – Not a Permitted Use

Permitted Activity	Natural Resource				
	Vernal Pools	River, Stream or Brook	Wetlands	Vegetated Buffer	Natural Resource Setback
Improvements to existing public rights-of-way and sidewalks		P	P	P	P
Construction of piers or docks, provided that all required local, state, and federal approvals have been granted		P	P		
Wildlife refuges, parks and recreational uses, conservation nature trails, and open spaces as permitted or required by the Zoning Ordinance or Subdivision Regulations			P	P	P
Forestry and tree farming					P ¹
Fences					P ²
Fertilizer Use	Prohibited				

Commented [13]: This should be p1 and p2, no?

¹ Construction of fences outside the vegetated buffer, provided that there are no footings and no ground disturbance within five feet (5') of the vegetated buffer. Fences may be constructed along the natural resource setback line.

² In the required vegetated buffer area, harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10-year period is allowed.

Commented [14]: Do we really want to allow this much?

F. NATURAL RESOURCE PROTECTION PLAN REQUIRED.

A Natural Resource Protection Plan shall be submitted as part of the Site Plan Application and/or Subdivision Application and include the following information:

Location of protected resource(s) and wetland delineation (completed in the last five years), if applicable

Location of all required setbacks and vegetated buffer areas.

Location of all proposed and existing buildings, structures, streets, driveways, and other site improvements.

Location and type of permanent wetland boundary markers shall be shown on the plan (if applicable)

A note stating the limits of fertilizer application required.

Commented [15]: Maybe consider requiring a written narrative to accompany plans on how impacts to natural resources have been minimized through the project design to the maximum extent possible.

Best Development Practices for Conserving Pool-Breeding Amphibians by Univ. of Maine, Maine Audubon and Wildlife Conservation Society suggest a Vernal Pool Envelope of a 100-ft. area around the pool, measured from the spring high-water mark, as well as a Critical Terrestrial Habitat area that extends 650 ft. beyond the upland edge of the vernal pool envelope (i.e., 750 ft. beyond the edge of the pool). This area provides habitat for amphibians during the non-breeding season for foraging, dispersing, and hibernating. They also suggest maintaining a minimum of 75% of this zone in contiguous forest with undisturbed ground cover and a partially closed tree canopy stand that will provide shade, deep litter, and woody debris.

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Penn. Natural Heritage Program Vernal Pool Best Practices suggests a No-Disturbance Zone of 200 ft. around the vernal pool, measured from the edge of fully flooded pool, as well as Supporting Terrestrial Habitat of an additional 800 ft. into the surrounding uplands. Also, important to retain 50% to 75% of the tree canopy. Removing the shade of the tree canopy can heat up the air, soil, and water in the pool, change the period of time that water remains in the pool, and influence which species can survive there.

UNH Vernal Pools Resource suggests in upland areas within 300 ft. of a pool, and in corridors between vernal pools, that ground cover (logs, surface stones, deep leaf-litter) be retained. And when possible, keep development, roads and driveways at least 300 yards away from vernal pools.

I have put the four sources mentioned here in the SCC Shared Folder.

Should we add coastal bluffs to this list.? Min setbacks are 75 ft from high tide for stable bluffs and 75 feet from top of bluff for unstable bluffs. Establishing top of bluff is confusing. Recommend establishing all setbacks from HAT+4, AND INCREASING SETBACK to 100 feet for stable bluffs and 125 feet or more for unstable bluffs. The +4 feet coincides with Maine Won't Wait sea level rise projections. Removing top of bluff creates an easy standard to work from. Using HAT establishes a stable number to use over a 20-25 year period until the NTDE is recalculated.

Ad-Hoc Open Space Committee - DRAFT

1. **Purpose.** The purpose of the Ad-Hoc Open Space Committee is to create a broadly-based community group to work with the Town staff, Town Council, and consultants to support and guide the development of an Open Space Plan that will help Scarborough meet the Town Council's goal of achieving 30x30.

Expectations:

- Participate in educational opportunities presented by the selected consultant to aid in review and decision making throughout the Open Space Plan development process and act as a sounding board for the consultant team, weighing in with the best interests of the community in mind.
 - Willingness to view the project holistically to ensure the final product is something for the entire community now and in the future.
 - Ensure the process considers all opportunities to support land conservation within the community as well as potential partnerships to achieve the Town's 30x30 goal.
2. **Membership.** The membership will include a full and fair representation of key stakeholders and where possible have unique expertise. In all cases, membership should include individuals who possess specific expertise and prior experience to the task at hand, if possible representing professions in conservation, natural resource management, community engagement, and real estate acquisition. Appointees to the Committee shall be nominated by their respective committee or organization. The Appointments and Negotiations Committee shall review the nominations and make recommendations to the Town Council. The Town Council shall appoint the members of the Committee. It shall be comprised of **ten (10) voting members**[1]; one (1) member from each of the following:

Town Council
Conservation Commission
Parks and Conservation Land Board
Community Services Advisory Committee
Long Range Planning Committee
Shellfish Committee
Coastal Waters and Harbor Advisory Committee
Scarborough Land Trust
Friends of Scarborough Marsh
Scarborough Fish and Game Association

Although official membership is limited to **ten (10)** members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceedings as they feel appropriate.

3. **Timeframe.** It is anticipated it will take nine (9) months to complete the Open Space Plan; therefore, this Committee shall be in place from January through September 2024.
4. **Staff Resources Available.** The Director of Planning will serve as support to this Committee and other Town resources will be made available as may be necessary for the Committee to

complete its task. In particular, it is anticipated that the Committee will involve the Town Manager, Community Services Director, Town Engineer, and Sustainability Manager to supplement their efforts.

5. **Vacancies and Removal.** Any vacancies shall be recommended by the Appointments Committee and appointed by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or nonperformance.
6. **Officers.** The Committee shall elect a Chair and Vice Chair as well as a Recording Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
7. **Quorum and Voting.** A quorum shall consist of **six (6)** members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
8. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the timeline set and shall strive to meet on a date, time and frequency specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least **six (6)** members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

MEMO

To: Scarborough Conservation Commission
From: Jami Fitch, Sustainability Coordinator
Date: September 11, 2023
Re: Sawyer Street Resiliency & Spurwink Marsh Restoration

Background

Sawyer Street is a town road that crosses Spurwink Marsh and is shared with Cape Elizabeth. This road frequently floods during astronomical high tides and storm events. Scarborough and Cape Elizabeth undertook a study in 2018 to understand what upgrades are needed to maintain a usable road given various sea level rise scenarios. The outcome of the initial study indicated the road would need to be significantly raised and would cost several million dollars. Given the investments that are likely needed to upgrade other critical infrastructure in both municipalities, Scarborough and Cape Elizabeth wish to explore removal of the portion of Sawyer Street that crosses the marsh. A 2022 workshop with the Scarborough and Cape Elizabeth Town Councils indicated support for this approach.

Funding Opportunities

Two funding opportunities have been identified to support marsh restoration and potential removal of Sawyer Street. This memo summarizes the scope and scale of these opportunities.

National Fish and Wildlife Foundation (NFWF) - \$318,960 requested

This two-year project would include a complete marsh restoration assessment and plan, a preliminary engineered design for the removal of Sawyer Street, a conceptual design for the Spurwink Avenue (Cape Elizabeth) culvert, and an assessment of MaineDOT's Route 77 bridge.

The Town of Scarborough included \$35,000 cash match in its FY24 Engineering and Technical Services Capital Improvement Plan budget. Cape Elizabeth also committed \$35,000 cash match. If funded, a subsequent grant application would be needed to fund construction.

Maine Natural Resource Compensation Program (MNRCP) - \$1.84M requested

MNRCP staff have encouraged the Towns of Cape Elizabeth and Scarborough to apply for wetland restoration funds for Spurwink Marsh. This three-year project would include complete assessment, design, and implementation of Spurwink Marsh restoration and Sawyer Street removal. (MNRCP grants must include construction.) This funding opportunity became available after the Towns' annual budgeting processes. As such, the Town was not able to commit additional matching funds

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for this opportunity. Town managers and staff from Scarborough and Cape Elizabeth met about this opportunity and agreed that matching funds budgeted for the NFWF project could be reallocated to this proposal if funded.

Next Steps

Notification of grant awards should be made by the end of 2023. If MNRCP funds are secured and accepted by both municipalities, the Scarborough and Cape Elizabeth will begin landowner outreach this winter to notify abutters of the project and solicit input. During the 2022 joint Town Council workshop, residents of Sawyer Street were open to the idea of removing the portion of the road that crosses the marsh.

**Scarborough Conservation Commission
Education Subcommittee Report
September 11, 2023**

1. 2023 Conservation Speaker Series

- Presentation with Friends of Scarborough Marsh on their work to protect the Scarborough Marsh and its tributaries. It will include a discussion by Greg Bither about their Water Quality Monitoring Program, which is led by FOSM volunteers and Jami Fitch, Scarborough Sustainability Coordinator on September 12 at the Scarborough Public Library
- Pete Slovinsky and Kristen Puryear of the Maine Natural Areas Program will present information on the Scarborough Marsh and sea level rise in a changing climate on October 5 at the Scarborough Public Library.
- Sally Stockwell, Conservation Director of Maine Audubon, will present a talk on why forests are important in a changing climate on November 2 at the Scarborough Public Library.
- Presentations are free and open to the public, however, registration is required.
- Presentations are available in person at SPL and virtually and will be recorded for later viewing.
- The Town, SPL, SLT, and FOSM are helping with publicity of these presentations

2. Sustainable Scarborough Day – October 1, 2023

- This inaugural event is less than a month away.
- Electric vehicles and ebikes will be available for test driving and test riding.
- Green businesses will be selling their merchandise.
- Local and statewide nonprofits will be located in the vendor area and will give demonstrations and workshops
- A number of presentations by local vendors and groups are scheduled in 25 minute slots

3. Scarborough Conservation Commission Topics in the News

- “Scarborough transfers four properties to the land trust: Four town-owned properties have been transferred to the Scarborough Land Trust for permanent conservation” (references the 30 x 30 Town Council resolution) by Maxen Ryder in Scarborough Leader, July 28, 2023
- “Protecting floodplains and wetland key to protecting community” by Andrew Mackie in Scarborough Leader, July 28, 2023
- “Town boards and committees updated” (references 30 x 30 resolution and Open Space Plan) by Allison Carrier in Scarborough Leader, July 28, 2023
- “Summer tips for transitioning to organic lawn care” by Rita Breton, Conservation Commission Member and Jami Fitch, Sustainability Coordinator, in Scarborough Leader,, August 11, 2023

- “SLT accepts 32.23 acres to be added to Elaine Stimson Warren Woods Preserve” in Scarborough Leader, August 25, 2023
- “Town hosts first sustainable Scarborough Day on Oct. 1” by Allison Carrier in Scarborough Leader, August 25, 2023
- “Save the Date! Sustainable Scarborough Day on Oct 1” in Town Newsletter, August 15, 2023
- “One Month Away: Sustainable Scarborough Day” in Town Newsletter, September 1, 2023
- “Climate & Conservation Speaker Series This Fall: Scarborough in a Changing Climate” in Town Newsletter, September 1, 2023

Upcoming Events

June 4 - October 29, 2023: Scarborough Farmers’ Market is open every Sunday from 9 am to 1 pm in front of Town Hall

September 11, 2023: Conservation Commission Meeting @6:00 pm

September 12, 2023 Protecting Scarborough’s Rivers and Streams presentation by Greg Bither, Friends of Scarborough Marsh water quality monitoring volunteer and Jami Fitch, Scarborough Sustainability Coordinator, hosted by SCC and FOSM @ SPL @ 6:30 pm

October 1, 2023: Sustainable Scarborough Day @ Wentworth School and SPL from 10 am to 2 pm hosted by Town of Scarborough, SPL, and Project GRACE

October 5, 2023: Scarborough Marsh and Sea Level Rise in a Changing Climate presentation by Pete Slovinsky and Kristen Puryear, hosted by SCC, SLT & FOSM @ SPL @ 6:30 pm

October 16, 2023: Conservation Commission Meeting @6:00 pm

November 2, 2023: Protecting Our Forests and Connected Habitat in a Changing Climate presentation by Sally Stockwell of Maine Audubon hosted by SCC and SLT @ SPL @ 6:30 pm

November 13, 2023: Conservation Commission Meeting @6:00 pm

December 12, 2023: Conservation Commission Meeting @ 6:00 pm

**Scarborough Conservation Commission
Education Subcommittee Report
October 16, 2023**

1. 2023 Conservation Speaker Series

- On September 12, we had our first of three presentations at SPL. Greg Bither spoke about his water quality monitoring work with FOSM and brought his collection equipment. Jami Fitch spoke about the impaired streams in Scarborough. Approximately 20-25 individuals were in attendance in person or via Zoom.
- On October 5 at SPL, Pete Slovinsky, Marine Geologist from the Maine Geological Survey (and an SCC Member) gave an informative talk on sea level rise and marsh migration in Scarborough. Kristen Puryear, Ecologist with the Maine Natural Areas Program presented information about how the Scarborough Marsh has already started changing and will continue to change due to sea level rise. Jon Anderson, Town Council Chair introduced Pete and Kristen. The presentation included discussions about potential land protection projects around the Marsh and potential ways to build resiliency for the predicted sea level rise and storm surges. Approximately 35-40 individuals were in attendance in person or via Zoom.
- Sally Stockwell, Director of Conservation at Maine Audubon, will present a talk on why forests are important in a changing climate on November 2 at the Scarborough Public Library.
- Presentations are free and open to the public, however, registration is required. SCC continues to collaborate with SPL, SLT, and FOSM on the promotion of these presentations.

2. Sustainable Scarborough Day – October 1, 2023

- This inaugural event was deemed so successful that we plan to host this event again next year!
- Electric vehicles and ebikes were available for test driving and test riding at SPL, and this will hopefully be an option at the Wentworth School location next year.
- Green businesses sold their products
- Local and statewide nonprofits were located in the outdoor vendor area to educate the public
- Local vendors and other groups gave presentations in the Wentworth Cafeteria on topics from reducing plastic waste to sustainable landscaping to energy efficiency
- We had two food trucks serving the public
- Next year we hope to have live music, school garden tours, and more!

3. Scarborough Conservation Commission Topics in the News

- “Fall tips for transitioning to organic lawn care” by Rita Breton and Jami Fitch, in the Scarborough Leader, September 8, 2023
- “Sunday, October 1: Sustainable Scarborough Day” in Town Newsletter, September 15, 2023

- “Upcoming Program: Conservation Speaker Series” in Town Newsletter, September 15, 2023
- “Scarborough holds conservation speakers, Sustainable Scarborough Day” in *Scarborough Leader*, September 29, 2023
- “Sustainable Scarborough Day” in Things to do section of *Scarborough Leader*, September 29, 2023
- “Today is Sustainable Scarborough Day” in Town Newsletter, October 1, 2023
- “October 5: Conservation Speaker Series Program” in Town Newsletter, October 1, 2023

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Sustainable Scarborough Day resounding success

pressherald.com/2023/10/09/sustainable-scarborough-day-resounding-success

By Rebecca Richard

October 9, 2023



E-Bikes at Scarborough's Sustainable Day *Frank Kastenholz*

Scarborough held its first-ever Sustainable Scarborough Day, a community gathering for residents to take part in a celebration of conservation and sustainability, on Oct. 1. With more than 200 attendees, the event was a success and highlighted the town's dedication to environmental awareness and sustainable living.

Sustainable Scarborough Day was a family-friendly affair, catering to individuals of all ages. There was something for everyone, with activities like arts and science activities for kids, electric vehicle test drives for adults, and e-bike rides provided by the Bicycle Coalition of Maine. The event featured six workshops that provided attendees with in-depth knowledge and practical tips on sustainability topics.

The Sustainability Committee and Conservation Commission came up with the idea for a Sustainable Scarborough Day. The event drew community members from all over who came together to explore eco-conscious living. Jami Fitch, Scarborough's Sustainability

Coordinator, said she was delighted with the community's response, she said it was a fantastic turnout for the first event and estimated that more than 200 people came.

"More than 25 businesses and groups set up informational displays on topics ranging from solar power and energy efficiency rebates to native plants and land conservation," Fitch said. "Two local food trucks: Empanada Club and Terra Firma, served up delicious food. We received rave reviews for both options. Terra Firma was a late addition to the event, and their sustainably grown, organic farm-to-table offerings perfectly complemented the mission of Sustainable Scarborough Day." She said there was a little something for everyone. "Fiddlehead Center brought their Tinker Bus filled with arts and science activities for kids, and the Greater Portland Council of Governments offered electric vehicle test drives for adults. Both adults and youth were able to take a spin on e-bikes brought by the Bicycle Coalition of Maine," Fitch said.

Allison Carrier, Scarborough's Marketing & Communications manager, was enthusiastic about the event. "Sustainable Scarborough Day was great!," she said. "We had beautiful weather and a good turnout for our first year."

Sustainable Scarborough Day offered a comprehensive exploration of sustainable living, featuring experts, local businesses, nonprofits, and enthusiasts who offered insights on various topics. Topics addressed included efficient homes, transportation, landscapes, recreation, waste management, land conservation, and climate action. The municipal campus transformed into a hub of activity, with the Scarborough Public Library, Wentworth School, and Town Hall hosting a range of activities.

The event also highlighted the financial benefits of sustainable living, with information on state and federal efficiency rebates and tax credits.

Numerous vendors participated, showcasing their commitment to sustainability, and offering valuable information. Efficiency Maine provided insights into energy efficiency rebates, federal tax credits, loans, and a database of installers. Local retailer GoGo Refill shared tips for low-waste and plastic-free living. Maine Farmland Trust promoted land conservation, and Project GRACE demonstrated simple DIY solutions for energy efficiency.

Sustainable Scarborough Day was organized collaboratively by two town committees, the Conservation Commission, and the Sustainability Committee, both dedicated to advancing environmental goals. The Scarborough Public Library and Project GRACE also put on the event.

The Scarborough Sustainability Committee hosted a prize drawing that included valuable prizes donated by local businesses. The grand prize, a heat pump water heater valued at \$1,200, was donated by F.W. Webb. Other prizes included a rain barrel and a backyard composting kit, donated by Scarborough Public Works, and weatherization supplies, donated by Project GRACE.

The goal of Sustainable Scarborough Day was to inspire more sustainable choices in the community and encourage residents to embrace eco-conscious living every day. The event underscored the importance of collective action in preserving Scarborough's natural resources for generations to come.



Gogo Refill at Scarborough's Sustainable Day *Frank Kastenholz*



Scarborough's first sustainable day. *Frank Kastenholz*



Water heater prize at the Scarborough Sustainable Day *Frank Kastenholz*

Comments are not available on this story.

Empowering homeschooling families

Scarborough explores tax increment financing amendments to foster development and school site expansion

