

Town of Scarborough Conservation Commission

November 13, 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_wnSMsSkWRnOP4gb_1Yifeg

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 10/16/23 meeting
 - (4) Review 11/13/23 agenda
 - (5) Public comment
- 6:10 pm** **Old Business**
- (1) Conserving Land & Building Resiliency: Review updated Environmental Standards for Natural Resource Protection and finalize recommendations
 - (2) Conserving Land: Nominate Conservation Commission representative to Ad-Hoc Open Space Committee
 - (3) Finalize Conservation Commission 2024 meeting dates
- 7:05 pm** **New Business**
- (1) Review Conservation Commission annual report
- 7:15 pm** **Updates**
- (1) Promoting Citizen Stewardship: Report out from sub-committee
 - (2) Town Council
 - (3) Planning Board
 - (4) Sustainability Committee
 - (5) Parks and Conservation Land Board
- 7:25 pm** **Set next meeting agenda**
Next meeting: December 11, 2023 at 6:00 pm
- 7:30 pm** **Adjourn**

Town of Scarborough Conservation Commission

October 16, 2023 | 6:00 p.m. | Scarborough Town Hall and via Zoom

Meeting Minutes - DRAFT

Present in person:

Commission: Dick Harvey, Randi Hogan, Pete Slovinsky

Staff: Angela Blanchette, Jami Fitch

Present via Zoom:

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

Staff: Autumn Speer

Council: Karin Shupe

A recording of this meeting is available online: <https://www.youtube.com/watch?v=dY5vy-TWV8I&t=2650s>

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. Pete motioned to accept the minutes. Jessica seconded. Rollcall vote was unanimous. Motion passed.

Old Business

1. Conserving Land & Building Resiliency: 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. She noted that the Long Range Planning Committee reviewed the framework of the proposed ordinance. Their comments were provided to the Commission prior to the meeting (attached).
 - The Commission intends to discuss standards at this meeting with the intent to finalize their recommendations at the November meeting. Autumn noted that the recommendations can be brought to the Long Range Planning Committee in December so the ordinance can go before the Ordinance Committee in the new year.
 - Marla suggested a mapping exercise to model buffers on various wetland areas to understand how parcels will be impacted by the new buffer standards.
 - Dick noted that he's found a [map showing vernal pools in Scarborough](#). There are several pools designated as non-significant clustered in one area. He suggested setting buffer standards around the area as a whole and not just around the individual vernal pools.
 - Pete provided revised tables for the Commission's consideration prior to the meeting (attached). He walked the Commission through the tables and his approach.
 - Pete's recommendations include applications for development and redevelopment. Autumn suggested focusing on determining buffers for new development before moving to redevelopment.

Engineering & Technical Services

- The Commission likes the concept of establishing a “Marsh Migration Zone” to allow the marsh space to respond to sea level rise. Pete suggests the zone be defined as the highest astronomical tide (HAT) + 3.9’ of sea level rise (SLR) or + 125’ (whichever is greater). Autumn noted that it will likely be an overlay.
- Pete suggests defining coastal bluff setbacks. The State’s standards are very weak when it comes to bluffs. There are limited areas of Scarborough that are designated coastal bluffs.
- Rita noted that vegetated buffers around vernal pools are important to the wildlife that depend on the pools. The recommendations in the original document fall far short of the recommended buffer widths.
- Dick shared that intermittent streams are important ecological features. According to USGS, intermittent streams were removed from their maps in the 1950s. Maine DEP is willing to add intermittent streams back to the maps, and Dick would like to work on identifying these streams in Scarborough. He’d also like to see buffer requirements apply to intermittent streams.
- Non-tidal marsh tributary areas need to be well defined, because most non-tidal areas of Scarborough could fall under this category. Pete suggests applying the standards to the associated wetlands within the Dunstan, Nonesuch, Libby, Cascade, and Spurwink River watersheds. Urban impaired and threatened streams (Red, Phillips, Mill, and Willowdale Brooks).
- The Commission thanks Pete for the work he put into developing buffering recommendations.
- Ordinance revisions:
 - Include diagrams to show how the requirements will be applied (once buffer widths and setbacks are determined).
 - Be clear that the size of the wetland is for the system as a whole and not just the portion of the system on a particular parcel.
 - Consider how to minimize the cumulative impact of individual projects on systems as a whole.
 - Consider establishing a marsh migration overlay HAT + 3.9’ of SLR or + 125’ (whichever is greater).
 - Add pesticide and fertilizer restrictions within the definitions of vegetated buffers.
- Next Steps: Staff will revise the draft document based on the Commission’s feedback.

New Business

1. **Conserving Land: Update on Open Space Ad-Hoc Committee**
 - A draft committee charge for the Ad-Hoc Open Space Committee was provided to the Commission in the agenda packet. The Ad-Hoc Committee will serve as a steering committee to develop the Conservation Open Space Plan to help the Town achieve its 30x30 goal.
 - Karin hopes to have the creation of the Ad-Hoc Committee be on one of the Council’s November meeting agendas. The Conservation Commission and other identified groups will nominate their representative to the Ad-Hoc Committee. Autumn would suggest that groups identify their representatives to the Committee by December.
 - Autumn noted that the RFP to select a consultant for the Open Space Plan is in development and will be released by the end of the year.
 - Jessica suggests the scope within the RFP be very clear with regards to goals; deliverables; and the roles and responsibilities of the consultant, staff, and committees to ensure the finished product will be useful to the Town.
 - Jami suggested that Jessica provide examples of good (or bad) RFPs, if she has any she’s able to share.
 - Next Steps: Conservation Commission will nominate their representative to the Ad-Hoc Committee at their November meeting.
2. **Building Resiliency: Update on Spurwink Marsh restoration**

- Jami provided an update on grants the Towns of Scarborough and Cape Elizabeth have applied for to restore the Spurwink Marsh. The Towns will learn about the success of the proposals by the end of 2023.
3. Conservation Commission 2024 meeting dates
- The Planning Board is changing their 2024 meeting schedule to meet once per month instead of every three weeks. In order for the Conservation Commission to review and provide comments on Planning Board applications, the Commission’s monthly meeting date needs to change.
 - Staff propose moving the Commission’s meeting from the second Monday of the month to the first Monday of the month. Meetings that conflict with holidays will need to be moved to Tuesday.
 - Pete will not be able to participate four times per year due to a standing Friends of Scarborough Marsh board meeting.
 - **ACTION: STAFF will look at other possible dates that will align with the Planning Board’s schedule. The discussion will continue in November.**

Updates

1. Education Subcommittee
 - The Speaker Series presentations have been well attended and well received. The first talk had approximately 25 attendees, and the second presentation had 56 attendees. The final workshop of the year is scheduled for 11/2.
 - The Town Council could benefit from a presentation about sea level rise and marsh migration.
2. Sustainable Scarborough Day
 - The event was a great success with more than 25 vendors and approximately 200 participants. The event also received great coverage in *The Leader*.
 - Evaluations were sent to vendors and participants who provided email addresses to join the Town’s e-newsletter. The planning committee will review the feedback at their wrap up meeting. The feedback was overall very positive.
3. Town Council
 - Karin would like to see a Planning Board liaison to the Commission.
 - Karin encourages the Commission to make comment on the proposed zoning changes in The Downs related to the consolidated school.
4. Sustainability Committee
 - The Sustainability Committee exploring an ordinance to establish a commercial property assessed clean energy (C-PACE) program in Scarborough, which would provide commercial property owners access to financing for energy efficiency upgrades. The Town has had a residential PACE program in place since 2010.
5. Planning Board
 - An Aroma Joe’s is proposed for Bridges Drive. The Commission is encouraged to look at the Planning Board application for this site.

Meeting adjourned at 7:51 pm.

Next Meeting:

November 13, 2023 @ 6:00 pm



Jami Fitch <jfitch@scarboroughmaine.org>

Environmental Standards - LRPC Minutes

1 message

Autumn Speer <aspeer@scarboroughmaine.org>
To: Jami Fitch <jfitch@scarboroughmaine.org>

Wed, Sep 20, 2023 at 8:52 AM

Jami,

These are the draft minutes from the LRPC conversation about the proposed Environmental Standards:

Thank you,

Autumn

I. Review and Discuss recommendations to Conservation Commission – Chapter 405B Site Plan Standards, New Draft Section - Environmental Standards

Autumn gave an overview of buffering for natural resources (wetlands, vernal pools, etc.). She stated the intent of this review is to look at the framework, with the Conservation Commission to recommend specific distances and parameters after they meet in October. Robyn suggested additions to the “purpose” section to clarify that this is for specific resources and not in response to state or federal stormwater or other environmental requirements. Robyn noted the town can request data from the state illustrating changes in resources to determine if any are deteriorating. Rachel suggested clarification on man made versus natural vernal pools, with Robyn adding the same is true for wetlands (i.e. wetlands created by agricultural activity). Allen Paul asked if the state has definitions for buffering, with staff noting it will check in with the Town Engineer for applicable MaineDEP or Army Corps of Engineer requirements.

Wetland delineation was discussed, with Autumn noting protections via fencing or boulders are often pushed back and the resource impacted. The intent of other Ordinance work is to exclude those resource areas from being included in the the total lot area. Peter Freilinger asked if these were for commercial or residential uses, with Autumn noting this would be for Planning Board reviewed projects (site plan, subdivision). Individual single family homes that do not require subdivision review would be exempt. Once the Ordinance is completed, staff intends to add diagrams to illustrate the required buffering. Peter asked to see similar Ordinances, as Portsmouth and Cape Elizabeth were discussed to have stringent wetland requirements. Rachel added that a provision should be added to address changes in wetland area, where development causes wetlands to disappear and then that development to expand in the previously wetland area. Provisions around use of the former wetland area should be outlined. Peter discussed the converse, where rising sea levels may create more wetlands. The Committee requested the Conservation Commission review these instances and make a recommendation for language in the Ordinance.

Autumn presented the proposed matrix showing what is permitted in the buffer area for particular resources (vernal pools, streams or brooks, wetlands, vegetated buffer, etc.). The language includes protection via buffer, then a setback for disturbance or construction (typically five feet). Marvin requested to see other examples of protection for marsh areas throughout New England. Robyn suggested the Chesapeake Bay as an example to look at, as it is one of the most well protected waterways in the country. Allen requested Section G for waivers be consistent with other sections of Town Ordinances, including what was just discussed for landscaping.

Buffers, Setbacks and Activities in Tidally Influenced Areas

	Undeveloped tidally influenced areas “Marsh Migration Zone”*	Already developed tidally influenced areas “Marsh Migration Zone”*	Unstable or Unmapped Coastal Bluffs “Coastal Bluff Erosion Zone”	Stable Coastal Bluffs “Coastal Bluff Erosion Zone”
Setback	HAT+3.9 ft or HAT+125 feet	HAT+3.9 ft or HAT+125 feet	HAT+3.9 feet + 150 feet	HAT+3.9 feet + 100 feet
Minimum Vegetated Buffer**	100 feet	50 feet (restored)	35 feet 15 feet (restored in developed areas)	25 feet 15 feet (restored in developed areas)
Markers	Pins every 50 feet	Pins every 50 feet	Pins every 50 feet	Pins every 50 feet
Pesticides	No	No	No	No
Fertilizers	No	Yes	Yes***	Yes***
Forestry	No	No	No	No
Fences	Yes	Yes	Yes	Yes
Shoreline stabilization structures	No	No	No	No
Living Shorelines	Required	Required	Required	Required
Reconstructed Structures	NA	Allowed, must move landward if possible	Allowed, must move landward if possible	Allowed, must move landward if possible
Source	https://www.maine.gov/dacf/mgs/hazards/slr_ss/index.shtml https://www.maine.gov/dacf/mnap/assistance/marsh_migration.htm	https://www.maine.gov/dacf/mgs/hazards/slr_ss/index.shtml https://www.maine.gov/dacf/mnap/assistance/marsh_migration.htm	https://www.maine.gov/dacf/mgs/pubs/digital/bluffs.htm https://www.cumberlandswcd.org/documents-1/coastal-bluffs	https://www.maine.gov/dacf/mgs/pubs/digital/bluffs.htm https://www.cumberlandswcd.org/documents-1/coastal-bluffs

* Includes tidally-influenced tributaries, creeks, and associated wetlands with the Nonesuch, Dunstan, Libby, Cascade, and Spurwink Rivers.

** Minimum vegetated buffers must include native vegetation and cannot include lawn areas

*** low phosphate slow release fertilizer allowed for revegetation of buffers using native plants

^ 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 setback line.

Buffers, Setbacks and Activities in Other Water Areas

	Non-tidal Marsh Tributary Zone*	Vernal Pools	River, Stream or Brook, or Wetlands ≥ 10,000 SF	1,000 SF ≤ Wetlands ≤ 10,000 SF	Wetlands ≤ 1,000 SF
Setback	125 feet	250 feet	100 feet	50 feet	25 feet
Minimum Vegetated Buffer**	100 feet	225 feet	75 feet	25 feet	15 feet
Markers	Pins every 50 feet	Pins every 50 feet	Pins every 50 feet	Pins every 50 feet	NA
Pesticides	No	No	No	No	No
Fertilizer	No	No	No	Yes	Yes
Forestry***	No	No	Yes	Yes	Yes
Fences^	Yes	No	Yes	Yes	Yes
Shoreline Stabilization Structures	No	No	No	No	No
Living Shorelines	Yes	No	Yes	Yes	Yes
Reconstructed Structures	Allowed, must move back if possible	NA	NA	NA	NA
Source	Need consistent GIS source	https://www.arcgis.com/apps/dashboard/e3713733193943188d7d01e7d286042c	Need consistent GIS source	Need consistent GIS source	Need consistent GIS source

* Includes non-tidally influenced tributaries, creeks, and associated wetlands with the Nonesuch, Dunstan, Libby, Cascade, and Spurwink Rivers. **Are there others? Stuart? Mill? Finnerd? Phillips? Red Brooks?**

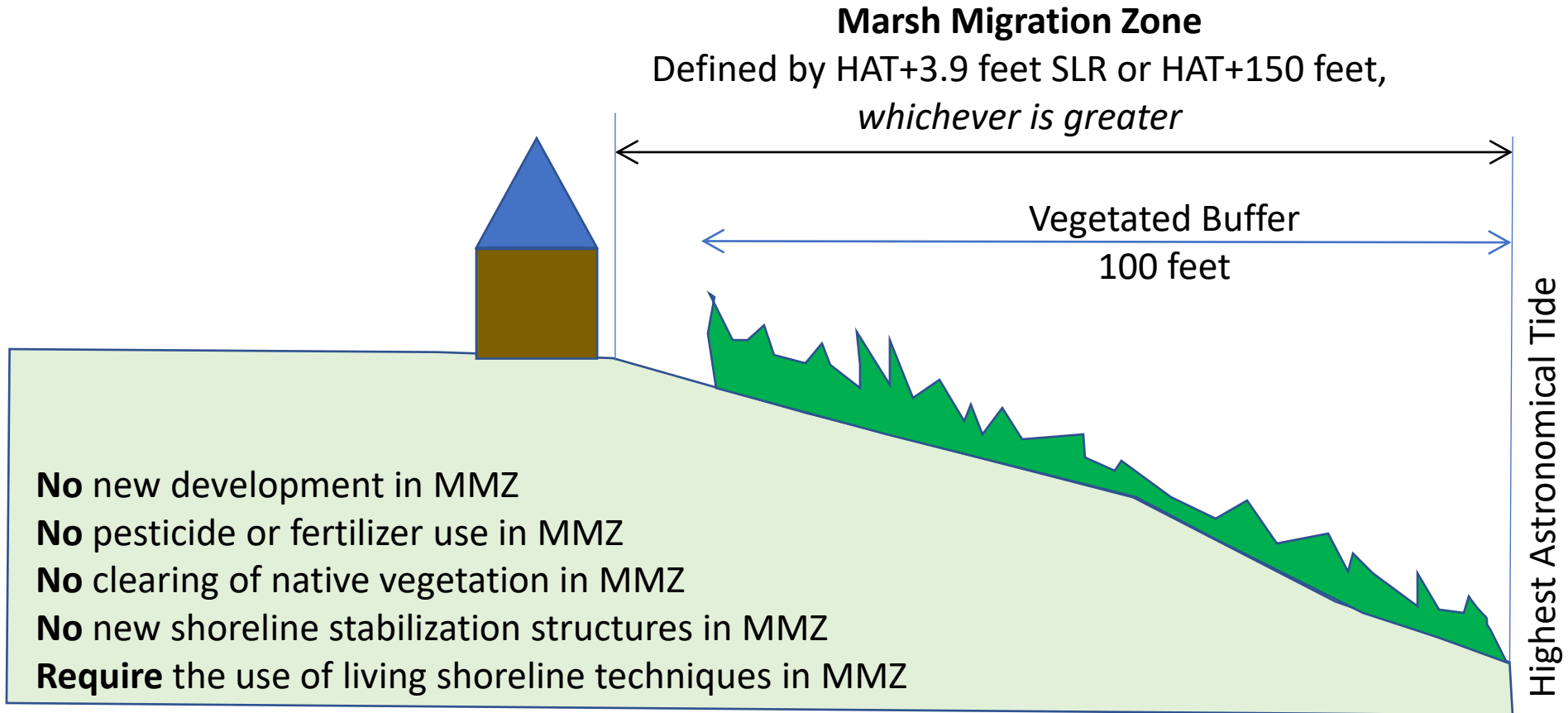
** Minimum vegetated buffers must include native vegetation and cannot include lawn areas

*** in the buffer, harvesting of no more than 20% of the total volume each acre of trees 4.5 inches DBH or greater in any 10-year period is allowed

^ 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 setback line.

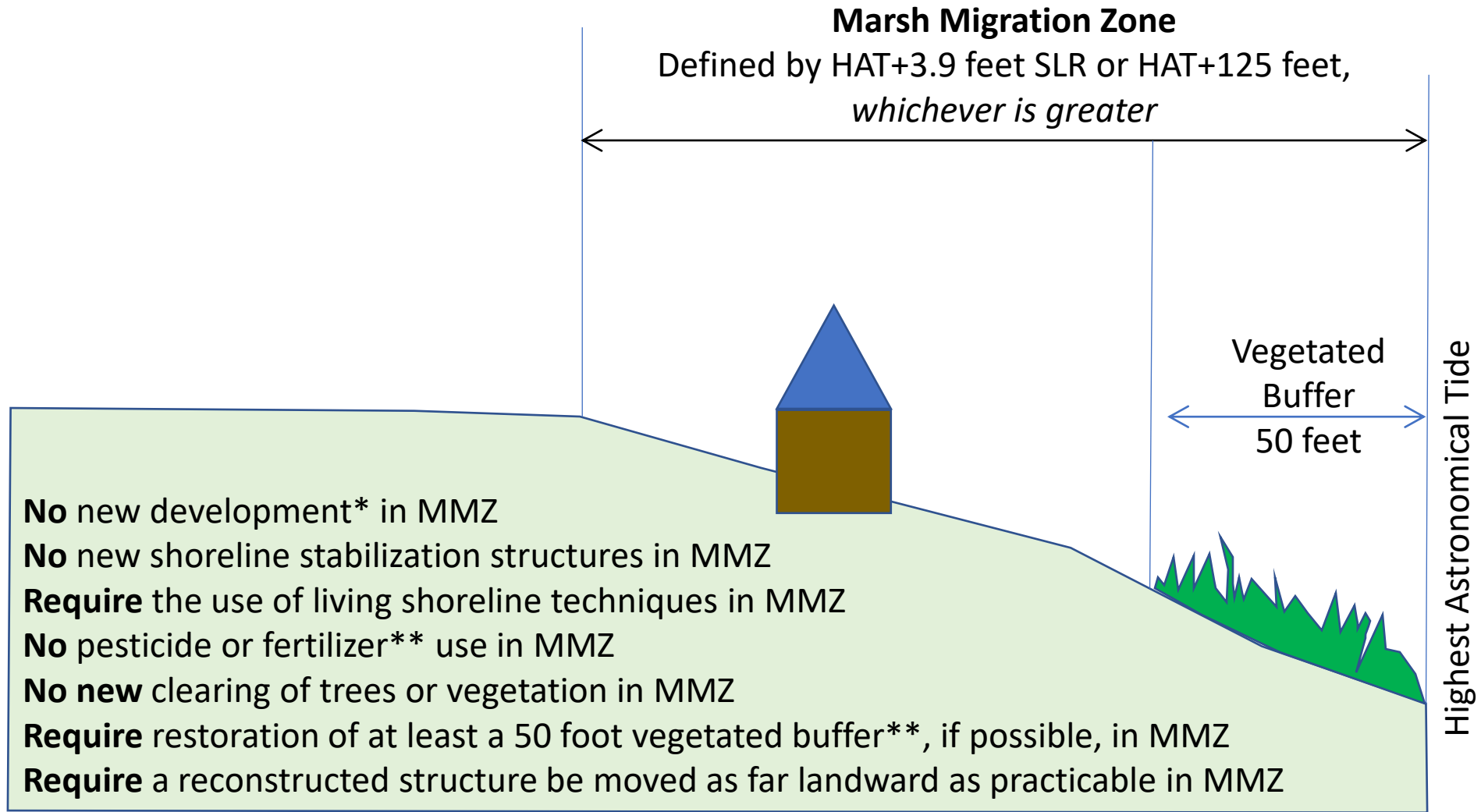
DRAFT

In undeveloped tidally influenced areas of the Marsh, establish a “Marsh Migration Zone”
(as defined by the Highest Astronomical Tide map and SLR maps by MGS or
Tidal Wetlands Maps and Marsh Migration Maps by MNAP)



In already developed tidally influenced areas of the Marsh, establish a “Marsh Migration Zone”

(as defined by the Highest Astronomical Tide map and SLR maps by MGS or Tidal Wetlands Maps and Marsh Migration Maps by MNAP)



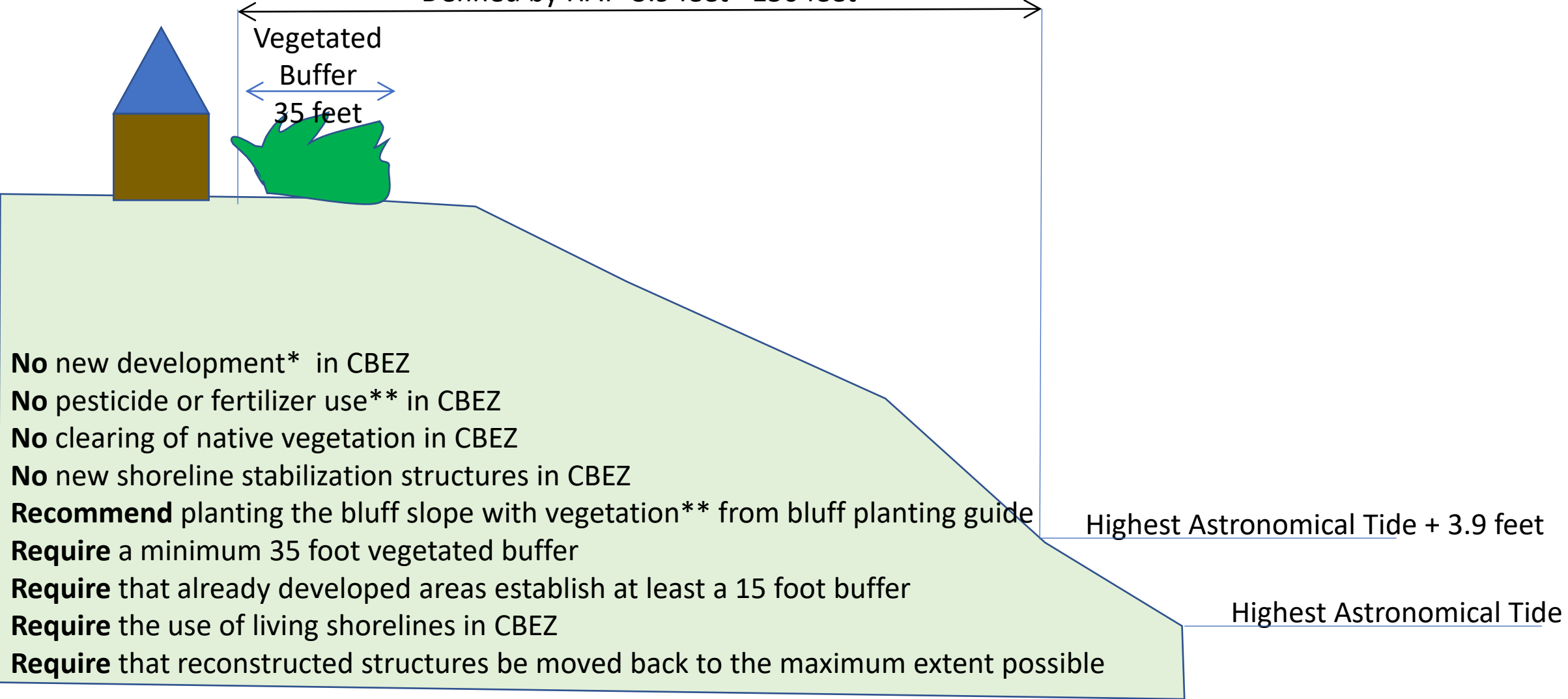
* Piers or docks may be permitted provided that all required local, state and federal approvals have been granted

** low phosphate slow release fertilizer allowed for revegetation of buffer using native plants. **How do we help fund restoration of the MMZ buffer?**

For areas mapped as unstable (or unmapped) coastal bluffs, establish a “Coastal Bluff Erosion Zone”

Coastal Bluff Erosion Zone

Defined by HAT+3.9 feet +150 feet



- No** new development* in CBEZ
- No** pesticide or fertilizer use** in CBEZ
- No** clearing of native vegetation in CBEZ
- No** new shoreline stabilization structures in CBEZ
- Recommend** planting the bluff slope with vegetation** from bluff planting guide
- Require** a minimum 35 foot vegetated buffer
- Require** that already developed areas establish at least a 15 foot buffer
- Require** the use of living shorelines in CBEZ
- Require** that reconstructed structures be moved back to the maximum extent possible

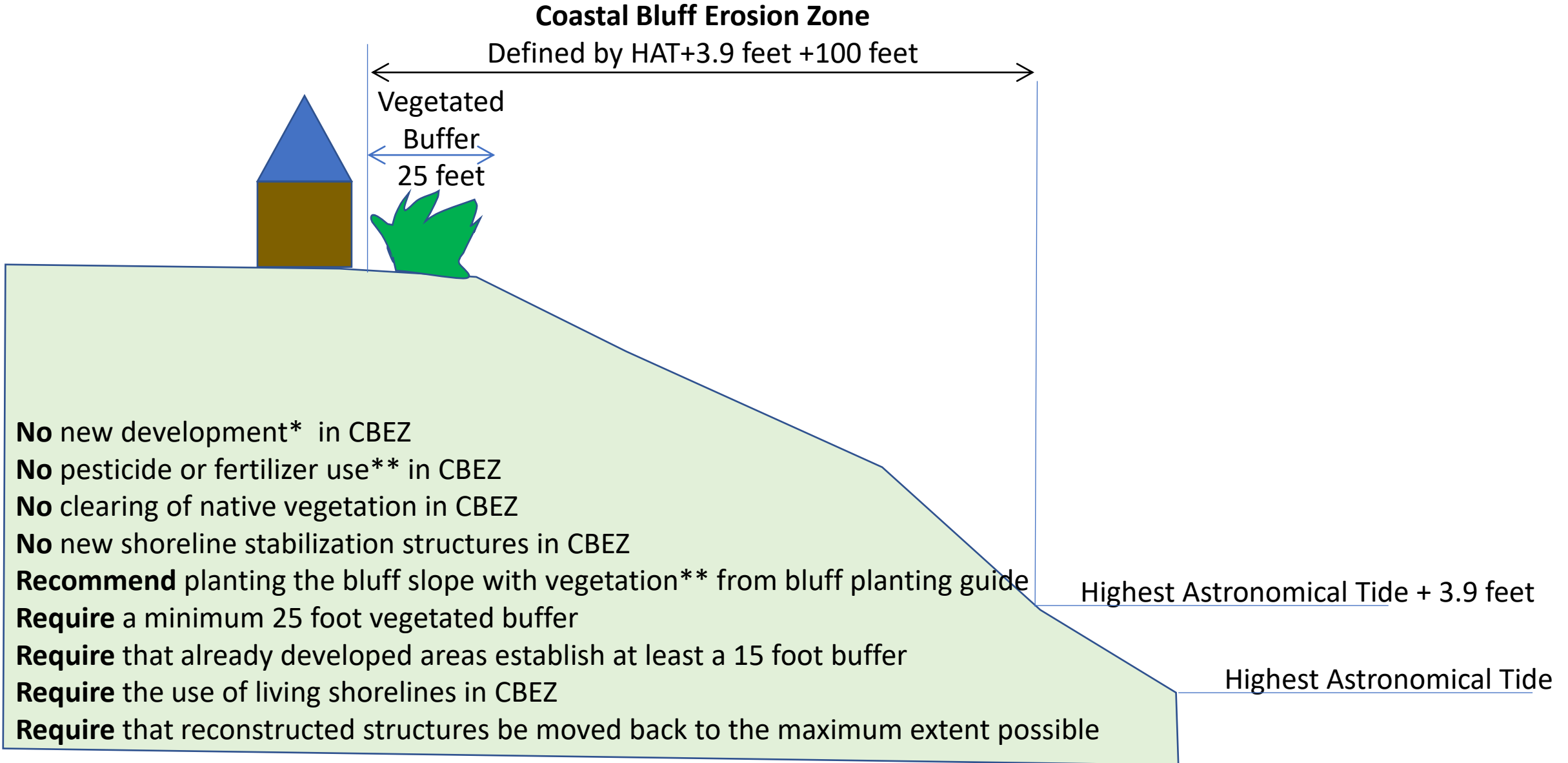
Highest Astronomical Tide + 3.9 feet

Highest Astronomical Tide

* Piers or docks may be permitted provided that all required local, state and federal approvals have been granted

** low phosphate slow release fertilizer allowed for bluff vegetation buffer or planting on slope of bluff

For developed areas mapped as stable coastal bluffs, establish a “Coastal Bluff Erosion Zone”



* Piers or docks may be permitted provided that all required local, state and federal approvals have been granted

** low phosphate slow release fertilizer allowed for bluff vegetation buffer or planting on slope of bluff

Draft 11.13.23

SECTION XXXX. ENVIRONMENTAL STANDARDS – NATURAL RESOURCE PROTECTIONS

A. PURPOSE

The Scarborough Marsh is central to the Town's identity, creating a special awareness by our residents of the importance of all of the Town's natural resources. Future land use will follow a pattern of development that is sensitive to protecting our beaches, dunes, rivers, open spaces, farmlands, and other elements that comprise our unique ecosystem.

Natural resource protections are established to:

- 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.
- Protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.
- Protect, and where possible improve, wildlife habitats and maintain ecological balance.
- Protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.
- Protect, and where possible improve, shellfish and fisheries.
- 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.
- 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.

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 Site Plan Ordinance, 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 Site Plan Ordinance, 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. APLICABILITY

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

- All vernal pools.
- All wetlands.
- All non-tidal perennial river, stream, or brook.
- All tidally influenced waterways.
- All coastal bluffs.

C. DEFINITIONS

Coastal Bluff:

Defined as a steep shoreline slope formed in sediment (loose material such as clay, sand, and gravel) that has three feet or more of vertical elevation just above the high tide line. Cliffs or slopes in bedrock (ledge) surfaces are not bluffs and are not subject to significant erosion in a century or more. Beaches and dunes do not form bluffs, except along the seaward dune edge as a result of erosion.

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.

Diameter at Breast Height (DBH):

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

Forested Wetland:

Forested wetland means a regulated wetland with at least 20 percent of the surface area covered by woody vegetation greater than 20 feet in height.

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.

Highest Astronomical Tide (HAT):

Highest Astronomical Tide is the elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch (NTDE). The NTDE is a specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values for tidal datums.

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. Limited activity may take place in the vegetated buffer.

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. NATURAL RESOURCE SETBACKS AND BUFFERS REQUIRED

A natural resource setback is a defined distance between a river, stream, or brook; wetland; or vernal pool, and any upland development. Depending upon the type of resource, the natural resource setback may also contain a vegetated buffer. The required minimum vegetated buffer is a portion of the natural resource setback area directly adjacent to the resource and maintains the natural vegetation cover from the natural resource for a specified distance. Minimum vegetated buffers must include native vegetation. Lawn areas are not permitted.

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 natural resource setbacks and vegetated buffers shall be marked with permanent pins every 50-100' and signage as determined by the Planning Board. All required boundary markers shall be installed before project construction commences.

The following required setbacks and buffer width standards apply in accordance with the type of resource identified as follows:

Required Setback and Buffer Width	Natural Resource Setback	Vegetated Buffer
Contiguous Wetlands \leq 1,000 SF	25'	15'
Contiguous Wetlands \geq 1,000 SF \leq 10,000 SF	50'	25'
Contiguous Wetlands \geq 10,000 SF	100'	75'
Vernal Pools	250'	225'
River, stream or brook	100'	75'
Non-Tidal Marsh Tributary Zone	125'	100'
Marsh Migration Zone (Undeveloped)	HAT + 4' or HAT + 125'	100'
Marsh Migration Zone (Developed)	HAT + 4' or HAT + 125'	50' (restored)
Coastal Bluff Zone (Unstable)	HAT + 4' or HAT + 150'	35'; 15' (restored in developed areas)
Coastal Bluff Zone (Stable)	HAT + 4' or HAT + 100'	25'; 15' (restored in developed areas)

ADD DIAGRAMS HERE

E. PERMITTED ACTIVITIES

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. Uses not specifically identified shall be prohibited.

Standards and Permitted Activity use table abbreviations are as follows:

- P – Permitted by Right
- NO – Not a Permitted Activity
- NA – Not Applicable

Table XX.

Permitted Activity	Vegetated Buffer	Natural Resource Setback Area - Outside of Vegetated Buffer
Pesticides Permitted	NO	NO
Fertilizer Permitted	NO	P
Forest Management Activities	NO	P
Invasive Species Control	P	P
Planting/establishment of Non-invasive species	P	P
Outdoor Lighting	NO	P
Fences	NO	P
Stormwater Retention or Detention Basin	NO	NO
Stormwater Conveyance Structures	NO	P
Sewage Disposal Facilities	NO	NO
Soil Erosion and Sediment Control Measures	NO	P
Shoreline Stabilization	NO	NO
Living Shorelines	P	P
Maintenance to existing structures and improvements within existing footprint	P	P
Repair, maintenance and improvements to existing public rights-of-way, utilities and sidewalks	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
Trailhead Parking	NO	P
Grading, Fill or Excavation Activities	Only for permitted activities in Table XX	Only for permitted activities in Table XX

When fertilizers are permitted, they must be low phosphate slow release fertilizer allowed for revegetation of buffers using native plants.

When forest management activities are permitted, harvesting up to 20% of the total volume each acre of trees 4.5 inches DBH or greater in any 10-year period is allowed.

Invasive species control shall be completed under the guidance and approval of a Licensed Forester, ISA Certified Arborist, Registered landscape Architect, or Qualified Resource Buffer Professional.

Reconstruction and modifications of existing structures is permitted; however, footprint expansion must move landward to the greatest extent practical.

Fences may be constructed along the vegetated buffer line; however, they must have no footings and no ground disturbance within five feet (5') of the vegetated buffer.

F. NATURAL RESOURCE PROTECTION PLAN REQUIRED

When natural resources exist on a site proposed for development, a Natural Resource Protection Plan shall be submitted as part of the Site Plan Application and/or Subdivision Application and include the following information:

- Written narrative to accompany plans on how impacts to natural resources have been minimized through the project design to the maximum extent possible and how the resource and resource buffers will be maintained and/or improved. .
- Location of protected resource(s) and wetland delineation (completed in the last five years), if applicable. The exact location of a wetlands boundary shall be determined through a field investigation by a qualified professional.
- Location of all required setbacks, buffer areas and associated easements required for access for long term maintenance and management needs.
- Location of all existing and proposed buildings, structures, streets, driveways, and other site improvements.
- Location and type of permanent resource boundary markers shall be shown on the plan.
- A note stating the limits of fertilizer application required.
- A note stating no pesticides shall be used.

G. WAIVERS – NATURAL RESOURCE PROTECTIONS

The Planning Board may review waivers to natural resource protection standards for the following:

- 1.

Scarborough Conservation Commission
Annual Report
July 1, 2022 to June 30, 2023

The Conservation Commission is tasked with increasing awareness of the value of and reducing damages to our natural resources and working with Town Staff, other committees, and local organizations to encourage sustainable stewardship of Scarborough's natural resources.

The Commission continues to focus on issues related to its 2022 a goals-setting process, which aligned priorities with the Scarborough Comprehensive Plan. The following efforts initiated over the past year aligned with three focus areas:

Conserving Land

- Provided a Town Council workshop in conjunction with the Parks and Conservation Land Board and the Scarborough Land Trust on the economic and environmental importance of conserved lands.
- Drafted a resolution to support conserving 30% of Scarborough's land by 2030 (30x30). The Town Council adopted the resolution on 6/7/2023.
- Successfully advocated for funding within the Town's fiscal year 2024 budget to complete a conservation open space plan, which will provide a road map for achieving 30x30.
- Worked with staff to update the Town's conserved lands and open space map.

Building Resiliency

- Supported the Planning Department by recommending an updated plant list that focuses on the use of native plants.

Promoting Engaged Citizen Stewardship

- Worked in collaboration with the Scarborough Land Trust, Friends of Scarborough Marsh, and the Scarborough Public Library to coordinate the 2023 Conservation Speaker Series on a variety of topics related to conservation and climate change.
- Assisted with the coordination of Scarborough's inaugural Sustainable Scarborough Day.
- Published articles in *The Leader* and the Town's e-newsletter about lawn care without pesticides and tick awareness

Conservation Commission administration

The Commission would like to extend gratitude to Chair, Randi Hogan, and Vice-Chair, Jessica Sargent for their leadership.

The Commission also recognizes former members Noah Perlut, Charles Spanger, and Emily Springer for their service and welcomes new members Cathleen Miller and Maggie Vishneau.

Thanks also to Council liaisons, April Sither (until November 2022) and Karin Shupe (from December 2022), as well as staff liaison, Jami Fitch, Sustainability Manager.

Respectfully submitted,
Randi Hogan, Chair

Jessica Sargent, Vice-Chair

Rita Breton, Richard Harvey, Cathleen Miller, Peter Slovinsky, Maggie Vishneau, and Marla Zando, Commission Members

Images to be provided with the report to be used at the discretion of the report editors:

Excerpt from the Commission's 30x30 fact sheet, available on the Commission's page on the Town website:



The 30x30 goal is meant to be a bold vision that reflects the severity of the biodiversity and climate change crises. **Our future depends on preventing the collapse of natural systems that provide our food, clean water, clean air, and a stable climate.** To preserve those important ecosystem services, we must conserve and protect enough of our natural world to sustain them for this and future generations.

Updated conserved lands and open space map, available on the Town's WebGIS site.