

Town of Scarborough Conservation Commission

November 13, 2023 | 6:00 p.m. | Scarborough Town Hall and via Zoom

Meeting Minutes

Present in person:

Commission: Dick Harvey, Pete Slovinsky

Staff: Jami Fitch, Autumn Speer

Guest: Andrew Mackie, Scarborough Land Trust (SLT)

Present via Zoom:

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

A recording of this meeting is available online: https://www.youtube.com/watch?v=z1KF_8S79zI

Call to order

1. Meeting was called to order at 6:00 pm.
2. Pete motioned to accept the minutes. Marla seconded. Rollcall vote was unanimous. Motion passed.
3. Public Comment
 - Andrew Mackie shared that SLT is hosting a talk about how the personalities of small mammals influence forest growth at the Scarborough Town Hall on 11/14 at 6:30 pm. He also shared that the Fuller Farm bird trail has been upgraded to improve accessibility. He also encouraged the Conservation Commission write a letter to the Town Council to request reauthorization of Scarborough's land bond.
 - Pete would like to see the Commission work with SLT to provide community outreach about the importance of the land bond to the Town's goal of achieving 30x30. The accomplishments achieved due to the land bond should also be highlighted. Marla noted that she and Rita are open to working with Randi, Jami, and Allison Carrier to draft some articles.

Old Business

1. Conserving Land & Building Resiliency: Review updated Environmental Standards for Natural Resource Protection and finalize recommendations
 - An updated environmental standards document was provided to the Commission with their meeting agenda. The Commission's previous comments and suggestions have been incorporated into the document, and additional comments were discussed during the meeting:
 - Pete suggested referencing "highest astronomical tide" (HAT) throughout the document instead of "highest annual tide." Highest astronomical tide is a more stable number than the highest annual tide.
 - The Maine Geological Survey determines the highest astronomical tide for Maine. The process is completed every 25 years, or so.
 - Add clarity around native vegetative buffers to specify that the native vegetation must be appropriate to the resource that it is adjacent to.

Engineering & Technical Services

- Remove “Marsh Migration Zone (developed)” from the setback/buffer table. The Shoreland Zoning ordinance should be updated to capture these guidelines during redevelopment adjacent to the marsh.
 - Coastal Bluffs – clarify that the requirements in the table apply only to undeveloped bluffs. Also, make setbacks consistent with marsh migration zone setbacks (HAT + 4’ SLR or HAT + 125’)
 - Related: Scarborough’s bluffs need to be evaluated and mapped to document whether they’re stable or unstable. Per State law, if a bluff is not mapped as unstable, it is assumed to be stable. The Town should limit armoring bluffs with riprap as much as possible.
 - Specify that setbacks and buffer widths for streams and rivers are measured from normal high water. The starting point for vernal pool setbacks and buffer widths needs to be determined.
 - Fertilizer note should be reviewed. In coastal waters, nitrogen is the nutrient of concern, where phosphorus is the concern in fresh water.
- The Commission would like see a GIS analysis of the HAT line that is buffered by 125’ and the existing HAT + 4’ SLR layer. Jami will ask Micah to prepare the maps for the Commission ahead of the December meeting.
 - Pete asked if the vegetated buffer should be wider in areas where the setback is wider (primarily in tidally-influenced areas). He suggested the buffer be a certain percentage of the setback area. This issue will be revisited after the mapping exercise is complete.
 - Once the recommendations are finalized, the Commission needs to think about how the ordinance will be presented to the Town Council.
 - Maggie asked which stakeholders will be opposed to the recommended changes. Are there other conversations that need to happen before this ordinance goes before the Town Council?
 - **ACTION: JAMI will ask Micah to prepare the maps so the Commission will have them prior to the 12/11 meeting.**
2. Conserving Land: Nominate Conservation Commission representative to Ad-Hoc Open Space Committee
- The Town Council approved the Ad-Hoc Open Space Committee at their 11/8 meeting. The Council would like the committees and groups called out in the charge to nominate a representative to serve on the Ad-Hoc Open Space Committee.
 - Maggie had expressed interest in serving as the Conservation Commission’s representative.
 - *Jessica nominated Maggie as the Conservation Commission’s representative to the Ad-Hoc Open Space Committee. Pete Seconded. Rollcall vote was unanimous. Motion passed.*
 - The Commission thanks Maggie for volunteering to serve as the Commission’s liaison.
3. Finalize Conservation Commission 2024 meeting dates
- The Commission will move their regular meeting date to the 4th Wednesday starting in January 2024, pending confirmation from Randi and Rita that 4th Wednesday will work for them.
 - December’s meeting date will remain the same (12/11). January’s meeting date is tentatively 1/24/24.
 - **ACTION: JAMI will check in with Randi and Rita on their availability to meet on the 4th Wednesday of the month. An update will be sent to the Commission once the meeting date is finalized.**

New Business

1. Review Conservation Commission annual report
 - A draft annual report was provided to the Commission with the meeting materials.

- The report is for the Town Council and citizens and covers fiscal year 2023 (June 2022 – July 2023). All departments and some committees provide information for the report.
- The Commission would like the language around 30x30 to note that the goal is to conserve a **minimum of 30%** of the Town’s land.
- Pete asked that the map included in the draft to be updated with a legend. Jami will make sure the final image is a more complete map.
- The images in the draft will be provided to those who compile the overall report, but they may not make it into the final draft of the report.

Updates

1. Promoting Citizen Stewardship: Report out from sub-committee
 - The subcommittee’s report was included with the Commission’s meeting materials.
 - The first two speaker series presentations are available on the [Scarborough Public Library YouTube channel](#). Hopefully the third will be posted soon.
 - Marla and Rita are looking for ideas for speakers and topics for the 2024 series. Please let them know if you have ideas.
2. Town Council
 - New Town Council committee assignments will be assigned in December.
3. 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.
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. Parks and Conservation Land Board
 - The Board recommended the Town Council approve \$210K to support SLT’s acquisition of 50 Hanson Road. This parcel is 18 acres with 1,000 linear feet of Silver Brook, a wild brook trout stream according to IF&W. The parcel would make 700 contiguous acres of protected land (adjacent to existing SLT property and Broadturn Farm). It’s also in close proximity to a large parcel in Saco that is also conserved.
6. Low Impact Development Ordinance
 - The Friends of Casco Bay appealed DEP’s approval of the model ordinances submitted by Scarborough and the 13 other municipalities in this area. The appeal was recently heard by the Board of Environmental Protection (BEP). BEP remanded the issue back to DEP to set specific performance standards that municipalities need to include in their ordinances. This process will likely extend the Town’s ordinance development timeframe.

Meeting adjourned at 7:19 pm.

Next Meeting:

December 11, 2023 @ 6:00 pm