

Town of Scarborough Conservation Commission

February 28, 2024 | 6:00 pm | Hybrid: Town Council Chambers A and via Zoom

To participate in the Conservation Commission meeting remotely, please follow this link:
https://scarboroughmaine.zoom.us/webinar/register/WN_ppAbVdd9QW6CT34rruZ40w

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 1/24/24 meeting
 - (4) Review 2/28/24 agenda
 - (5) Public comment
- 6:15 pm** **Old Business**
- (1) Conserving Land & Building Resiliency:
 - a) Environmental Standards: Review GIS application that shows how areas/parcels may be impacted by proposed standards
 - b) Land Bond: Review memo to Town Council in support of proposed land bond (attached)
 - c) Update on Conservation Open Space Plan
 - (2) Planning Board submittals (checklist attached)
- 6:55 pm** **New Business**
- (1) Discuss establishing a stormwater fee in Scarborough
- 7:15 pm** **Updates**
- (1) Promoting Citizen Stewardship: Report out from sub-committee
 - (2) Town Council
 - (3) Sustainability Committee
 - (4) Parks and Conservation Land Board
- 7:25 pm** **Set next meeting agenda**
Next meeting: March 27, 2024 at 6:00 pm
- 7:30 pm** **Adjourn**

Engineering & Technical Services

Town of Scarborough Conservation Commission

January 24, 2024 | 6:00 p.m. | Virtual via Zoom

Meeting Minutes - DRAFT

Present in person:

Commission:

Guest: Andrew Mackie, Scarborough Land Trust (SLT); Carrick Gambell, Natural Resources Conservation Service (NRCS)

Present via Zoom:

Commission: Rita Bretton, Dick Harvey, Randi Hogan, Cathleen Miller, Abel Plaud, Jessica Sargent, Pete Slovinsky, Maggie Vishneau, Marla Zando

Staff: Jami Fitch, Emerson Goodrich, Autumn Speer

Town Council: Karin Shupe

Guest: Andrew Mackie, Scarborough Land Trust; David Kunhardt, Scarborough resident & member of Citizens Climate Lobby

A recording of this meeting is available online: <https://www.youtube.com/watch?v=7vdU44nlhuk>

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. Marla seconded. Rollcall vote was unanimous. Motion passed.
4. Pete requested to add information about the 1/10 and 1/13 storms to the agenda.
5. Randi announced that the Appointments and Negotiations Committee did not reappoint Rita Bretton and Dick Harvey to the Commission. The Commissioners acknowledged the contributions of Rita and Dick and thanked them for their service. The Commission also invited Dick and Rita to stay engaged with the Commission. Pending Town Council approval, Cathleen and Abel will be made full voting members of the Commission. Bennett Flanders and Loren Johnston will be first and second alternates, respectively.
6. Public Comment
 - Andrew Mackie announced that the Scarborough Land Trust closed on an eight acre parcel on the Marsh off Clay Pits Road. No land bond funds were used for this purchase. They are scheduled to close on an 18-acre parcel off Hanson Road. SLT and partners submitted a \$1.4M planning grant through NOAA to study the Marsh.
 - Jami asked about the process for notifying the Town of newly acquired process so the information can be included in the Town's GIS.
 - David spoke about federal carbon fee and dividend legislation and asked the Commission to work with the Sustainability Committee to request that the Town Council pass a resolution to support the legislation.
 - Randi asked Commissioners who are interested in shepherding this process through the Commission to reach out to her and Jami.

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- Jami will share a revised resolution to the Commission.

Additional Agenda Item: 1/10 and 1/13 Storms

- Pete provided some context to the 1/10 and 1/13 storms that significantly impacted Scarborough:
 - Both storms were southeaster storms (winds out of the SSE), rather than traditional nor'easters that are common in New England.
 - Storm surge on 1/10 approached 4-feet, which is high for Maine. Maine's 1% storm surge is around 4.5-feet.
 - Maine's sea levels are 6-8 inches above normal right now, which increased the severity of the impacts.
 - 1/10 storm highlights:
 - Seas were 20-25 feet with some offshore readings exceeding 30 feet.
 - Dune and beach erosion was significant (10-15 feet of erosion on average).
 - There was significant dune wash over at Higgins Beach and Scarborough Beach and many seawalls were damaged.
 - Several roads were closed due to storm surge and wind pushing water inland.
 - 1/13 storm highlights:
 - Set a new record for high tide in Portland and other locations in Maine. The previous record occurred during the blizzard of '78.
 - The storm hit during an 11.3-foot astronomical high tide.
 - The surge and waves were not as high as the 1/10 storm, but the flooding and impacts were worse.
 - Some roads in Scarborough were closed for more than 24 hours.
 - Significant damage to homes and seawalls.
 - Another ~15 feet of dune eroded (bringing the total, on average, to 30 feet between the two storms).
 - Overwash (penetration of waves) at Scarborough Beach State Park reached 100-150 feet.
 - Pete noted that, as the Town and property owners build back, we need to re-envision our coastline to make it more resilient.
 - Maggie asked Pete to elaborate on what he means by "managing the marsh." Pete explained that the Marsh serves as a buffer for coastal storms. There are many barriers within the marsh (Eastern Trail, rail line, Route 1, Payne Road) that limit the marsh's ability to move inland due to sea level rise and so it can continue to provide a buffer. It's also important for the marsh and its tributaries to be able to accommodate the increased rainfall produced by more intense storms. Developed uplands around the marsh will lead to more runoff into the marsh, which is an issue for water quantity and quality in the marsh.
 - Randi noted the storms will have a real cost to the Town and private citizens as they work to rebuild.
 - Pete also noted the impact of the storms on emergency services because so many coastal roads were closed.
 - Inland communities are dealing with similar challenges like road closures and washouts due to inland flooding. The 12/18/23 storm caused significant flooding in other areas of the state.

Old Business

1. Conserving Land & Building Resiliency:

- a. Review final recommendations for Environmental Standards
 - Pete provided an update on the updated environmental standards document that was provided to the Commission with the meeting materials. The major changes related to vernal pool, marsh migration zones, and coastal bluffs:
 - Vernal pools: vegetated buffer width is equal to the full setback.
 - Marsh migration zone: vegetated buffer width is equal to the full setback.
 - Coastal bluffs: “unmapped” was added as a category and the standards are equivalent to those for unstable bluffs.
 - Autumn reiterated that the standards only apply to new development. Existing development would be captured through an update of shoreland zoning.
 - Pete noted that land that becomes undevelopable due to the new standards may be able to be counted toward 30x30 goals. The landowners could be encouraged to put a conservation easement on that portion of their property.
 - Approximately 968 parcels will be subject to the new standards, but the entire acreage of the parcel may not be impacted. A GIS exercise should be done to better understand the acreage of land that will be impacted.
 - Autumn noted that additional mapping and graphics need to be developed to help the Council fully understand the proposed standards.
 - Once the standards are voted out of the Commission, they will move to the Ordinance Committee for their review. The standards are closely related to the vulnerability assessment, so there’s a chance the Ordinance Committee will want to hold off moving forward until we are farther along in the vulnerability assessment process.
 - Karin is willing to reach out to Councilor Caterina to request the standards be on the March Ordinance Committee agenda.
 - *Cathleen motioned to approve the environmental standards. Maggie seconded. Rollcall vote was unanimous. Motion passed.*
- b. Conservation Land Bond support
 - Jessica provided an update on the Parks and Conservation Land Board’s request for additional funding for the land bond. A revised request was submitted to the Town Council on 1/19 and included a recommended bond amount of \$5-10M, dependent on research.
 - SLT is also planning to send a recommendation letter to the Town Council.
 - Karin noted that the Council received the letter. She is proposing that the Finance Committee take up the bond issue at one of their upcoming meetings. Karin will let Jessica/PCLB know if she needs anything for the Finance Committee meeting.
 - The Conservation Commission will submit a letter in support of the bond.
 - **ACTION: JAMI, JESSICA, and RANDI will work on a draft and circulate it ahead of the Commission’s February meeting.**
- c. Ad-Hoc Open Space Committee
 - The Town Council approved the make up of the Ad-Hoc Open Space Committee. Maggie is the Commission’s representative on the Committee.
 - Proposals for consulting services in support of the Open Space Plan are due 1/25.
 - The Ad-Hoc Committee will likely meet in March, once the contractor is on board.

New Business

1. Planning Board Submittals
 - Autumn outlined the monthly Planning Board review timeline (calendar attached):

- The Commission will receive the submitted applications from Eric Sanderson the day after submittals are received. Eric highlights the projects most pertinent to the Commission.
- The Commission meets the day after Eric sends the Planning Board email.
- The Commission will have six days following their meeting to provide comments to Planning staff
- Autumn asked the Commission for input on what would make their reviews easier.
 - Randi suggested that Planning staff could review the submissions against the Commission’s development checklist and provide the information to the Commission. Autumn noted that the checklist will need to be paired down to speed up staff’s initial reviews.
 - Pete asked that projects that fall within HAT + 4’ be flagged for the Commission.
- Cathleen asked what options the Commission has for their comments/concerns without the environmental standards ordinance in place. Jami noted that the Commission may see trends that will help identify where additional ordinance updates are needed.
- Pete asked if the language in the environmental standards can require the marsh migration buffer/setback to be placed in conservation. Jami noted that there would likely be a lot of pushback from the community because it may be perceived as a “take.” Autumn added that staff encourage developers to put conservation easements on designated open space.
- Randi asked about the proposed development at 48 Pine Point Road – Marsh Bend Subdivision. Autumn shared that the developers requested their application be tabled. The parcel has Resource Protection at the back of the property. The developer is considering working with SLT to put a conservation easement on a portion of the property. This project will probably come back to the Planning Board in March.
 - Pete noted that the 100-year floodplain shown on the plans is FEMA’s old floodplain, not the new preliminary floodplain.
 - Randi asked if staff know how this parcel fared in the 1/10 and 1/13 storms. Staff will suggest the developers consider these storms in their proposed site layout.
- Abel asked to be added to the distribution list to receive Planning Board materials.
- **ACTION: JAMI will ask Eric to add Abel to his distribution list.**

Updates

1. Promoting Citizen Stewardship: Report out from sub-committee
 - Cathleen has joined the Citizen Stewardship committee, and Rita may continue to support the committee.
 - The stewardship committee is working on aligning their outreach efforts and messages with the Commission’s goals (Open Space Plan, Vulnerability Assessment, land bond, Planning Board reviews).
 - They would like to assist with outreach related to the land bond effort.
 - Providing information about the Planning Board and development review/approval process would be beneficial.
 - Marla is interested in [Blue Carbon Reservoirs](#) and the [Maine Blue Carbon Network](#). She plans to reach out to the Maine Blue Carbon Network to ask them to provide a workshop locally.
 - Cathleen will write articles about organic lawn care.
 - Jami suggested Pete provide a community talk about the January storms.
 - Dick asked if Jessica could provide some information about the economic impacts of the storms.
 - They would like to create an introduction and orientation process for new Commissioners.
 - Other Commissioners are welcome to join.

2. Town Council

- Town Council’s goal-setting workshop is on 1/27. Karin’s goals will be to continue working toward 30x30 and integrating the Commission into the Planning Board process.
- Karin thanked Dick and Rita for their service and explained that one of the new members joining the Commission is a Planning Board member.
- Jami shared that the Scarborough and Cape Elizabeth Town Councils will hold a joint workshop on 2/7 to discuss Sawyer Street.

3. Sustainability Committee

- The Committee is considering the carbon fee and dividend legislation and working on a C-PACE ordinance.
- Scarborough is going to be a recipient of an Energy Efficiency and Conservation Block Grant. The Committee would like to see the grant go toward planning for a municipal solar array.

4. Parks and Conservation Land Board (PCLB)

- Jessica is not the chair of the PCLB and hopes to integrate their work with the Commission’s.
- PCLB’s primary focus is the land bond. Jessica/PCLB is working with the Trust for Public Land in hopes they will support the land bond effort.
- There is a vacancy on the PCLB.

Meeting adjourned at 7:36 pm.

Next Meeting:

February 28, 2024 @ 6:00 pm

SUBMITTAL PROCESS		REVIEW PROCESS			
Submittal & Resubmittal Deadline	Distribute To DRC, CC & Peer Review	Conservation Commission Meetings	Conservation Commission Comments Due	DRC with Applicant (present comments & determine next steps)	Planning Board
28 Days Prior - Mondays at 4:00	1 Day After Submittal Tuesdays	4th Wednesday	13 Days Prior Tuesdays 12:00	12 Days Prior Wednesdays 1:00-4:00	Third Mondays
Applicant	Planner	Conservation Commission	Conservation Commission	DRC/ Applicant	Applicant / Planning/ Engineering
18-Dec	19-Dec	27-Dec	2-Jan	3-Jan	16-Jan
22-Jan	23-Jan	24-Jan	6-Feb	7-Feb	20-Feb
20-Feb	21-Feb	28-Feb	5-Mar	6-Mar	18-Mar
18-Mar	19-Mar	27-Mar	2-Apr	3-Apr	15-Apr
22-Apr	23-Apr	24-Apr	7-May	8-May	20-May
20-May	21-May	22-May	4-Jun	5-Jun	17-Jun
17-Jun	18-Jun	26-Jun	2-Jul	3-Jul	15-Jul
22-Jul	23-Jul	24-Jul	6-Aug	7-Aug	19-Aug
19-Aug	20-Aug	28-Aug	3-Sep	4-Sep	16-Sep
23-Sep	24-Sep	25-Sep	8-Oct	9-Oct	21-Oct
21-Oct	22-Oct	23-Oct	5-Nov	6-Nov	18-Nov
18-Nov	19-Nov	27-Nov	3-Dec	4-Dec	16-Dec

MEMO

To: Scarborough Town Council
From: Conservation Commission
Date: xxx
Re: Land Bond

The Conservation Commission supports the Parks and Conservation Land Board's request to place a referendum question on the 2024 ballot to authorize the Town of Scarborough to issue new bonds for the purchase of lands and interests in lands throughout town for the purpose of conserving natural areas and protecting marshlands, wildlife habitat, and agricultural land.

New bonding capacity is critical to fulfill the Town Council's 2023 resolution to conserve at least 30% of Scarborough's land and water by 2030 (30x30). Since 2013, developed acreage has outpaced conserved acreage by a four-to-one margin, and over 4,000 acres still need to be conserved to meet the Town's 30x30 goal. Land conservation is also an important tool to improve environmental resilience, protect water quality, and offset greenhouse gas emissions.

With the cost of land in Scarborough increasing significantly over the past decade, the Commission supports a bond greater than the \$2.5 million approved by voters in 2019 and 2009. It is our understanding that the Parks and Conservation Land Board is embarking on a process to determine a recommended bond amount, based on community feedback and support.

We hope the Town Council agrees that new bonding authority is a critical step in achieving 30x30 and supports a 2024 ballot measure to authorize spending for land conservation. We look forward to supporting the Parks and Conservation Land Board and other community partners in this effort.

Scarborough Conservation Commission

PLANNING DEPARTMENT NEW SUBMITTALS: FEBRUARY 20,2024

COMMENTS DUE: MARCH 5, 2024

#	SUBMITTAL DATE	PROJECT TYPE	PROJECT NAME & LOCATION	PRELIMINARY CONSERVATION CHECKLIST		
				YES	NO	
1.	2/20/2024	Subdivision 16 Acres Zoned R3 and RP	Marsh Bend 10 Residential Lots (One Existing) 48 Pine Point RD	Does the development include wetlands, flood zones, shoreland area or marsh migration areas?	X	
			Conservation planned to SLT	Is the development adjacent to wetlands, flood zones, shoreland area or marsh migration areas?	X	
2.	2/20/2024	Subdivision Zoned CPD	Downs Towns Center Subdivision Phase 2 - Amended Subdivision Lot 8 For Intermed Surgery Center and Lot 9 for Pump Station – R5204 Scarborough Downs Road adjacent to U5605	Does the development include wetlands, flood zones, shoreland area or marsh migration areas?		X
				Is the development adjacent to wetlands, flood zones, shoreland area or marsh migration areas?	X	
3.	2/20/2024	Site Plan Zoned RH	6 Cummings Road – Contractor Business	Does the development include wetlands, flood zones, shoreland area or marsh migration areas?	X	
				Is the development adjacent to wetlands, flood zones, shoreland area or marsh migration areas?	X	