

# Town of Scarborough Conservation Commission

February 28, 2024 | 6:00 p.m. | Virtual via Zoom

## *Meeting Minutes*

### Present in person:

Commission: Bennett Flanders, Randi Hogan, Abel Plaud

Town Council: Karin Shupe

Staff: Jami Fitch, Autumn Speer

### Present via Zoom:

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

Staff: Emerson Goodrich

*A recording of this meeting is available online: [Conservation Commission - 2/28/24](#)*

### **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. Abel motioned to accept the minutes as amended to reflect that Jessica is NOW the chair of the Parks and Conservation Land Board. Pete seconded. Rollcall vote was unanimous. Motion passed.
4. Public Comment
  - There were no public comments.

### **Old Business**

#### 1. Environmental Standards

- The environmental standards ordinance is scheduled to go to the ordinance committee 3/13.
- A GIS mapping application was developed to help understand how the proposed environmental standards will impact properties. The link was shared with the Commissioners
- Karin inquired about procedure regarding the ordinance. Autumn is giving a presentation to SEDCO on 3/27, after the Ordinance Committee takes up the ordinance. Karin inquired if Commissioners should attend the Ordinance Committee meeting to support the environmental standards.

## **Engineering & Technical Services**

- Karin asked the Commission if they feel the recommended standards are strong enough. Jami affirms that no compromises were made in terms of what the group intended to achieve with the ordinance.
- Pete inquired to make sure the ordinance was not making any setback area less protected than they currently are. Autumn ensures the more restrictive setback and protections will apply, which is explicitly stated in the ordinance.
- Jami explained the ordinance was discussed and subsequently passed out of committee in January. Autumn suggests the use of the GIS application in demonstrating the impacts of the ordinance.
- Pete suggested making the setbacks in the Environmental Standards the same as the Resource Protection (RP) Zone setbacks the Shoreland Zoning Ordinance.
- *Pete motioned to change the marsh migration area setback to HAT+250' or HAT+4', whichever is greater, to be consistent with the RP setbacks. Abel seconded the motion. No further discussion was necessary. Marla recused herself from the vote. Rollcall vote was unanimous. Motion passed.*
- Pete is planning to go to the Ordinance Committee to support the environmental setbacks.
- Autumn walked the group through the GIS application.
- Abel asked about limitations the ordinance would place on redevelopment of sites. Karin noted that in the example of Café Luna, the Zoning Board approved the plans for redevelopment and did not consider environmental factors. Autumn confirmed that the environmental standards would apply to redevelopment if the site goes before the Planning Board.

## 2. Land Bond Memo

- Jami introduced the memo written in support of the Parks and Conservation Land Board's (PLCB) request to include a new land bond on the 2024 ballot. The land bond supports the Town's 30x30 goal. The memo does not state the exact dollar amount for the land bond, but states support for a land bond in an amount larger than the previous land bond.
- Jessica explained that based on monitoring of current land bond funds, they have inserted an amount of between \$5-10 million dollars, which may change subject to further research.
- Jessica and Randi reached out to the Trust for Public Land to request help from their Conservation Finance Department to conduct polling to help determine the bond amount. They have not yet decided whether or not Scarborough will be one of their 2024 projects.
- Abel and Pete note community feedback in a survey expressing concern over growth as relating to conservation.
- Jami explained that the PCLB makes the recommendation to the Town Council, and the Council ultimately approves the monetary value of the bond that will be put forth to voters, who will vote on the bond as part of the 2024 election.
- Jessica shared that there is \$1.4 million remaining in authorization from the previous land bond and explained that the money is authorized as needed and not all at once. She believes there will likely be applications in the coming year that will spend that remaining balance.
- Karin noted the land bond is moving forward currently without an Open Space Plan, but Randi relays that residents have consistently expressed support for land bonds.
- Marla asked about the timeline. Autumn, Jessica, and Karin believe the Council will vote on the bond sometime between May and July.
- *Cathleen motioned to approve the memo. Abel seconded. Pete requested including a reference to the recent community survey, which stated that 74% of respondents believe Scarborough is developing too fast and 77% of respondents are concerned with the pace of community growth and expansion. Rollcall was unanimous. Motion passed.*

- **ACTIONS:**
  - **JAMI will add wording suggested by Pete and will provide the memo to Randi for a final review.**
  - **RANDI will submit the memo to the Town Council.**

### 3. Open Space Plan

- Jami shared that Viewshed has been selected as the Open Space Plan contractor and that initial and kickoff meetings are upcoming.
- Maggie is serving as the Conservation Commission's representative on the Ad-Hoc Open Space Committee.

### 4. Planning Board Submittals

- Autumn introduced the recent planning board submittals. The projects included for this meeting include:
  - Marsh Bend Subdivision
    - Decreased from 12 to 9 lots
    - Undeveloped open space adjacent to the marsh will be given to SLT. The parcel is connected to State land, but the developer has not been able to reach anyone at MDIFW to discuss donating the land to the State.
    - **ACTION: JAMI will give AUTUMN a contact to inquire about the connection to State land.**
    - Cathleen asked about the amount of land that would be conveyed to SLT. 170,000 sq. ft (just under 4 acres) of open space would be donated to SLT.
    - Jami asked if the "no disturb buffers" could be part of common open space rather than individual parcels. She explained that, despite being marked on properties, there have been instances where buffers have been disturbed, which caused the expenditure of Town time and resources to address.
    - Autumn noted that the issue of the no disturb buffers will be discussed with the applicant at a Planning Board meeting. She also noted that it would be helpful to update ordinances to require no disturb buffers be part of common open space instead of individual parcels because this issue comes up frequently.
    - Jessica asked about other deed restrictions and easements, outside of the State and SLT, to encourage the protection of land and the provision of other amenities to the Town.
    - Autumn explained that permanent protection occurs with SLT. Home Owners' Associations may dissolve in the future, and they are not overseen by the Town. There are also issues with public access to private land and developments. Autumn agreed that question comes up occasionally and should be given more formal consideration following the completion of the Open Space Plan.
  - 6 Cummings Rd
    - Autumn used this parcel and proposed site plan is an example of where the environmental standards and buffers would be particularly helpful.
    - Pete noted the proposed plan fills the middle of Red Brook, which is an urban impaired stream and shared his concern about the project.
    - Karin suggested members of the Commission attend the Planning Board meeting to provide feedback on proposals such as this.

- Randi, Abel, and Pete suggested reducing impervious surface by reducing parking and the size of the building.

## New Business

### 1. Stormwater Management Fee

- Karin explained that she is interested in establishing a stormwater management fee in Scarborough, notably to collect fees from businesses that do not pay taxes.
- Everyone in Scarborough would get assigned a fee based on the amount of impervious area on their parcel.
- Karin shared this would raise more funds for Scarborough, as well as deter development. She noted that Portland, Bangor, and Lewiston have implemented fees.
- Pete asked about porous pavement factoring into the fee, and Jami states it is not usually calculated as impervious surface, although the applicability of porous pavement depends on which watershed you are in.
- Kathleen expressed support for the fee as a way to incentivize doing less harm and encouraging less paving.
- Autumn suggests updating the Town's ordinance to decrease the amount of impervious cover allowed on parcels. Currently, Scarborough ordinances allow 85% of a parcel to be impervious. She noted that 60% would be a more appropriate amount.
- Pete asked about what will be recommended in the Low Impact Development (LID) standards in terms of impervious surface, which will be potentially published in June or July. Jami stated that it is less than 85%. She also shared that the process of developing LID standards has been remanded to the State, so the process will likely take longer than initially anticipated.
- Pete asked if 60% impervious cover is still too high. Autumn suggested that standards should differ based on zoning.
- **ACTION: AUTUMN will look into changing the impervious surface allowances.**
- Karin noted the need to identify where funds from the stormwater fee would go.
- **ACTION: JAMI will share a review of Portland's stormwater fee implementation with the group.**
- Jami noted that it may make sense for Scarborough to work with neighboring communities on a regional effort. Portland's process to develop a stormwater fee took about five years.
- Pete underscored that the fee supports goals in the Comprehensive Plan to protect the marsh.

## Updates

### 1. Education Subcommittee

- Marla reached out to Beverly Johnson to plan a program around Blue Carbon and the Marsh.
- Cathleen asked for suggestions for topics and connections with other events supporting Open Space and the Land Bond.

### 3. Sustainability Committee

- Commercial PACE Program going to the Ordinance Committee in March.

### 4. Parks and Conservation Land Board

- Will be discussing next steps for the bond referendum and quantitative assessment for that.

Meeting adjourned at 7:43 pm.

**Next Meeting:**

March 27th, 2024 @ 6:00 pm