



**Long Range Planning Committee Meeting**  
**May 10, 2024**  
**8-9:30 am**

**In Person:     Public Safety**

**Virtually via Zoom:** To view the meeting via Zoom, [Click Here](#)

Members of the public may attend virtually or in person. Committee members are expected to attend in person unless the member meets one of the circumstances established in the Committee's remote participation policy.

Members: Allen Paul, Rick Shinay, Peter Freiling, Robyn Saunders, Portia Hirschman

Alternates: Robert Odlin and Judith Fischer

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Jean-Marie Caterina and Jon Anderson

- I.        Roll Call and Identify Voting Members, recognize new members
- II.       Review Minutes March 8, 2024
- III.      Nominate Transportation Committee liaison
- IV.      Review Draft Environmental Standards from Conservation Commission
- V.       Review and discuss existing Parking Standards
- VI.      Review public request to consider Rural Farming uses
- VII.     Public Comment
- VIII.    Staff Updates
- IX.      Committee Member Updates
- X.       Adjourn – Next Meeting June 14, 2024

# MINUTES



**Long Range Planning Committee Meeting**  
**March 8, 2024**  
**8-9:30 am**

**In Person at Public Safety & Virtually via Zoom**

In attendance: Allen Paul, Marvin Gates, Robyn Saunders, Portia Hirschman, Rick Shinay, Peter Freilinger, Rachel Hendrickson, Jean-Marie Caterina, Jon Anderson, Karen Martin, Autumn Speer, Eric Sanderson

Members: Allen Paul, Rick Shinay, Peter Freilinger, Marvin Gates, Robyn Saunders

Alternates: Portia Hirschman and Robert Odlin

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Jean-Marie Caterina and Jon Anderson

I. Roll Call and Identify Voting Members

II. Review Minutes February 9, 2024

Motion to approve by Rick Shinay, seconded by Marvin Gates. Passes 4-0-0.

III. Nominate Transportation Committee liaison

The Committee decided to table this item.

IV. Review and possible action on Chapter 405B Site Plan Standards and Commercial Design Standards Merger/Update – Site Layout Standards and Architecture

Autumn gave an overview of the Ordinance. If the Committee approves this would move forward to the Ordinance Committee. Discussion occurred on giving the draft to the Ordinance Committee as one larger document, or in pieces. Parking was noted to be discussed after the site layout and architecture portion of the draft. Motion was made by Peter Freilinger to move the Ordinance toward to the Ordinance Committee. Second by Rick Shinay. The Committee Discussed parking requirements which can be edited with Zoning changes in the future. This is more cleanup and consolidation than actual language change to better our baseline language. Motion passes 4-1-0 (Marvin Gates).

Rachel Hendrickson noted Section XX Site Design (page 5). She noted there are no standards for the Planning Board to follow, which should be specified, even if just having a certain percentage of parking being allowed if specific standards are met.

V. Review and discuss Planning CIP request for 2025: North Scarborough Running Hill Master Plan

Jean-Marie noted she is a direct abutter of this area. Allen Paul noted he is on the SEDCO Board, which is directly involved with the transportation upgrades in this area. He offered if the Committee feels this is a conflict that he would abstain from the conversation. Autumn gave an overview of the village areas in town, which each have their own sections reserved in the updated Ordinances. As part of the Capital Improvement Plan (CIP) process, a Master Plan is included in the budget every five years, which should include village character. The first request

for 2025 is North Scarborough. Existing Zoning is shown with the Gorham Connector route by the Turnpike Authority.

The Dunstan area Master Plan would be proposed following North Scarborough. With vacant land and areas for potential development, this will be a key guide for any growth or limited growth in this area. Transportation Master Plan implications were discussed with Autumn noting these would cover land use and the town's Transportation Master Plan would govern separately. Robyn noted Gorham should be included for North Scarborough given the impact to that area. Jean-Marie added getting traffic off of Gorham and County Roads would reduce traffic volumes allowing for a Scarborough-Gorham village area which the current zoning supports.

Marvin asked if there is a clarifying distinction between neighborhoods and villages which may be identified with the Master Plan. Autumn noted this may be discussed in each individual planning effort. Jon Anderson emphasized the importance of moving in sea level rise and climate change considerations and the major impacts those will have on Scarborough property owners. Autumn noted several plans are addressing that already, but it can be considered when prioritizing CIP plan efforts.

VI. Review and discuss existing Parking Standards and next steps

Autumn clarified this is Zoning (as opposed to previously reviewed Site Plan parking standards). It includes minimum parking required, how the Planning Board can waive those, and more. She asked the Committee whether the use table defining minimum parking should be looked at, or whether flexible parking standards could be explored. She would like to discuss how the town feels about parking, impervious cover, etc. The Committee discussed seeing a comparison for what other communities are doing for parking could assist in this effort. Having separate defined uses or specific standards within categories (i.e. types of retail vs. types of restaurant) and change of use considerations were noted to be imperative. Rachel gave an example of how a use previously approved was adjusted slightly to include more longer term visits, which has created a parking issue adjacent to Route 1. Peter added having multiple commercial uses in a building in a smaller footprint is better and we should find ways to encourage colocation to this effect.

The Committee wished to look at national and state trends, and then can go over shared parking, mixed use parking, minimum and maximum parking, in addition to change of use. Karen noted she can look at previously provided data for Build Maine and in the 2021 Comprehensive Plan update process.

VII. Public Comment

VIII. Staff Updates

Autumn noted the Ordinance Committee will be reviewing CPACE, and recreation impact fees and two new traffic impact fee Ordinances will be presented shortly. Environmental standards will go to Ordinance Committee next month, with short term rentals possible for the Summer or sooner. Karen added in May SEDCO will have another joint meeting with Gorham Economic Development.

IX. Committee Member Updates

Portia noted the Transportation Committee is working on a traffic calming policy. Rachel noted the Planning Board approved a rugby facility on Two Rod Road, and the neighborhood was supportive after the applicant worked with the community and staff. Marvin thanked the

Committee for their time and expressed his appreciation for having him on the group. The Committee thanked Marvin for his service to the town as well.

X. Adjourn – Next Meeting April 12, 2024

Peter motioned to adjourn, seconded by Marvin. Passes unanimously. The meeting was adjourned at 9:33AM



# MEMO

**To: Ordinance Committee**

**From: Autumn Speer, Director of Planning and Codes**

**Date: April 10, 2024**

**Re: Environmental Standards Ordinance**

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## PROPOSED AMENDMENTS

In collaboration with the Conservation Commission, the Planning Department proposes environmental standards be added to Chapter 405B, Site Plan Review Ordinance, to enhance protections to Scarborough's saltmarshes, freshwater wetlands, rivers and streams, vernal pools, and coastal bluffs.

The Comprehensive Plan Vision Statement 1 speaks to the necessity of this ordinance:

***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.***

Several Town Ordinances mention a desire to protect environmental resources. However, outside of the Shoreland Zoning Ordinance and Conservation Subdivisions, requirements are not consistent or specific in regards to resource protection. During the development process, staff and Planning board often find themselves in a situation where state agencies have permitted a development plan that is not in line with the Town vision. Providing clear requirements for resource protections will create understanding with Developers, Staff and the Planning Board.

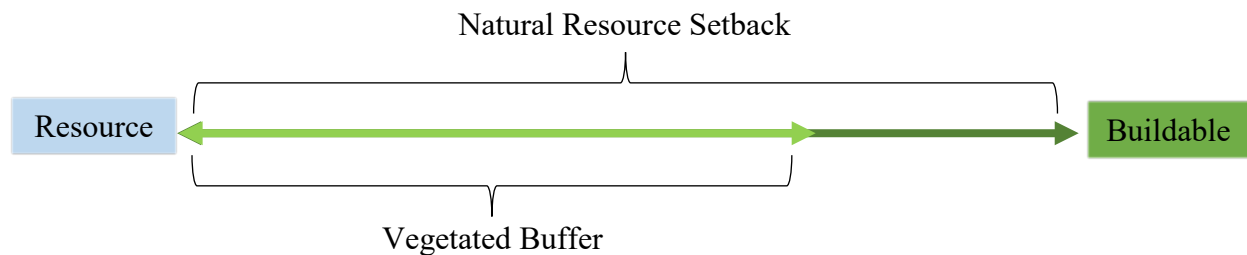
The proposed standards include the following:

- Protections for all new development requiring site plan or subdivision approval
- Definitions relating to natural resources
- Natural resource setbacks for wetlands, vernal pools, rivers, streams and brooks, coastal marshes and coastal bluffs

## Planning & Code Enforcement

- Vegetated buffers for wetlands, vernal pools, rivers, streams and brooks, coastal marshes and coastal bluffs
- Permitted activities within natural resource setbacks and vegetated buffer areas
- Specifications for natural resource protection plan
- Placeholder for potential waivers

The proposed ordinance designates specific distances from a natural resource for the overall natural resource setback and the vegetated buffer. The ordinance also specifies what is permitted in each.



Environmental Resource	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'	100% of Natural Resource Setback
Coastal Bluff Zone (unstable or unmapped)	HAT + 4' + 150'	35'
Coastal Bluff Zone (stable)	HAT + 4' + 100'	25'
River, stream or brook	100'	75'
Marsh Migration Zone	HAT + 4' or HAT + 250' (whichever is greater)	100% of Natural Resource Setback

Permitted Activity	Natural Resource Setback Area – Inside of 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
Installation 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 listed above	Only for permitted activities listed above

A [WebGIS application](#) has been developed to better understand how the proposed standards may impact parcels in Scarborough. Undeveloped parcels are those defined as having less than \$25,000 assessed value when the application was created. There may be more parcels that would be affected by the proposal with redevelopment or additional wetland mapping.

## EXISTING TOWN REGULATIONS

### Chapter 405 Zoning Ordinance

- **Section VII Conservation Subdivision Standards**

*1. The open space areas shall be contiguous areas that encompass and buffer the wetlands, watercourses, water bodies and other natural features within the subdivision. In addition to these wetlands and natural features, the open space may also include agricultural fields, farming activities, forest lands, wildlife corridors and habitat areas, or recreation areas that will be preserved or established as part of the subdivision as well as land designed to buffer these areas. In order to be counted toward the 50% requirement, an open space area must be at least one acre in size and include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary.*

- **Section IX Performance Standards – Private Way Residential Development**

*No-disturb buffer: An area within 25 feet, horizontal distance, of the upland edge of a wetland, as defined under Section VIIA(1), which is not otherwise regulated under the Town of Scarborough Shoreland Zoning Ordinance. Disturbance of the no-disturb buffer by clearing, mowing or construction of a structure is prohibited. The no-disturb buffer shall be delineated in compliance with Section IX(1)(9)(1) below.*

- **Section XIV Village Residential Districts VR4**

*7. In the VR4 District development shall be clustered away from wetlands, watercourses and water bodies and impacts to these resources shall be avoided. Contiguous wetland*

*areas of 15,000 square feet or greater shall be protected as common open space. These open space areas shall include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space lands may include a trail system for walking, hiking, biking or similar activities subject to Planning Board approval. Where no practical alternative exists, the Planning Board may allow the crossing of wetlands for roads, driveways or utilities to provide access to, or use of, an upland area within a development.*

## **Chapter 406 Subdivision Ordinance**

Section 4 Review Criteria below requires identification for wetlands, stream, rivers or brooks and floodplain delineation. However, no specific parameters are required for the protection of such.

- K. Whenever situated in whole or in part, within 250 feet of any pond, lake, stream, river, wetland or tidal waters, the proposed subdivision will not adversely affect the quality of such body of water or wetland or unreasonably affect the shoreline of such body of water or wetland;*
- L. The proposed subdivision will not, alone or in conjunction with existing activities, Adversely affect the quality or quantity of ground water;*
- M. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the Planning Board shall determine whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;*
- N. All wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district. Boundary locations of wetlands must be permanently marked;*
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A., section 480-B, subsection 9;*

## **Chapter 405B Site Plan Review Ordinance**

Submission requirements include a description of method to delineate wetlands and buffer. However, no specific parameters are required for the protection of such.

- L. A description of method to be used to permanently delineate wetlands and wetland buffers to prevent encroachment. [08/17/2005]*

Performance and Design Standards include goals concerning site layout in regard to wetlands, but again have no specific parameters defined.

### *A. Site Utilization & Layout*

*The primary goal of the site plan review process is to produce attractive and functional sites that compliment and conform to both the natural and built environment in which they are proposed. To this end, the built portions of a site shall be laid out in only the most*

environmentally suitable locations for development. Structures and impervious areas shall be designed around, and away from, resource areas such as wetlands, steep slopes, water bodies and other unique natural features.

## **Chapter 405C Shoreland Zoning Ordinance**

The Shoreland zoning ordinance applies to all land areas within 250 feet, horizontal distance, of the

- *normal high-water line of any great pond or river*
- *upland edge of a coastal wetland, including all areas affected by tidal action, or*
- *upland edge of a freshwater wetland and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream*

.....as shown in the Stream Protection Overlay District, Stream Protection 2 Overlay District Shoreland and Resource Protection districts.

- *Stream Protection Overlay District and Stream Protection 2 Overlay District applies in addition to the Zoning Ordinance*
- *Resource Protection District, this Ordinance applies in place of the Scarborough Zoning Ordinance*

Shoreland Zoning stipulates activities that are permitted in the different districts.

### **PROCESS TIMELINE**

The Conservation Commission began the ordinance drafting at their meeting on August 9, 2023. Revised drafts were presented and discussed at their meetings on October 16, 2023, November 13, 2023, and December 11, 2023.

On January 24, 2024, the Conservation Commission voted to recommend the final draft be presented to Ordinance Committee. On February 28, the Conservation Commission made an amendment to the final draft addressing the marsh migration zone to be more in line with the Resource Protection Standards.

SEDCO review March 21, 2024.

### **ATTACHMENTS**

1. Draft Environmental Standards

**Conservation Commission Approved Draft 1.24.24  
Amended 2.28.24**

**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. APPLICABILITY**

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 astronomical in which an activity is proposed. 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. The Maine Geological Survey has defined the HAT, and approximated its extent along the Maine coastline.

**Marsh Migration Area:**

Marsh migration area are inland areas where salt marsh vegetation will likely expand into as a result of sea level rise.

**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 appropriate 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 respectively.

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 natural resource setbacks and minimum vegetated buffer width standards apply in accordance with the type of resource identified as follows:

Environmental Resource	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'	100% of Natural Resource Setback
Coastal Bluff Zone (unstable or unmapped)	HAT + 4' + 150'	35'
Coastal Bluff Zone (stable)	HAT + 4' + 100'	25'
River, stream or brook	100'	75'
Marsh Migration Zone	HAT + 4' or HAT + 250' (whichever is greater)	100% of Natural Resource Setback

\*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.

The starting point for measuring setbacks for stream and rivers shall be the normal high water line.

The starting point for measuring setbacks for vernal pools shall be the outer depression edge of the vernal pool as identified by a qualified wetland scientist.

The starting point for measuring setbacks for coastal bluffs shall be the highest point of the bluff.

## 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

Permitted Activity	Natural Resource Setback Area – Inside of 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
Installation 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 listed above	Only for permitted activities listed above

Permitted fertilizers must be low phosphate slow release in areas of fresh water impact and slow release nitrogen in areas of coastal water impacts, both at a rate recommended from a soil test

Depending on the buffer type, revegetation of buffers must use appropriate native plants.

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.

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

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.

## PARKING STANDARDS OVERVIEW: APRIL 12, 2024

### 2021 Comprehensive Plan

**Vision 5 Improve Connectivity** - Institute shared parking by developing new parking standards to be adopted as part of the zoning regulations to allow for sharing of parking resources when proposing a new development. Transportation/LRPC

### Build Maine 2017

[Build Maine \(build-maine.com\)](https://build-maine.com) – Video - The High Cost of Free Parking

### Local Trends:

- **Rockland:** The city of Rockland conducted a Downtown Parking Study to evaluate downtown parking operations, including parking supply and demand. [The study recommended changes to parking regulations, policies, and management strategies<sup>1</sup>.](#)
- **Yarmouth:** A Downtown/Main Street Parking Study was conducted in Yarmouth. [This study reviewed current parking usage in the downtown area, analyzed future parking demands, and developed recommendations to manage and increase the efficiency of future parking facilities<sup>2</sup>.](#)
- **Saco:** [The city of Saco conducted a study that analyzed current parking issues and concerns, conducted an inventory and utilization analysis, reviewed policies and practices related to parking, and proposed recommendations to improve Downtown parking now and into the future<sup>3</sup>.](#)
- **Skowhegan:** [The Skowhegan Planning Board has begun to reevaluate its requirements for downtown businesses to provide off-street parking as officials anticipate new development<sup>4</sup>.](#)

### National Trends:

Cities across the United States are reevaluating their parking requirements for new development. Historically, the U.S. has about **two billion parking spots**, nearly seven for every car. However, the abundance of parking is now being scrutinized due to its impact on societal issues such as the housing crisis, climate change, and pedestrian safety. Many cities are rolling back **minimum parking requirements** for developers, allowing for more flexibility in how parking is provided. These reforms include:

1. **Reduction/Elimination of Parking Minimums:** Cities are reducing or eliminating requirements for developers to build a set ratio of parking spaces based on project uses, size, and other characteristics

2. **Shared Parking (allowed or mandated):** Developers and businesses can share parking facilities, making better use of available space. Parking spaces are shared by more than one use, which allows parking facilities to be used more efficiently
3. **Parking Maximums/Caps:** Restricts the total number of parking spaces that can be constructed as part of a development project
4. **Impervious Restrictions:** Restrictions on new surface lots and impermeable surfaces (ours are 85% for most non-residential)
5. **Transportation Demand Management (TDM):** Encouraging travel options beyond driving, often through incentives or requirements.
6. **In-Lieu Fee:** Allowing proposed projects to pay a fee instead of providing on-site parking. Gives proposed development projects the option to pay a designated fee instead of providing some or all on-site parking that would otherwise be required by zoning; fees are generally invested in public parking or other transportation infrastructure
7. **Demand/Performance-Based Pricing:** Adjusting public parking meter rates to achieve utilization targets. Adjusts public parking meter rates at defined intervals to achieve targets for on-street parking space utilization
8. **Parking Benefit District:** Parking meter revenues from defined zones are returned to those zones and invested in the area, often to support local transportation improvements

#### **Additional Questions to Consider:**

1. Should all zoning district have the same parking requirements?
2. Should uses be collapsed or expanded for parking requirements? (change of use issue)
3. Can we allow Planning Board flexibility to decrease parking (Zoning Board of Appeals can currently)?

#### **Additional Resources:**

[Parking Mandates Map - Parking Reform Network](#)

[Parking Policy Innovations in the United States | ULI Knowledge Finder](#)

[A Business Case for Dropping Parking Minimums \(planning.org\)](#)

[ParkingModernizationGuidebook.pdf - Google Drive](#)

While some worry about the availability of parking, the move toward more flexible policies is gaining momentum<sup>2</sup>.

<https://www.arlingtonva.us/Government/Programs/Transportation/Parking/Performance-Parking-Pilot>

[Build Maine \(build-maine.com\)](https://build-maine.com) - The High Cost of Free Parking

USE	Scarborough	Biddeford	Gorham	Saco	South Portland	APA Standards	**Sample
<b>Hotels, motels and other transient lodging establishments</b>	1 per room	1 per room plus 1 per 2 employees per shift	1 per room	1 per room plus 1 per employee per shift	1 per two guest rooms plus 1 per 50 sq ft assembly space	1 per room plus employee/gathering space	
<b>Retail sales &amp; services</b>	1/250 sq ft	1/300 sq ft	1/200 sq ft	1/200 sq ft	1/200 sq ft	1/250 - 1/200 sq ft	25,000 sq ft building requires 100 spaces and 5 EV
<b>**Sample</b>	100 spaces	83 spaces	125 spaces	125 spaces	125 spaces	100 - 125 spaces	
<b>Business services and business offices; Professional offices</b>	1/250 sq ft	1/200 sq ft	1/250 sq ft	1/100 - 1/250 sqft	1/350 sq ft	1/200 - 1/300 sq ft	
<b>Financial, Insurance and Real Estate Offices</b>	1/286 sq ft	1/150 sq ft	1/250 sq ft	1/150 sq ft	1/350 sq ft	1/200 - 1/300 sq ft	
<b>Personal services</b>	1/286 sq ft	1/300 sq ft	1/250 sq ft	1/250 sq ft	1/350 sq ft	1/200 sq ft	
<b>Medical and Dental Offices</b>	1/250 sq ft	5 per practitioner	1/250 sq ft	1/100 sq ft	1/250 sq ft	1/200 - 1/300 sq ft	
<b>Restaurants &amp; drinking establishments without drive-thru or take-out services</b>	1 per 2 employees plus 1 per 4 seats plus 1 per 2 counter or bar seats plus 1/60 sq ft waiting area	1 per 3 seats	1/100 sqft (less for	1/75 sq ft	1 per 3 employees plus 1 per 4 seats plus 1/100 sq ft lounge area	1 per 4 seats - 1 per 100 sq ft	None Such Brewery - 9,875 sq ft 14 employees = 7, 26 bar seats = 13, 116 seats = 29, 320 sq ft waiting space = 6 spaces (55 Total)
<b>**Sample</b>	55 spaces	44 spaces	*80 spaces	132 spaces	44 spaces	36 or 99 spaces	
<b>**Sample</b>	22 spaces	20 dpaces	22 spaces	34 spaces	19 spaces	15 or 26 spaces	Café Luna - 2,569 sq ft 3 employees, 54 seats, 5 counter, 240 sq ft standing = 22 spaces
<b>Restaurants &amp; drinking establishments with drive-thru and/or take out services</b>	Above (Minimum 10) plus 6 stacking spaces	Same as above	Same as above	Sames as above	Same as above	1 per 75 sq ft plus stacking	
<b>Health Club [amended 01/06/2010]</b>	1/286 sqft plus	1/100 sqft	NA	NA	NA	1/300 - 1/100 sq ft	Foley's Fitness 35,000 sq ft 123 required - 146 provided (6-7)
<b>**Sample</b>	123	350	NA	NA	NA	117-350 spaces	

\*as of 9.2022



# PARKING POLICY REFORM

## Types of Off-Street Parking Policy Updates

Since the 1940s, many cities have required new developments to provide a set number of off-street parking spots, but research has shown that these requirements can lead to an oversupply of parking.

Cities across the United States (and beyond) are updating parking policies to better manage existing parking supply, reduce traffic, cut pollution, and lower development costs.

### Selected Trends Influencing Parking Reforms

- **Historically high construction costs**—particularly in dense urban areas—are contributing to housing unaffordability, especially when the high costs of building on-site parking are factored in.
- **Changing shopping preferences, along with over-retailing**, are leaving acres of parking lots at many shopping malls and retail power centers vacant.
- **The popularity of human-powered transportation**, such as walking and bicycling, along with the growth of delivery services and the availability of shared mobility services—such as Lyft, Uber, and car-sharing services—is reducing the need for individuals to own—and park—cars.
- **Advances in technology** are promoting more efficient management of the existing parking supply by using information technology that shares the location of available spaces, supports real-time dynamic pricing, and helps make shared parking options easier.
- **An increased focus by municipalities on sustainability, livability, and social equity** and a growing body of research show that many current parking requirements promote development patterns that increase traffic congestion, contribute to air pollution, raise housing costs, prevent walkability, and penalize those without automobiles.<sup>1</sup>

The U.S. has approximately  
2 billion parking spaces,  
but only 250 million cars.

**THAT'S 8 PARKING  
SPACES PER CAR.**





# Selected Types of Off-Street Parking Policy Reforms

POLICY TYPE:	EXAMPLES INCLUDE:
<p><b>Reducing or Eliminating Parking Minimums</b></p> <p>Reducing or eliminating minimum parking requirements allows developers, parking consultants, and other stakeholders to determine how much parking to include in projects rather than requiring developers to build a set ratio of parking spaces based on a building's square footage, planned uses, or the number of bedrooms in multifamily units.</p>	<ul style="list-style-type: none"> <li>• <b>South Bend, IN:</b> In 2021, the South Bend City Council voted to end minimum parking requirements citywide.</li> <li>• <b>San Francisco, CA:</b> San Francisco's 2018 parking policy update made the city the largest in the United States to be completely free of minimum parking requirements.</li> <li>• <b>Buffalo, NY:</b> In 2017, Buffalo became the first major U.S. city to eliminate minimum parking requirements citywide.</li> <li>• <b>Hartford, CT:</b> In 2017, Hartford lifted all minimum off-street parking requirements throughout the city.</li> </ul>
<p><b>Maximum On-Site Parking Requirements (aka Parking Caps)</b></p> <p>Maximum on-site parking requirements restrict the total number of parking spaces that can be constructed as part of a development project. A maximum number of spaces is often based on the square footage of a specific land use. Maximum parking requirements can be in addition to or instead of minimum parking requirements.</p>	<ul style="list-style-type: none"> <li>• <b>Dunwoody, GA:</b> In 2020, the city of Dunwoody transformed its former minimum required parking ratios into maximum parking caps for most uses.</li> <li>• <b>San Diego, CA:</b> The city's 2019 Transit Priority Area (TPA) Multifamily Parking Standards set a maximum of one parking space per unit for new apartment and condominium projects downtown.</li> <li>• <b>Sandpoint, ID:</b> A 2009 general code update set parking maximums for commercial, entertainment, and recreational uses at no more than 20 percent above the minimum requirement. The update also eliminated required minimum off-street parking downtown.</li> </ul>
<p><b>Shared Parking</b></p> <p>Shared parking means that parking spaces are shared by more than one use, which allows parking facilities to be used more efficiently. Shared parking policies recognize that most parking spaces are used only part time, with usage patterns that follow predictable daily, weekly, and annual cycles.</p> <p>Parking shared between mutually beneficial uses can reduce parking provision by 40 to 60 percent, compared with the standard off-street parking requirements for each destination.<sup>2</sup> For example, offices require maximum parking during weekdays, whereas restaurants and theaters require maximum parking during evenings and weekends.</p>	<ul style="list-style-type: none"> <li>• <b>Honolulu, HI:</b> In 2020, Honolulu eliminated the need for land use permits for on-site "joint use" of parking. The number of required parking spaces may be reduced by applying rates specific to various mixes of uses.</li> <li>• <b>Phoenix, AZ:</b> Shared parking reductions of up to 15 percent may be granted for retail, office, or mixed-use projects after using the city's shared parking model to estimate parking demand for a specific mix of uses.</li> <li>• <b>Montgomery County, MD:</b> An applicant proposing a development with more than one use may submit a shared parking analysis instead of using the county's usual parking requirement formula.</li> </ul>
<p><b>Unbundled Parking</b></p> <p>Unbundled parking policies prohibit embedding parking costs with unrelated charges, such as including parking in the cost of housing or an office lease. Unbundling parking allows residents and tenants who do not own a car generally to pay less for housing or commercial space. When combined with other parking reforms, unbundled parking can support development goals and promote affordability.</p>	<ul style="list-style-type: none"> <li>• <b>Seattle, WA:</b> The city requires landlords to separate the cost of parking spaces from residential and commercial rent charges, allowing tenants to choose whether to pay for parking.</li> <li>• <b>Santa Monica, CA:</b> The city requires off-street parking spaces to be sold or leased separately from the purchase or lease of residential units at new buildings with four or more dwelling units.</li> </ul>

<sup>1</sup> Donald Shoup, "Parking Reform Will Save the City," Bloomberg City Lab, September 20, 2019.

<sup>2</sup> Thomas P. Smith, "Flexible Parking Requirements" (PAS Report 377, American Planning Association, 1983).



# PARKING POLICY REFORM

## Impact of Changing Mobility Preferences

In recent years, municipalities, real estate industry professionals, and residents have increasingly supported parking policy reforms and developments with less parking because of the growing demand for car-free or car-light lifestyles and the availability and popularity of new mobility options, including scooters, bike share, car share, and ride hailing.

The effects of COVID-19 on land use, transit, and commuting patterns are not yet fully known, but cities are continuing to advance parking policy reforms coupled with transit-oriented development and other policies to support healthy, safe, and sustainable development.



## Parking and Mobility Considerations



### **Demand for car-light lifestyles is high:**

Over 52 percent of people in the United States and 63 percent of millennials would like to live in a place where they do not need to use a car very often.<sup>1</sup>



**36 percent of trips using shared micromobility replace a car trip<sup>2</sup>:** By accommodating micromobility vehicles (dockless scooters, e-bike rentals, etc.) on site, developers may be able to reduce the number of automobile parking spaces they are required to provide.<sup>3</sup>



### **Oversupplying parking limits TOD success:**

Oversupplying parking in transit-oriented development (TOD) areas uses up scarce land for a use with a relatively low return on investment.<sup>4</sup>

“Lenders are starting to understand that in some of the denser, more transit-rich markets there is not as much need for parking. And they know the enormous cost of parking. So, there is beginning to be a changing of the status quo.”

—Michael Lander, founder and president, Lander Group, quoted in “Toward Zero Parking: Challenging Conventional Wisdom for Multifamily,” *Urban Land* magazine



# Implications of Changing Mobility Preferences on Parking and Development

## Industry Perspectives

“We’ve developed with less parking when we’ve felt the market could support it. The sharing economy pre-COVID allowed people to live in San Jose without a car. They could get a car for a minute or a day or a month with their smartphone and that was all that was needed. COVID will reset expectations in the near term, but we believe previous/recent conditions will come back in the long term.”

——Developer with projects in San Jose  
(from 2020 ULI member survey)



## Reduced Parking Requirements for Developments That Accommodate Micromobility

From *Small Vehicles, Big Impact: Micromobility's Value for Cities and Real Estate*, Urban Land Institute

Developers are hopeful that supporting micromobility options—lightweight, single-person vehicles such as dockless scooters and e-bike rentals—will become a more common way of reducing parking requirements. After all, installing a docking station would be easier and less expensive than constructing parking garages, underground parking, or even surface lots. Transportation demand management requirements for rezoning already incentivize developers to provide noncar alternatives, such as on-site bike-share stations, in exchange for reduced parking and could be updated to include micromobility. For existing developments, cities can provide tax write-offs for properties that convert parking spaces into scooter and e-bike racks.

Micromobility intersects with related trends, including decreased demand for parking, says a lender and investor who underwrites projects in the U.S. Southeast: “Micromobility and other new mobility trends are paramount as they speak to the declining need for private automobile-focused transportation and the evolution of lifestyle choices simply based on where one may park and drive in a vehicle. Automobile parking should be targeted to the lowest commercially accepted amount possible.”

As people consider returning to work after the pandemic, there are new concerns that commuters will choose to drive rather than take public transit, posing logistical issues for buildings that have little to no parking. Encouraging the use of micromobility could help attract people back to the office regardless of parking capacity. “Five years ago, if you asked a developer in Santa Monica how much parking would they build if the requirements were reduced by half, they would still build more than the requirement. Today, developers are very open to building less parking,” says Carter Rubin, transportation technical strategist with the Bloomberg Philanthropies American Cities Climate Challenge. “There are a number of no-parking buildings going up, or buildings with a lot less parking. It’s a very uncertain time, but the abundance of mobility choices has shown developers that they don’t need to provide two spaces per unit.”



<sup>1</sup> *America in 2015*, Urban Land Institute.

<sup>2</sup> *State of the Industry 2019*, North American Bikeshare Association.

<sup>3</sup> Connect Commercial Real Estate, “Apartment Dwellers Get Revved Up Over Electric Scooters,” Connect Media: CRE – National Commercial Real Estate News.

<sup>4</sup> Richard Wilson, “Parking Policy for Transit-Oriented Development: Lessons from Cities, Transit Agencies, and Developers,” *Journal of Public Transportation* (2005).





# PARKING POLICY REFORM

## Implications for Municipalities

Parking policies are typically codified through local zoning. Once adopted, the policies are administered by city staff and rarely revisited. This approach results in most communities operating under a set of legacy parking ratios that fail to respond to actual supply and demand, changing mobility preferences, and market conditions.

Traditional policies assume that parking should be abundant and free; parking reform, however, recognizes that too much parking can be harmful, and that parking should be managed and priced for efficiency. In response, most jurisdictions are encouraging more efficient parking management, and many are significantly reducing or even eliminating minimum off-street parking requirements.

## Implications of Parking Requirements for Municipalities



**Excess parking can negatively affect the bottom line for cities:** Parking often earns only 7 to 42 percent of the tax revenues earned by other land uses.<sup>1</sup>



**Municipalities bear the consequences of overabundant parking:** Impermeable parking surfaces increase runoff, strain stormwater systems, and increase infrastructure maintenance costs.<sup>2</sup>



**Parking requirements discourage reuse of buildings:** Required parking for a new use may be difficult to provide on site. Meeting minimum parking regulations can lead to the demolition of adequate building stock, compelling developers to abandon plans when financially infeasible.

# Data Collection and Public Outreach Lessons

**By conducting local research ahead of public engagement and outreach efforts, cities can proactively address concerns related to parking policy reforms.**

**San Diego, California**, understood that a common public concern related to eliminating parking minimums was that providing less off-site parking could lead to more cars looking for on-street parking, thereby increasing traffic congestion. To allay this concern, the city studied existing parking occupancy rates in “transit priority areas” and in downtown and found that most areas had fewer occupied spaces than the number of spaces required by existing parking ratios. Specifically, the study found that:

- Nearly 90 percent of study sites outside downtown had fewer occupied spaces than the number of spaces required by code; and
- Of downtown study sites, 100 percent had lower parking demand than one space per unit.

**Outcomes:** Parking demand data collected by the city informed the city’s successful parking policy updates and associated public outreach. In 2019, the city council voted eight to one to eliminate parking requirements for new condominium and apartment complexes in neighborhoods near mass transit. The approved policy also sets a maximum of one parking space per unit for new apartment and condominium projects downtown and requires developers to unbundle the cost of a parking spot from monthly rent or a condominium purchase price.<sup>3, 4, 5</sup>

**Early engagement with business associations, residents’ groups, and others can uncover (surprisingly) deep support for parking policy reforms.**

**Buffalo, New York**, anticipated opposition to the idea of eliminating parking minimums citywide—but this opposition largely did not materialize. Instead, extensive public engagement uncovered strong support for proposed parking policy updates. The city found that:

- Public engagement surveys showed that 74 percent of people expressed strong support for repealing minimum parking requirements;
- Public comments centered on the negative impacts of the overabundance of surface parking lots and a desire to protect the walkability of existing neighborhoods; and
- The parking policy update was formally endorsed by businesses and residents’ associations, including the Elmwood Village Association (a community development organization comprising business owners and neighborhood residents), and states: “Minimum parking standards make suburban-style surface lots a requirement and would have prevented many of Elmwood’s existing great buildings from being constructed.”

**Outcomes:** In 2017, Buffalo eliminated parking minimums citywide because of strong support, including from business associations and residents’ groups. The city’s planning team had previously considered moving toward a less significant change but decided to repeal minimum parking requirements citywide after finding that their engagement efforts uncovered surprisingly little opposition to the policy change.<sup>6</sup>



<sup>1</sup> Chris McCahill, “SSTI researcher: ‘Parking requirements transform cities, cost millions in tax revenues,’” *State Smart Transportation Initiative*, April 1, 2014.

<sup>2</sup> City of El Paso Planning Division, Planning and Inspections Department, *Parking Reduction Report*, January 22, 2018.

<sup>3</sup> PowerPoint presentation (sandiego.gov).

<sup>4</sup> Carter Rubin, “San Diego Parking Reform Is a Win for Housing and Climate,” NRDC, March 4, 2019.

<sup>5</sup> Becca Cudmore, “To Become a Less Car-Centric City, San Diego Takes Aim at Parking Lot Quotas,” NRDC, June 5, 2019.

<sup>6</sup> Daniel Baldwin Hess, “Repealing minimum parking requirements in Buffalo: new directions for land use and development,” *Journal of Urbanism: International Research on Placemaking and Urban Sustainability* (April 2017).





# PARKING POLICY REFORM

## Implications for Social Equity and Housing Affordability

Many municipal parking policies increase development costs, promote land use patterns that limit walkability, and produce negative environmental consequences disproportionately borne by those with lower incomes—who are also less likely to own a personal automobile.

Parking policy reforms can reduce the cost of building new housing and allow for more efficient land use. Investors and the real estate industry increasingly understand that no- and low-parking developments can be successful and less expensive to build.

### Implications of Parking Requirements on Social Equity and Housing Affordability



#### **Parking is not an equitable community benefit:**

Although cities do not require developers to include amenities such as refrigerators in their projects, many require parking. Parking costs are often passed along to the end user and contribute negatively to housing affordability.



**Requiring excessive parking can prevent equitable mobility:** Overly burdensome parking requirements can shift affordable housing to less accessible sites where land prices are lower, but also where fewer services can be reached by walking, biking, or transit.<sup>1</sup>



**Charging separately for parking can reduce housing costs:** The inclusion of a garage parking space adds an average of 17 percent to a unit's rent.<sup>2</sup>





# Housing Affordability Benefits

## Affordability, Marketability of Housing without Off-Street Parking

A study conducted in San Francisco showed that residential units without on-site, off-street parking are more affordable and make homeownership a reality for more people.<sup>3</sup>

Units without off-street parking:

- Sold on average 41 days faster than comparable units with off-street parking; and
- Allowed 20 percent more San Francisco households to afford a condo unit (compared with units with bundled off-street parking).

## Industry Perspectives

“To achieve a multifamily development in an area with lower median incomes, a building was planned without parking as a means of eliminating any cost in the structure that was not usable or rentable by residents. This helped to keep rents lower than they otherwise would have been and allowed for a maximum density yield on a site.”

—Lender/investor who underwrites projects in the U.S. Southeast (from 2020 ULI member survey)

“Unbundled parking gives more flexibility to the renter to lower their housing costs if they don’t need parking.”

—Developer with projects in North Carolina and South Carolina (from 2020 ULI member survey)



## Case Study: Limited Parking at Silver Moon Lodge Apartments



Silver Moon Lodge is a mixed-use workforce housing development that opened in 2014 at the periphery of Albuquerque, New Mexico’s central business district.

The developer, GSL Properties, included just 23 car parking spots on site for the property’s 154 units. By law, GSL Properties could have proposed more than 150 spaces for cars. However, by providing fewer, the developer was able to reduce the site costs associated with building parking and instead focused on providing features that would appeal to those who want the option not to own a car.

Silver Moon Lodge was built using New Mexico Mortgage Finance Authority tax credits. After the project opened, the annual incomes of eligible renters were capped at \$26,460 per year for units housing one person and \$30,240 for units housing two people. Residents of Silver Moon Lodge who cannot afford to own a car, or who choose not to do so, are able to get around on foot or by bicycle. The project includes amenities to support bicycling and is located near a bus stop and on-site car-share station, enhancing the convenience of the development for car-free households.

After the project opened, Jessie Lucero, Silver Moon Lodge’s property manager, noted that the relatively low rate of parking provision, coupled with the project’s bike-friendly features, aided in development objectives, saying, “There is only one car parking space for every six units, but parking has not been an issue because so many of our residents have chosen to rely on bikes to get around.” Lucero adds, “Over 95 percent of our units are occupied. There is a strong market in downtown Albuquerque for apartments that cater to pedestrians and bicyclists.”

<sup>1</sup>Wenya Jia and Martin Wachs, “Parking Requirements and Housing Affordability: A Case Study of San Francisco” (Research Paper 380, University of California Transportation Center, 1999).

<sup>2</sup>C.J. Gabbe and Greg Pierce, “The Hidden Cost of Bundled Parking,” *Access* magazine, Spring 2017.

<sup>3</sup>Jeffrey Tumlin, *Sustainable Transportation Planning: Tools for Creating Vibrant, Healthy, and Resilient Communities* (Wiley, 2012).



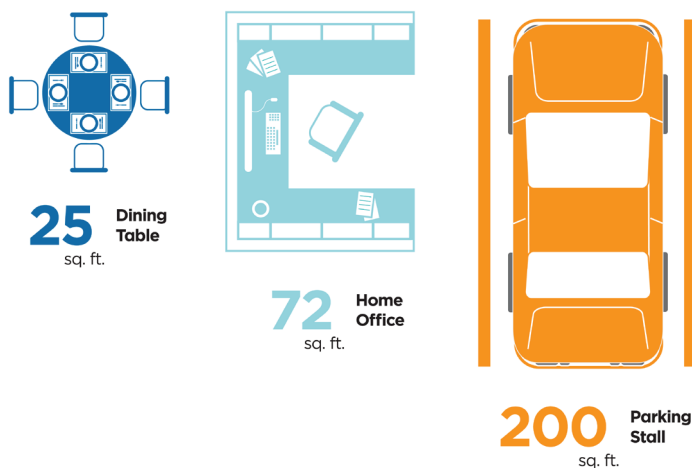
# PARKING POLICY REFORM

## Implications for Real Estate Development

Parking policy reforms that give developers greater control over parking amounts or limit the amount of parking built can serve to lower project costs and may allow funds to be devoted to community benefits or revenue-generating project amenities.

While some developers, lenders, and investors view parking as a value-add, others cite the high cost of providing it and work to limit parking to improve a project's financial performance.

### Parking space scale comparison



Nelson\Nygaard

### Financial Implications of Parking Provision on Development

↓ **Parking usage is going down:** Models predict a reduction in overall parking demand between 10 and 40 percent over the next few decades.<sup>1</sup>

\$ **Parking is a significant expense for developers:** Parking can represent 10 to 18 percent of typical building development costs.<sup>2</sup> This can make parking the single most expensive budget item in a project pro forma.

💰 ↓ **Building less parking can lower development costs:** For a Los Angeles shopping center, it was estimated that parking would increase construction costs by 67 percent for an above-ground garage and by 93 percent if parking were placed underground.<sup>3</sup>



# Real Estate Industry Considerations and Perspectives

“There is an evolution happening with the investment community to accept no parking or low parking. . . . We are seeing parking utilization rates go down in new buildings and technologies like ride share expanding. So, investors are increasingly buying into the story that most people don’t need parking day-to-day, especially if they are in an area that is near to transit and where traffic is bad.”

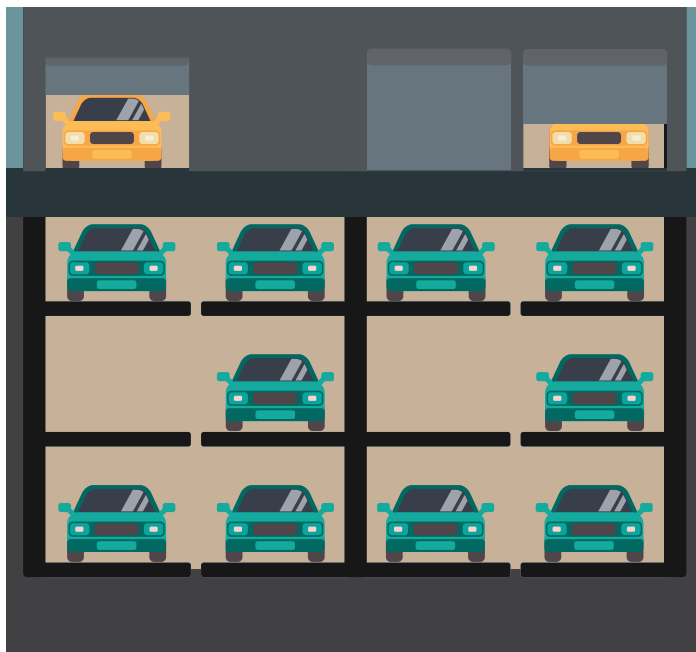
—Will Goodman, vice president, Strada Investment Group, quoted in “Toward Zero Parking: Challenging Conventional Wisdom for Multifamily,” *Urban Land* magazine

## National Average Construction Costs per Parking Space<sup>4</sup>

🚗 **\$34,000** Underground

🚗 **\$24,000** Above ground

🚗 **\$10,000** Surface



## Case Study: Shared, Unbundled Parking at the Coloradan



The Coloradan is a 19-story mixed-use development in downtown Denver with 334 for-sale residences and 22,000 square feet of ground-floor retail space. The project, developed by East West Partners with equity partner Ascentris, exclusively features shared and unbundled parking, meaning that parking spaces are not sold with homes. Instead, residents have the right to lease spaces in a garage managed by a separate parking management company on a month-to-month or longer-term basis and all parking is unassigned.

Katie Blum, director of real estate development at East West, explains, “The cost of parking was not built into the cost of the homes, making residences less expensive by at least \$50,000. This means that owners pay less if they don’t want a parking lease.”

Blum continues, “Owners have really valued the flexibility. They can add or subtract parking spaces as their lives and preferences change. For example, they can add spaces for family members, guests, and others who come to their home often, or dial down to as little as they need. The parking leases can be adjusted month to month. This unbundled model also allows for more visitor parking in the garage.”

East West believes that shared, unbundled parking at the Coloradan has been a success. The parking arrangement caused no issues with securing financing for the project, and 100 percent of the units were sold less than a year after construction was completed in 2019. [\*\*Learn more here.\*\*](#)

<sup>1</sup> Chrissy M. Nichols, “Are Parking Minimums a Thing of the Past?,” *ITE Journal* (February 2019).

<sup>2</sup> Victoria Transport Policy Institute, *Transportation Cost and Benefit Analysis II—Parking Costs*.

<sup>3</sup> Donald Shoup, “Cutting the Cost of Parking Requirements,” *Access* magazine, Spring 2016.

<sup>4</sup> Victoria Transport Policy Institute, *Transportation Cost and Benefit Analysis II—Parking Costs*.

**From:** "Suzanne A. Foley-Ferguson" <[pinusstrobus@maine.rr.com](mailto:pinusstrobus@maine.rr.com)>  
**Subject:** Farm Stands / Agricultural Stores / RF zoning  
**Date:** April 11, 2024 at 3:49:35 PM EDT  
**To:** [aspeer@scarboroughmaine.org](mailto:aspeer@scarboroughmaine.org)

Hello Autumn,

Thank you for the time you and Brian Longstaff spent with me discussing the issue of me leasing the ice cream store at Moorebrook Farm this summer. (Harmon's Farm Market). As you know, the property is being sold with a closing date of May 1, 2024 and I would like to run the store. You clarified that your office could not let me do that under the current ordinance unless the farmer that farms the property provides 51% of my income from their produce.

Attached is the letter that I sent to the Ordinance Committee whose meeting I presented this strange dilemma.

Ice cream is a short season. You indicate that it could take up to a year to make RF changes that the Town would like to see. I don't have that time and the owners are counting on income from that store from my lease.

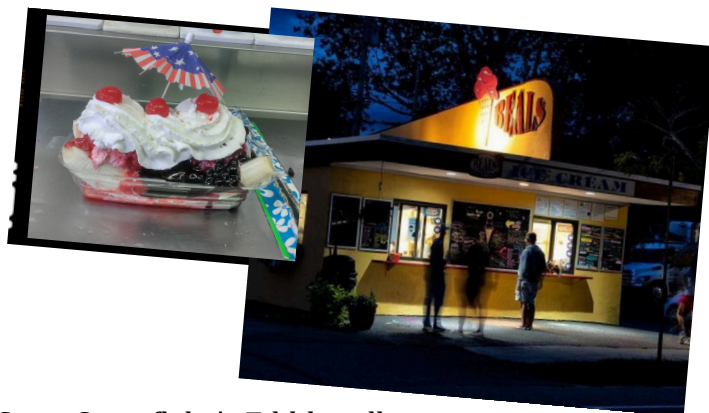
The goal is to save farms and farming. I hope you might be able to move this as fast as you can through the LRP committee. I have suggested some simple changes that could be made very quickly that will not affect very many properties.

Please share my letter and my "conundrum" with the Long Range Planning Committee to see if there is anything we can do to expedite an occupancy permit and victualers license.

I would love to get on their next agenda. I would love to sell ice cream in Scarborough again!

Sincerely,

Suzanne Foley-Ferguson



Suzie Snowflake's Edibles, dba

## Beals Old Fashioned Ice Cream

### OWNER

Suzanne A. Foley-Ferguson

### LOCATION

18 Veranda Street  
Portland, ME 04020

### MAILING ADDRESS

PO Box 7079  
Scarborough, ME 04070-7079

### HOME OFFICE ADDRESS

331 Black Point Road  
Scarborough, ME 04074

### PHONE

207-828-1253 (Veranda St)  
207-883-1162 (home/landline)

### CELL

207-730-1762

### BUSINESS EMAIL

[TheRealScoop@maine.rr.com](mailto:TheRealScoop@maine.rr.com)

April 5, 2024

To Members of the Ordinance Committee,

I am writing as a business owner in Scarborough, who has owned and operated a retail ice cream store on Veranda Street in Portland since 2010. Beals is a well known home grown Scarborough company. Each year I employ 14-18 students ages 14-22 years. This year, I would like to expand my business by leasing a building in Scarborough that is located in the RF (rural farming) zone (located at Spurwink and Black Point Road). The building has been operated as walk up retail ice cream store by the owner/farmer since 2015. It is called Harmon's Farm Market.

This property is being sold to a Conservation LLC that wishes to maintain the working elements of the farm. There is no intent to change the use, however, new farmers may need to be found, and negotiations finalized. Timing is critical, but nothing is final until they close on the property scheduled for May 1, 2024. The details are currently being discussed and organized.

The working farm, which sells corn, strawberries, and other produce, added a farm stand that was permitted in 1974. An additional building (permitted in 2015) was used as a retail ice cream store but was permitted under farm stand rules as an accessory to the farm: Performance Standards for Farm Stands and Agricultural Products Stores. To my chagrin, this building was not permitted as a Special Exception, or a contract zone. It was permitted as an accessory to the agricultural use.

Therefore, its' occupancy does not fall under non-conforming use as it IS a conforming use. It is therefore not grandfathered for use as a retail ice cream store.

I have been denied a license and occupancy.

Recently I met with Autumn Speer, the Planning Director, and Brian Longstaff in the Departments of Planning and Code Enforcement. They had to deny a Food Handler's license to anyone except someone that can work under the current Performance Standards unless those standards are changed. Brian was gracious enough to contact me regarding a 51% clause in the standards.

Herein lies the problem. I am not the farmer. The current owner is selling the property with a closing scheduled for May 1, 2024. Due to the current Ordinances, neither the "new" owner, nor anyone the "new" owner leases the building to will be able to operate the ice cream store except under the Performance Standard that require at least 51% of the dollar amount of gross retail sales per calendar year be from products associated with Commercial Agriculture ON THE PROPERTY. As a lessee, it is not my intent to farm. I have discussed with the owners the possibility of running the actual farm stand as well, but that has yet to be determined. The key is that they are trying to save the farm.

While the store is allowed to use c.) agricultural products including processed products that are not produced by the agricultural use with which the stand is associated (Section IX, R. 4.), the stand must prove that at least 51% of the sales must be from the property use.

I cannot assure those numbers. Milk, however, is an agricultural product in the state of Maine and thus most milk does originate from Maine. It seems to me, the Town of Scarborough would allow for agricultural products grown or produced in Maine. I am not sure how the former owner attained the goal of 51% with corn and strawberries. With local milk, yes.

As you are aware, the Town of Scarborough in the Comprehensive Plan has determined that Scarborough's rural character is being threatened by growth. Rural and family farms, in particular are increasingly being asked to pay higher taxes to continue their ownership of their land while farm incomes have declined due to a variety of reasons. There are only two ways to protect these farms: to purchase them outright and place agricultural easements on them, or to assist them in being able to diversify their activities in order to keep farming the land.

I was hoping to open the store by May 30th, however, in order to do so, changes to the Rural Farming Zone need to be made. I was told by Autumn that the staff in Planning are working on adjusting the RF zone to align to our Comprehensive Plan that wants to encourage farming and maintaining open spaces. They are, however, very busy with a lot of



other activities and estimate that it is a year to get it to where they would want it.

Ice cream is a mostly a 3-5 month business, and waiting for a year will require that the owners miss an entire season of business and income that they are counting on to maintain the farm.

I'm not exactly sure why I could not apply for a Special Exception but it may be due to a "hardship" requirement. Perhaps Autumn can explain it. I also am confused as to whether the Farm Stand was permitted separate from the Ice Cream Store, so whether they are under two sets of standards.

But while I cannot speak for the Planning Director or Code Office, I think they understand and support making changes.

A simple fix is possible waiting for a long term RF changes. Adjusting the following sections of the Ordinance would solve the problem in the near term:

Section IX of the Performance Standards-Farm Stands  
(DELETE) Entire Section R6 (51% clause)  
(ELIMINATE) Section R9 the word "the"

Section IX Performance Standards -Agricultural Products Stores  
(DELETE) Section S7. (51% clause)

In the long term, the RF zone needs work, but I am asking that these changes be made to support working farms in the near term so that Moorebrook Farm doesn't lose a year of income.

I have attached a list of all of the farms that we currently know about in Scarborough. I have also attached the Performance standards discussed above with highlighted portions.

Thank you for your consideration.

Suzanne A. Foley-Ferguson

cc:

Ogden Hunnewell, Autumn Speer, Brian Longstaff

attached:

Performance Standards, Farm Stands and Agricultural Stores  
List of Affected Scarborough Farms

# TOWN OF SCARBOROUGH FARM INVENTORY 2024

Type of Farm	Criteria for Inclusion	# of separate lots	# of owners	Owners
<b>Farmland Current Use Program</b>	\$2000 / year farm income	22	13	Flaherty owns 5/22;
	income from cows, milk, ice cream, and		includes	Smiling Hill Farm
<b>Working Farm Not in Current Use Program WITHOUT agricultural easements</b>	Income from corn and strawberries;	3	2	
				Moorebrook Farm
				Broadturn Farm
				Snell Family Farm (sub lease of Broadturn
<b>Farms Not in Current Use Program WITH agricultural easements</b>	Agricultural Easement (income from farming unknown)		2	Comstock Farm
	MFT Agricultural easement		includes	Frith Farm (Daniel Mays)
				Deering Farm
<b>OTHER</b>	Income from Christmas Trees; cross country skiing		1	Pierson's Christmas Tree Farm
<b>Nursery (is this considered farm?)</b>			2	O'Donals
				Highland Avenue Greenhouses
<b>Orchards</b>		Unknown		
<b>Apiaries</b>		Unknown		
<b>Chicken eggs</b>	income from farmers markets or stands	Unknown		
<b>Raises Bees</b>		Unknown		
<b>Indoor Farming such as cannabis cultivators (is this considered a farm?)</b>		Unknown		
<b>Properties Cut for Hay</b>	Hay is cut from property by owner or lessee	Unknown	At least 1	Fuller Farm (has conservation easement)



## SECTION IX. PERFORMANCE STANDARDS.

3. Large animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity) may be kept on a lot that has a lot area of at least 80,000 square feet.
4. Any building or structure that is used to house animals other than domestic pets or chickens must meet the setback requirements for the zone in which it is located.
5. The sale of any type of seafood may only be permitted by those who meet all Federal, State and municipal requirements to do so.
6. Accessory agricultural activities that include any type of seafood are not subject to site plan review, but do require a permit from the Zoning Administrator to verify licensing requirements and safe storage practices are in place.
7. The sale of products produced on the property or seafood caught or harvested by the owner in excess of what is consumed by the occupants of the property is permitted. The sales must occur in a designated area not more than twenty (20) square feet in area and may include a display stand or table. The stand or table may only be in place during the season when products are being sold and must be removed during the "off-season".

### Q. PERFORMANCE STANDARDS – COMMERCIAL AGRICULTURE AND COMMERCIAL ANIMAL HUSBANDRY INCLUDING PROCESSING [Adopted 05/05/2010]

Commercial Agriculture and Commercial Animal Husbandry must be carried out in conformance with the following performance standards:

1. A lot must have a lot area of at least one (1) acre to have any permanent agricultural buildings or structures.
2. Commercial Animal Husbandry is allowed only on lots with a lot area of two (2) acres or more.
3. Any building or structure that is used to house animals other than domestic pets and any facilities for the storage or handling of manure or materials that contain manure must conform to the setback requirements of the zone in which it is located. The facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's Manual of Best Management Practices for Maine Agriculture.
4. Facilities for the processing of agricultural products must be designed and primarily used to process products raised as part of the Commercial Agriculture and/or Commercial Animal Husbandry use but the processing of other agricultural products not raised as part of the Commercial Agriculture or Animal Husbandry use is allowed provided that the processing facilities are accessory and subordinate to the principal agricultural use of the property.
5. Processing facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's 01-001 Chapter 343 Rule, "Food Processing and Manufacturing" requirements.

### R. PERFORMANCE STANDARDS – FARM STANDS [Adopted 05/05/2010] [Amended 10/18/23]

A Farm Stand must conform to the following performance standards:

1. A farm stand must be associated with and accessory to a Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use. *Yang farmers*



## SECTION IX. PERFORMANCE STANDARDS.

2. A farm stand must be located on a parcel that is actively used for the Commercial Agriculture or Commercial Animal Husbandry use or in the case of Commercial Fishing and Harvesting, be the primary residence of the owner of the commercial operation.
3. A farm stand may be a free-standing structure or outdoor location or may be part of another building or structure (for example, an area in a barn or house that is used for sales).
4. The total area devoted to retail sales is limited to four hundred (400) square feet. This includes the area of a free-standing building or structure, the area for outside display and/or sales, the outdoor area used for retail sales if there is no building or structure, and the area used for sales in another building.
5. The sale of products is limited to: a) those grown, raised, caught, harvested or produced by the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use with which the farm stand is associated, b) processed products that are made from products grown or raised by the agricultural use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the agricultural use), c) agriculture products including processed products that are not produced by the agricultural use with which the stand is associated, d) live or fresh fish, shellfish and lobsters, and e) handmade art and craft products.
6. If the stand sells products that are not grown, raised, caught or harvested by the use or made from products grown, raised, caught or harvested by the use, at least 51% of the dollar amount of gross retail sales per calendar year must be from products associated with the Commercial Agriculture, Commercial Husbandry or Commercial Fishing and Harvesting use. In January of each year, the owner shall calculate and report to the Code Enforcement Officer the percentage of gross retail sales attributable to off-premises products for the preceding calendar year and, if requested by the Code Enforcement Officer, shall provide documentation of the calculated percentage.
7. The farm stand must be located on the parcel so that it meets side and rear setback requirements but a free-standing farm stand is not required to meet the front setback requirements.
8. The farm stand must be located so that it provides appropriate parking and access for customers. Customer vehicles must not be required to back out on to a public street.
9. The farm stand may be open for business only when it is selling products that are grown, raised, caught, harvested or produced as part of the Commercial Agriculture or Commercial Animal Husbandry use.
10. A farm stand is not subject to site plan review but does require a permit from the Zoning Administrator.

### S. PERFORMANCE STANDARDS – AGRICULTURAL PRODUCTS STORES [Adopted 05/05/2010] [Amended 10/18/2023]

An Agricultural Products Store must conform to the following performance standards:

1. An agricultural product store must be associated with and accessory to a Commercial Agriculture, Commercial Animal Husbandry, or Commercial Fishing and Harvesting use.
2. A store must be located on a parcel that is actively used for the Commercial Agriculture and/or Commercial Animal Husbandry use or in the case of Commercial Fishing and Harvesting, be the primary residence of the owner of the commercial operation.



## TION IX. PERFORMANCE STANDARDS.

3. The primary vehicle access to the store must be from a street/road that is classified by the Town as an arterial, collector, or minor collector.
4. An agricultural products store may be a free-standing building or may be part of another building or structure (for example, an area in a barn or house that is used for sales)
5. A free-standing building used for retail sales or the area used for sales in another building is limited to one thousand (1,000) square feet of sales area. An additional outside area of not more than five hundred (500) square feet may be used for the display and/or sales of products. These limits shall not apply to greenhouses or areas for the growing and/or display of nursery stock or other plants for sale as part of the agricultural use.
6. The sale of products may include: a) those grown, raised, caught, harvested or produced by the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use with which it is associated, b) processed products that are made from products grown or raised by the use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the use), c) agriculture products including processed products that are not produced by the Commercial Agriculture or Commercial Animal Husbandry use with which the store is associated, and d) handmade art and craft products.
7. If the store sells products that are not grown, raised, caught or harvested by the use or made from products grown or raised by the use, at least 51% of the dollar amount of gross retail sales per calendar year must be from products associated with the Commercial Agriculture, Commercial Husbandry or Commercial Fishing and Harvesting use. In January of each year, the owner shall calculate and report to the Code Enforcement Officer the percentage of gross retail sales attributable to off-premises products for the preceding calendar year and, if requested by the Code Enforcement Officer, shall provide documentation of the calculated percentage.
8. The building in which the store is located must meet the front, side, and rear setback requirements for the district in which it is located
9. The store must be located so that it provides appropriate parking and access for customers. Parking must be provided in accordance with the requirements of Section XI. for retail uses.
10. The store may be open for business only when it is selling products that are grown, raised, caught, harvested or produced as part of the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use.
11. The construction of a building or the conversion of an existing building for use as an agricultural products store is subject to minor site plan review. **STAFF -**

## T. PERFORMANCE STANDARDS – BED AND BREAKFASTS [Adopted 05/05/2010]

A Bed and Breakfast (B&B) must conform to the following performance standards:

1. A B&B that is located in a rural or residential zone must have its primary vehicle access from a street/road that is classified by the Town as an arterial, collector, or minor collector. This requirement does not apply to a B&B located in mixed-use or nonresidential zone.
2. The parking for a B&B that is located in a rural or residential zone may not be located in the required front yard.



## SECTION IX. PERFORMANCE STANDARDS.

3. A B&B that is located in a rural or residential zone shall maintain a residential character in the design of the building and site improvements including the location of parking.
4. If the lot on which the B&B is located abuts a lot that is in residential use, a vegetated buffer strip at least fifteen (15) feet in width shall be established and maintained between any parking or service areas and the property line. The buffer strip shall screen the parking and/or service areas from view from the abutting property.
5. The provision of food and beverage service is limited to the guests of the B&B during their stay.
6. The owner or manager of the B&B must reside in a dwelling unit within the B&B during times the B&B is open for business.

### U. PERFORMANCE STANDARDS – COMMERCIAL OUTDOOR RECREATION [Adopted 05/05/2010]

A Commercial Outdoor Recreation use must conform to the following performance standards:

1. The primary recreational activity must occur in the outdoors.
2. Structural development must be limited to facilities and buildings that support the primary recreational activity and shall be the minimum necessary to accommodate the use. Buildings or structures may not be or house the primary recreational activity. Examples of allowed buildings and structures include maintenance and storage buildings, an office related to the use, rest rooms, an equipment rental building, a warming hut or club house, and facilities for the sale of refreshments to people using the facility.
3. All buildings, facilities and areas used for recreation activities must conform to the setbacks for the district in which it is located.
4. The use must provide adequate off-street parking that is appropriate for the anticipated use of the facility and that will prevent the parking of vehicles along public roads.
5. If the use will operate on a regular basis, an improved parking lot must be provided.
6. If the use will operate intermittently or will have increased use on an intermittent basis, parking for these times may be provided in unimproved or field type parking areas.
7. The recreational activity must not create any adverse impacts for abutting properties as a result of noise or odors.

### V. PERFORMANCE STANDARDS – HOME OCCUPATIONS [adopted 05/05/2010]

In those zoning districts where home occupation is allowed as a special exception, the Board of Appeals may issue special exception approval for the establishment of a home occupation. In addition to meeting the standards for special exceptions in Section IV.I.4 of this Ordinance, all home occupations must adhere to the following standards:

1. The occupation or profession shall be carried on wholly within the principal building or within a building accessory thereto.
2. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
3. No more than one person who is not a resident of the dwelling unit shall be employed in the home occupation.