

Town of Scarborough Conservation Commission

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

Meeting Minutes - DRAFT

Present in person:

Commission: Bennett Flanders, Randi Hogan, Abel Plaud, Jessica Sargent, Pete Slovinsky

Town Council: Karin Shupe

Staff: Angela Blanchette, Jami Fitch, Emerson Goodrich, Autumn Speer

Present via Zoom:

Commission: Cathleen Miller, Maggie Vishneau, Marla Zando

A recording of this meeting is available online: [Conservation Commission – 4/24/24](#)

Call to order

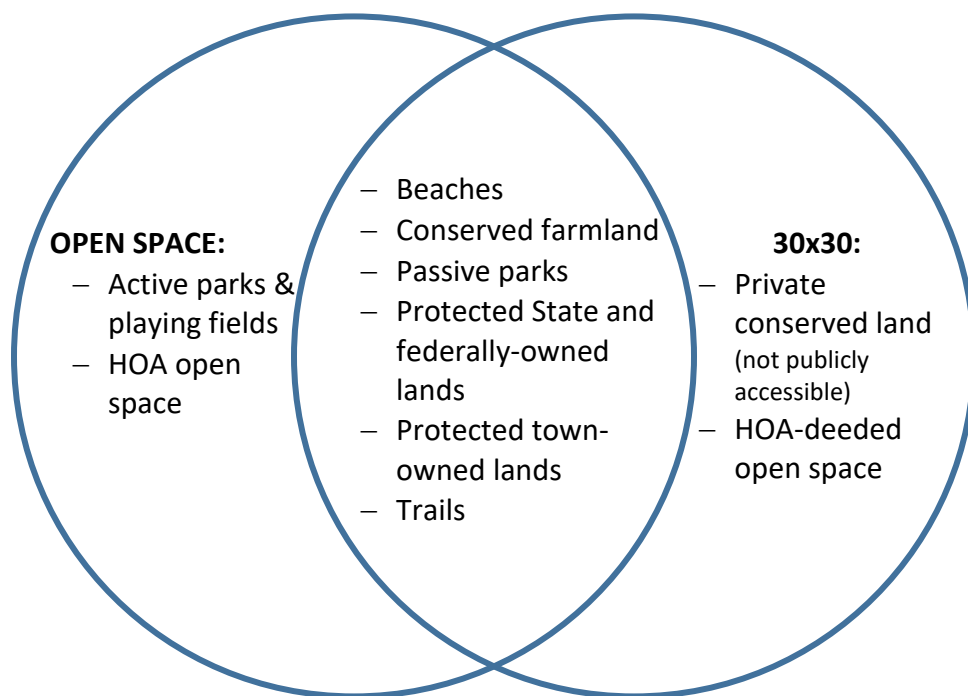
1. Meeting was called to order at 6:02 pm.
2. Randi offered a land acknowledgement to recognize the Wabanaki People as traditional stewards of Scarborough.
3. Jessica motioned to accept the minutes. Pete seconded. Rollcall vote was unanimous. Motion passed.
4. Public Comment
 - Andrew Mackie of Scarborough Land Trust shared that SLT is holding a [plant sale fundraiser and spring festival](#) on 6/1 from 9:00 am - 1:00 pm at Broadturn Farm.
5. Commission Comments
 - Pete shared that officials from the White House and NOAA were in Scarborough on Monday, 4/22, to announce awarding \$123M in [Coastal Zone Management Grants](#). Three projects were funded in Maine, including one for the Scarborough Marsh, which was awarded to SLT.

Old Business

1. Open Space Plan
 - The first meeting of the Open Space Ad-Hoc Committee is scheduled for 5/7. Committee members have been tasked with discussing what qualifies as open space with their respective groups in preparation for the meeting.
 - The Commission considers the following to be open space:
 - Active parks (playgrounds, playing fields)
 - Beaches
 - Conserved land

Engineering & Technical Services

- Conserved farmland
- HOA open space
- Passive parks
- Publicly-accessible conserved land
- Protected State and federally-owned properties
- Protected Town-owned properties
- Trails
- The Commission believes the following should count toward the Town’s 30x30 goal:
 - Beaches
 - Conserved farmland
 - HOA-deeded open space
 - Passive parks
 - Private conserved land (not publicly accessible)
 - Public trails
 - SLT properties
 - Town, State, and federally-conserved (or protected) areas



- Additional comments related to open space:
 - The Commission discussed 0.5-acre parcels being the minimum lot size to count toward open space.
 - Contiguous forested areas aren’t explicit in any of these categories but they are critical areas.
 - Permanently protected natural areas are the most important category for 30x30.
 - There are multiple Town-owned properties that could be conserved to help achieve 30x30.
 - Areas protected through regulation (e.g., zoning) could count toward 30x30.

- **ACTION: JAMI will summarize this part of the discussion and provide notes to Maggie to reference at the 5/7 Open Space Ad-Hoc Committee meeting.**

2. Environmental Standards

- Autumn told the group that the Environmental Standards were presented to the Ordinance Committee and were well received. The Long Range Planning Committee will review the standards at their 5/10 meeting. Staff are also working with SEDCO to host a developers forum to introduce the standards to the development community. The standards may be modified based on feedback from these groups and will then go back to the Ordinance Committee.
- Pete suggested having references to other local ordinances, state standards, or scientific sources for each of the proposed setbacks and buffers in the Environmental Standards. He also noted that Scarborough is not like other communities and that the Town must be different given the presence of the marsh.

3. Conservation Principles

- Randi showed the Commission Conservation Principles for Development Review, which are principles that exist in other areas and serve as a basis for the Environmental Standards.
- The Commission discussed impervious cover (IC) and ways to minimize IC on sites. Autumn noted that the parking standards are due to be updated. She also shared that she believes the process to get a waiver to reduce parking should be simplified
- Angela added that for properties constrained by natural resources, developers should be required to consider and evaluate alternatives to reduce IC.
- Jess summarized that there are three paths: set IC limits, require alternative analyses, and allow for reductions in required parking through waivers.
- Autumn shared that Long Range Planning is also exploring other solutions such as shared parking and connections between parking to assist in reducing parking.
- Abel asked about porous pavement. Angela and Autumn explained that porous pavement is an option in some circumstances, but there are issues with winter salt that make porous pavement unable to be used in some watersheds.

4. Planning Board Submittals

- The Commission reviewed a submittal for a site plan amendment at The Downs. The amendment includes improving the existing Scarborough Downs Road so it meets the Town's standards. The road splits a large wetland system. If the road were new, the Army Corps of Engineers would require culverts to be installed every 50-feet (resulting in the road needed approximately 24 culverts). There is also a significant vernal pool adjacent to the road, which has a conservation easement around it. The plans currently show two open-bottomed "critter crossings" and one stormwater conveyance under the road.
- The Commission had the following comments and recommendations on the submission:
 - The Commission does not consider the stormwater conveyance culvert a critter crossing.
 - Without elevations and crossing details (including cross sections) Commissioners cannot determine if the crossings are in appropriate locations.

The Commission requests the plans include elevations and cross sections for each crossing.

- Two crossing is not sufficient. If this were a new road, Army Corps would require crossings every 50-feet (equaling approximately 24 culverts). **The Commission recommends a minimum of five (5) crossings (not including the stormwater conveyance culvert).**
- **The crossings should re-establish the connection between the two wetland systems.** The short-term impact to the wetland system by adding crossings is far out-weighed by the long-term benefits of connecting the two systems. Reconnecting the wetland systems will reduce road flooding and improve road resiliency.
- **Crossings should include funneling/fencing to help direct animals toward the crossings.** Example:



- **The Commission recommends that the full wetland system, including the portion adjacent to the protected vernal pool and the wetlands on the southern side of Downs Road, be placed in conservation.**
- **The Commission recommends that a third-party hold the existing easement around the vernal pool and any future conservation easements.** There is some question to the legality of the landowner/developer being the easement holder.

New Business

1. FEMA Floodplain Maps

- The Town needs to adopt a new Floodplain Management Ordinance, which will include updated FEMA floodplain maps, by June 2024. As part of the ordinance adoption process, the Town can consider increasing requirements for freeboard, which is the additional height above the Base Flood Elevation (BFE) that is used as a factor of safety.
- The Ordinance currently requires 1-foot of freeboard. The Planning Board recommends 2-feet.
- Pete shared that the Commission advocated for 3-feet of freeboard in 2011 when the FEMA flood maps were preliminary. Given the historic flooding this year, and that

- FEMA's maps are now final, this is the time to make Scarborough's buildings as resilient to flooding as possible.
- Bennett shared cost concerns associated with higher freeboard. Pete explained that the difference in cost between going up two feet and three feet is negligible. The majority of the cost is associated with the initial process to jack up the house. He also noted that there is a significant savings in federal flood insurance premiums with a 3-foot freeboard.
 - *Pete motioned to recommend the Council adopt a 3-foot freeboard. Abel seconds. The motion received 5 votes in favor and 1 abstain. Motion passed.*
 - **ACTIONS:**
 - **PETE will provide background documents from the Commission's 2011 process to Jami and Autumn.**
 - **JAMI will draft a memo with the Commission's recommendation.**

Updates

1. Education Subcommittee

- Marla and Cathleen provided an overview of the subcommittee's work. They are working on articles about native plants and hope to have an article about open space.
- Angela shared that she shared the Commission's plant list with the group that is working on updating the State's stormwater regulations. The list could be used statewide.

2. Parks and Conservation Land Board

- The Trust for Public Land is implementing a survey to understand how much money Scarborough residents will support for the land bond. PCLB will vote on a bond amount at their 5/9 meeting. The Finance Committee will consider the land bond at their June meeting, and a Town Council workshop is planned in July.

Meeting adjourned at 7:57 pm.

Next Meeting:

May 22, 2024 @ 6:00 pm