

**MINUTES**  
**Ordinance Committee Meeting**  
**Wednesday, September 11, 2024 – 6:00 P.M.**

**Item 1. Call to Order.** Councilor Caterina, called the meeting to order at 6:00pm.

**Item 2. Roll Call.** Committee members Councilor Jean-Marie Caterina (Chair), Councilor Don Hamill, and Councilor April Sither were present.

**Item 3. Approval of minutes from June 12, 2024.** Motion by Councilor Sither, seconded by Councilor Hamill, to move approval of the June 12, 2024 meeting minutes as written.

Vote: 3 Yeas. Motion Passes.

**Item 4. Public Comment.** The following public comments were made:

- Scott Townsend of Acorn Lane spoke in regards to the software the Town will use for short term rentals, the history of short term rentals in Scarborough, and that he is opposed of the proposed ordinance.
- Francis Walsh of Cape Elizabeth and a Piping Plover Volunteer spoke in support of the ordinance and why it is important.
- Alyson Bristol of Bayview Ave spoke in regards to the following email she sent to the committee:

*“Date: September 11, 2024 at 4:46:21 PM EDT*

***Subject: Piping Plover & Least Tern Ordinance***

*Councilors Caterina, Hamill and Sither:*

*In advance of tonight’s Ordinance meeting, below are comments regarding the latest version of proposed amendments to the Piping Plover & Least Tern Ordinance.*

*First, I want to reiterate that I’m speaking for myself, not representing the Higgins Beach Association.*

*Regarding Paragraph 1 - Purpose, when the proposed revisions were discussed at Ordinance and Town Council in February, the latest Beach Management Agreement between the Town, MDIFW and USFWS was not yet finalized. As I’m sure you know, the 2024-2026 BMA was fully executed in May, with the only real revision the addition of least terns.*

*The 2024-26 Beach Management Agreement (still) clearly states:*

*“**IMPORTANT!** This agreement is in effect from April 1st through the day after Labor Day when **nesting activity** is occurring, which is defined as when territorial pairs, nests, and chicks of piping plovers and/or least terns are present. **When nesting activity is not occurring on The Town’s beaches, these guidelines are not in effect.** The Town must keep in weekly communication with MDIFW or its designee to know when piping plover **nesting activity** is occurring. MDIFW will verify when nesting activity is occurring and will make the final determination when nesting activity is not occurring.”*

*“There is incentive for The Town to promote the nesting success of beach-nesting birds, including piping plovers and least terns as early in the season as possible. Piping plovers that nest successfully in April or May will fledge their chicks by mid-to-late June or early July whereas Least terns nest later in the summer, usually fledging chicks in*

*August. However, if earlier nesting fails, or the first are forced to nest late, the nesting and chick rearing season will extend later into the peak summer months for beach goers.”*

*Attached is the 2024-2026 Beach Management Agreement for reference for your convenience:*

*This summer provided the perfect example of why the Town’s ordinance should not set firm April 1st through Labor Day dates as to when the ordinance is in effect (see Jami’s Paragraph 1 comment). At the June Conservation Commission meeting, Jami reported that the Least Terns nested on Western vs Higgins Beach this year. At the July 11th Community Services Advisory meeting, Roger Chabot reported he anticipated the 11 total chicks at Higgins would be fledged in 2 weeks. Monitors at Higgins Beach also shared the plover chicks had fledged by the end of July/early August, yet the restrictions and beach monitors were still in place, denying beach goers the ability to recreate in the area when the Beach Management Agreement should have no longer been in effect.*

*Also at Higgins, Community Services and beach monitors already place signs on the beach advising restrictions are enforced April 1 through Labor Day. I understand from other Scarborough residents that signs are taken down at Ferry and Pine Point when there is no nesting activity. If so, this should be the same at Higgins.*

*There is no need to make the municipal ordinance more restrictive than what the MDIFW and USFWS require. Also, if the State is now requiring symbolic fencing remain in place on state property until October for the benefit of migrating shorebirds, this seemingly shouldn’t restrict recreation, as migrating shorebirds are more than likely not endangered.*

*A couple of Paragraph 2 comments:*

- The expanded definition of Beach is unnecessary and not consistent with the Beach Management Agreement, which simply names Pine Point, Scarborough, Ferry, Western and Higgins Beaches.*
- The definition of Nesting Activity should be expanded to say “When Piping Plover and Least Tern territorial pairs, nests, or chicks are present as determined by the Town with MDIFW or its designee” to be consistent with the Beach Management Agreement.*

*Lastly, I found the Comment from Pine Point resident Elaine Richer included with the agenda attachments curious, as I was not aware there was an Ordinance sub-committee appointed. Following the February Town Council discussion, Glennis Chabot reached out wanting to discuss my questions/concerns as the Committee wanted to get the revised Ordinance moving forward. When I asked who comprised the Committee, it was four I believe self-appointed plover volunteers (3 Higgins residents including Glennis, 1 non-Higgins resident) who worked with Jami on the proposed amendments. I did not engage with the group. Jami’s Sept 4 background memo states that the group of stakeholders who convened and refined the proposed amendments included residents of Higgins Beach, which is true in context of the Committee, but think it needs to be clarified that the members of the Committee also do not represent the Higgins Beach community.*

*Thanks for your time and energy on this, and kudos to Jami for her hard work. See you shortly.*

*Respectfully,*

*Alyson*

*Alyson Bristol*

*6 Bayview Avenue*

- Katie Foley of Acorn Lane spoke in regards to a working group of stakeholders for short term rentals not being formed and to clarify the difference in her input and the dog group's input in regards to plovers.
- Glennis Chabot of Houghton Street spoke in regards to the plover dates and signage concerns.

**Item 5. Discussion on Agriculture Farm Stand Change.** Autumn Speer, Planning Director provided an overview, answered committee questions, and discussion ensued.

Motion by Councilor Sither, seconded by Councilor Hamill, to move approval of the redlined version of Chapter 405 Zoning Ordinance, Agriculture Farm Stand Change to the full Town Council, as follows:

### SECTION XIII. RESIDENTIAL ZONING DISTRICTS

#### RURAL FARMING DISTRICT RF

To conserve the integrity and natural qualities of rural open space for the betterment and future of the community and encourage the continuation of agriculture and related activities in these areas of the community. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

#### RURAL, FARMING AND MANUFACTURED HOUSING DISTRICT RFM

To conserve the integrity and natural qualities of rural open space for the betterment and future use of the community, to encourage the continuation of agriculture and related activities and to provide for areas within the community where manufactured housing units can be harmoniously situated on individual lots. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

#### RESIDENTIAL DISTRICT R2

To provide residential areas within the Town of Scarborough of low density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre.

#### RESIDENTIAL DISTRICT R3

To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 3 dwelling units per net residential acre in sewerred areas.

#### RESIDENTIAL DISTRICT R4

To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 4 dwelling units per net residential acre in sewerred areas.

**RESIDENTIAL DISTRICT R4A.**

To provide residential areas within the Town of Scarborough of higher density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 4 dwelling units per net residential acre. All developments in R-4A districts shall be serviced by public sewer and public water supply.

**A. PERMITTED USES – RESIDENTIAL DISTRICTS**

Permitted use table abbreviations are as follows: P – Permitted by Right

SE – Special Exception Required

C# – Condition Applies

CZ – Contract Zone Required

Blank – Not a Permitted Use

AGRICULTURAL USES	PERFORMANCE STANDARDS APPLY						
	RF	RFM	R2	R3	R4	R4A	
Accessory uses including accessory stables on lots of at least two acres	Section IX.P.	P	CZ	P			
Accessory uses including accessory agricultural activities	Section IX.P.	P	CZ	P	P	P	P
Commercial Agriculture	Section IX.Q.	P	CZ	SE			
Commercial Animal Husbandry	Section IX.Q.	P	CZ				
Agricultural Employee Housing in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry		SE	SE				
Commercial Stables		P	CZ				
Farm Stand	Section IX.R.	P; SE	CZ	SE			
Agricultural Products Store	Section IX.S.	P; SE	CZ	SE			
Agricultural processing facility with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture	Section IX.Q.			SE			
Agricultural processing facility with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.	P	CZ				
Agricultural processing facility with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.	SE	SE				

Forestry		P	CZ				
Wetlands Creation on Previously Excavated Property		CZ	CZ				

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.
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. **If the farm stand will not meet the 51% threshold, a special exception is required. This special exception allowance only applies to properties located in the RF district. All other performance standards herein shall apply.**
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.

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. **If the agricultural products store will not meet the 51% threshold, a special exception is required. This special exception allowance only applies to properties located in the RF district. All other performance standards herein shall be met.**

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.

Vote: 3 Yeas. Motion Passes.

**Item 6. Discussion on Chapter 610 - Piping Plover Ordinance.** Jami Fitch, Sustainability Manager provided an overview, answered committee questions, and discussion ensued.

Motion by Councilor Sither, seconded by Councilor Hamill, to move approval of the redlined version of Chapter 610 Piping Plover Ordinance to the full Town Council, as follows:

# CHAPTER 610

## TOWN OF SCARBOROUGH

### PIPING PLOVER AND LEAST

### TERN ORDINANCE

#### TABLE OF CONTENTS

1.	Purpose.....	8
2.	Applicability.....	8
3.	Definitions.....	8
4.	Piping Plover and Least Tern nesting habitat to be identified.....	9
5.	Identified Habitat Areas Protected.....	9
6.	Relation to State and Federal Laws.....	11
7.	Relation to Private Protection Efforts.....	11
8.	Enforcement and Penalties.....	11
9.	Addendum - Higgins Beach Wildlife Management Area.....	11

CHAPTER  
610

TOWN OF  
SCARBOROUGH

PIPING PLOVER **AND LEAST TERN**  
PROTECTION ORDINANCE

**1. Purpose.**

The purpose of this Ordinance is to avoid or minimize adverse effects on Piping Plovers and Least Tern and their young by protecting their nesting, brooding, fledging, roosting and foraging activities on beaches within the Town of Scarborough from April 1<sup>st</sup> through Labor Day, except as specified.

**2. Applicability.**

This ordinance shall apply to Scarborough's public beaches and beaches managed by the Town.

**3. Definitions.**

**Beach:** ~~means a~~ Any area of land covered with sand, pebbles, or small stones at the edge of the ocean beach area within the Town of Scarborough, which is used by the general public.

**Exclosure:** ~~means A structure surrounding and protecting a nest an area from which pedestrians and vehicles animals are excluded~~ by means of ~~symbolic~~ fencing and netting.

**Habitat Areas:**

**Essential and Significant Habitat Area:** Habitat areas currently or historically providing physical or biological features essential to the conservation of an endangered or threatened species and which may require special management considerations.

**Identified Habitat Area:** Habitat areas marked by symbolic or electronic fencing, netting, signs, and/or exclosures.

**Least Tern:** The Atlantic Coast Least Tern (*Sternula antillarum*), identified as an endangered species, as listed under Maine's Endangered Species Act (MESA) of 2003.

**Nesting Activity:** When Piping Plover and Least Tern territorial pairs, nests, or chicks are present.

**Piping Plover:** ~~means the~~ The Atlantic Coast Piping Plover (*Charadrius melodus*), identified as a threatened species pursuant to the Federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq. and endangered in Maine as listed under MESA of 2003.

**Recreational Activity:**

- a. Any game involving balls, discs, nets in which individuals throw, catch or hit objects (such as volleyball, spike ball, football, frisbee, golf, etc.).
- b. Any individual(s) moving at a pace faster than a walk, such as jogging and running.



- c. Any use of kites, drones, ultralights, parasails, kneeboards or other devices flown manually or remotely powered by wind power, battery, gas or electric motors.
- d. Any use of wheeled vehicles, such as bicycles, skateboards, sand surfers, or other wheeled recreational devices, excluding non-motorized carts and wagons.

**Owner-Responsible Party of a dog-Pet(or owner):** ~~means any p~~Person having custody, possession, or control of a ~~dog~~pet.

**Sand surfer-Surfer:** ~~means a r~~Recreational device consisting of a board on wheels attached to a large kite or sail and propelled by wind power.

**Structures:** Large constructions built in or on the sand using marine debris or non-marine materials.

**Symbolic fencingFencing:** ~~means o~~One or two strands of lightweight string, tied between posts to delineate areas where pedestrians, pets, and vehicles should not enter.

**Wrack lineLine:** ~~means t~~The line of dried seaweed, marine vegetation and other debris left on the beach by the action of the tides.

#### **2.4. Piping Plover and Least Tern nesting-Nesting habitat-Habitat to be identifiedIdentified.**

On or before April 1<sup>st</sup> of each year, the Town of Scarborough, in conjunction with the Maine Department of Inland Fisheries and Wildlife (MDIFW), the United States Fish and Wildlife Service (USFWS), and/or the Maine Audubon Society, will identify Piping Plover and Least Tern nesting habitat and will mark or arrange for the marking of such habitat with posts and warning signs.

#### **5. Nests and broodsIdentified Habitat Areas Pprotected.**

When Piping Plover or Least Tern nests are present, the Town of Scarborough, in conjunction with the ~~Maine Department of Inland Fisheries and Wildlife~~MDIFW, the ~~United States Fish and Wildlife Service~~USFWS, and/or the Maine Audubon Society, will create or arrange for the installation of fencing (symbolic or electric) and/or creation of ~~an~~enclosures around such nests in accordance with the guidelines of the ~~United States Fish and Wildlife Service~~USFWS and authorization issued by the ~~Maine Department of Inland Fisheries and Wildlife~~MDIFW. Once such fencing and/or enclosures have been created, the following prohibitions shall apply:

(1)a. No person shall physically enter into ~~an exelclosure~~an Identified Habitat Area, except for wildlife management purposes authorized by the ~~Maine Department of Inland Fisheries and Wildlife~~MDIFW or the ~~United States Fish and Wildlife Service~~USFWS.

(2)b. No person shall remove or disturb the wrack line located ~~in front of an exelclosure located~~ within 330 feet of a Piping Plover or Least Tern brooding siteIdentified Habitat Area, unless such activity is approved by the ~~Maine Department of Inland Fisheries~~MDIFW and ~~Wildlife or the United States Fish and Wildlife Service~~USFWS.

- (3)c. No ~~owner-responsible party~~ of a ~~dog-pet~~ shall cause or permit that ~~dog-pet~~ to enter the ~~exclusion~~Identified Habitat Area or shall fail to prevent that ~~dog-pet~~ from entering the ~~exclusion~~Identified Habitat Area. All dogs shall be ~~leashed-managed~~ in accordance with the Animal Control Ordinance, ~~Chapter~~Ch. 604.
- (4)d. No person shall drive or operate a vehicle, including a non-motorized vehicle, on or above the wrack line. (ai) Non-emergency activities such as removal of dead or injured sea mammals shall require at least two responders, one of which will act as the spotter to and from the scene. (bii) All emergency response personnel will account for and avoid nesting sites and chicks to the maximum extent practicable, consistent with the nature and urgency of the emergency. However, it is the policy of the Town of Scarborough that such essential vehicles will avoid driving on the wrack line where possible and will avoid frequent driving on the beach in a way which would create deep ruts that could impede movement of Piping Plover and Least Tern chicks.
- (5)e. No person shall engage in a recreational activity, as specified in Section 3, Definitions, recreational activity, a) and b) within 100 feet of the Identified Habitat Area between April 1<sup>st</sup> through Labor Day.~~kite flying, kitesurfing or parasailing~~
- f. No person shall engage in a recreational activity, as specified in Section 3, Definitions, recreational activity c) and d) within 650 feet of the Identified Habitat Area between April 1st through Labor Day. ~~within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers between April 1<sup>st</sup> and August 31<sup>st</sup>.~~
- (6)g. No person shall discharge or cause the discharge of any fireworks on any beach on which Piping Plovers or Least Terns are nesting from April 1<sup>st</sup> until all chicks are fledged. See Ch. 608A, Consumer Fireworks Ordinance, for more information.
- h. No person shall discharge or cause the discharge of any fireworks in the Higgins Beach Community and vicinity on the ocean side of Spurwink Road beginning at the intersection of Black Point Road and Spurwink Road to the Cape Elizabeth line, per Ch. 608A, Consumer Fireworks Ordinance.
- (7)i. No person shall build or attempt to build any fires on a beach unless authorized to do so in writing by the Scarborough Community Services Department or owner of the beach property, and then only after obtaining any permits required from the Scarborough Fire Department, as per Ch. 612, Ordinance Creating Rules and Regulations for Use of Parks and Recreational Facilities.~~No person shall utilize a sand surfer within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers between April 1<sup>st</sup> and August 31<sup>st</sup>.~~
- j. Holes dug within 330 feet of the Identified Habitat Area must not be left unattended and must be filled in before leaving the beach during the period when unfledged Piping Plover and Least Tern chicks are present.
- k. No person shall build any structure, as specified in Section 3, Definitions, within 330 feet of the Piping Plover and Least Tern Identified Habitat Area.

**5. ~~Enforcement and penalties.~~**

~~Any person who violates any provision of this Ordinance commits a civil violation for~~

~~which a civil penalty of no less than \$50.00 and no greater than \$250.00 shall be imposed. This Ordinance may be enforced by any officer of the Scarborough Police Department.~~

**6. ~~Relation to state-State and federal-Federal lawsLaws.~~**

This Ordinance is intended to be consistent with state and federal protections of Piping

~~Plovers, Least Terns, and Piping Plover habitat~~their habitat, including the Endangered Species Act (ESA) of 1973 that provides a framework to conserve and protect endangered and threatened species and their habitats both domestically and abroad. In the event of any inconsistency between this Ordinance and state or federal laws or regulations, the more stringent provisions shall ~~control~~prevail.

**7. ~~7-Relation to private-Private protection-Protection effortsEfforts.~~**

This Ordinance is not intended to supersede or displace any efforts or activities of private

individuals or organizations or any protections afforded to Piping Plovers and Least Terns and their habitat by deed restrictions, conservation easements, and other types of private covenants. To the extent any such private covenants are more restrictive than the provisions of this Ordinance, this Ordinance does not authorize any departure from the requirements of such covenants.

**8. ~~Enforcement and Penalties.~~**

~~Any person who violates any provision of this Ordinance commits a civil violation for~~

~~which a civil penalty of no less than \$100.00 and no greater than \$500.00 shall be imposed. This Ordinance may be enforced by any officer of the Scarborough Police Department.~~

~~(Note: Federal Endangered Species Act [ESA] violations related to Piping Plovers and Least Terns are specified under ESA Section 9 [Prohibited Acts] and are enforced as per ESA Section 11 [Penalties and Enforcement of the Endangered Species Act]. These violations are enforced by federal officers.)~~

**9. ~~Addendum - Higgins Beach Wildlife Management Area.~~**

~~The Higgins Beach Wildlife Management Area (Map U001069) Figure 1., is owned by the State of Maine and is a subunit of the Scarborough Marsh Wildlife Management Area and extends from the Spurwink River approximately 150 yards to the southwest of the point to the low water mark.~~

This area is designated Essential and Significant Wildlife Habitat and protected under the MESA, which is regulated by MDIFW (L.D. 1246, 2023).

The area outlined, is also protected under the Natural Resources Protection Act and regulated by the Maine Department of Environmental Protection Act with input from MDIFW biologists. Significant Wildlife Habitat has been identified in this area for shorebird nesting, feeding and staging. Symbolic fencing on MDIFW-owned property will remain in place into October to protect migrating shorebirds.

Figure 1. Higgins Beach Wildlife Management Area Map



Vote: 3 Yeas. Motion Passes.

**Item 6. Discussion on Short Term Rentals.** Autumn Speer, Planning Director provided an overview, answered committee questions, and discussion ensued. The committee recommended the devolvement of a stakeholder group for feedback then bring a new draft to the ordinance committee in January 2025.

**Item 7. Future Agenda Items.**

- Food Trucks
- Environmental Standards

**Item 8. Adjournment.** Motion by Councilor Sither, seconded by Councilor Hamill, to move approval to adjourn the regular meeting of the Scarborough Ordinance Committee.

Vote: 3 Yeas. Motion Passes.

Meeting adjourned at 7:07pm.

Respectfully submitted,

Kristen Barth  
Deputy Town Clerk