

Town of Scarborough Sustainability Committee

December 4, 2024 | 8:00 – 9:30 a.m. | Hybrid Meeting – Town Hall and via Zoom

To participate in the Sustainability Committee's meeting, please use the following link:
https://scarboroughmaine.zoom.us/webinar/register/WN_Eham9OdRSt2PrYfS_qlVPw

To view in the Sustainability Committee's meeting, please use the following link:
<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

Agenda

- 8:00 am** **Call to order and attendance**
- (1) Welcome and introductions
 - (2) Vote on minutes from 10/23/24
 - (3) Changes to the 12/4/24 meeting agenda
 - (4) Public Comment
- 8:10 am** **Old Business**
- (1) EV Charging Ordinance: Review and comment on draft updated ordinance
 - (2) Climate Action Plan: Review outline of draft scope of work
- 8:40 am** **New Business**
- (1) Wetland protections: Review and approve draft memo in support of ordinance
- 9:15 am** **Updates**
- (1) Town Council
 - (2) Planning Board
 - (3) Conservation Commission
 - (4) Transportation Committee
 - (5) Planning Projects: Open Space Plan & Vulnerability Assessment
- 9:25 am** **Next meeting agenda**
- Next meeting date: January 22, 2025
- 9:30 am** **Adjourn**

Engineering & Technical Services

259 US Route One | PO Box 360 | Scarborough, ME 04070 | P: 207.730.4400 | scarboroughmaine.org

Town of Scarborough Sustainability Committee

October 23, 2024 | 8:00 – 9:30 a.m. | Scarborough Town Hall and via Zoom

Meeting Minutes - DRAFT

Attendance – in person

Committee: Ron Allen, Lydia Jopp, Patrice Kastenzholz, David Kirstein, Deb McDonough, Rick Meinking

Town Council: April Sither

Staff: Jami Fitch, Autumn Speer

Public: Paul Lyon, resident

To re-play the Sustainability Committee's meeting, please use the following link:

<https://www.youtube.com/watch?v=jOHWRJad-GA&t=1s>

Call to Order

1. The meeting was called to order at 8:01 am.
2. Patrice motions to approve the minutes, David seconds. 4 in favor, 1 abstain, motion passed

Public Comment

1. None.

Old Business

1. EV Charging Ordinance
 - The Committee reviews options for definitions of EV-ready:
 - o EVCS-ready means parking spaces with necessary conduit installed and the main electrical switchgear be installed with sufficient space to accommodate future capacity to install required EVCS.
 - o EVCS-ready means parking spaces with necessary conduit installed and the electrical panels and equipment where EV charger circuits are to originate be installed with sufficient space to accommodate future capacity to install required EVCS.
 - o EVCS-ready means the parking spaces where the EV charger circuits will originate. They will have the necessary conduit installed along with electric panels and necessary equipment to accommodate future electric vehicle charging systems.
 - Autumn suggests separate EV-ready definitions – one for residential requirements and one for public charging requirements.
 - o Residential definition should speak to amperage coming into the home.
 - o Public charging definition: EVCS-ready means parking spaces with necessary conduit installed and electrical panels where EV charger circuits are to originate have sufficient space to accommodate future capacity to install required EVCS.
 - Autumn also suggests updating the Zoning Ordinance to include Level 3 chargers as a use in certain areas.

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- Guest, Paul Lyon, has experience working with EV charging companies. He suggests the developers be required to designate an area for future Level 3 charger installation. In his experience, the charging companies will do their own design, order their own electrical service, provide their own equipment, etc.
 - The Committee is open to removing Level 3 charging requirements from the ordinance. Deb suggests reaching out to EV charging vendors to learn more about their installation needs. There may be things developers can do during the site layout and design process that will help streamline future installation of Level 3 chargers. Rick also notes he'd like to know what charging vendors look for when they select sites for charging facilities.
 - Lydia has a friend who works for a charging company. She will connect Jami with the person so he can be invited to attend a future meeting.
 - Autumn suggests updating the ordinance to streamline the approval process to install Level 3 chargers in existing parking areas.
 - The Committee discussed dedicated EV charging parking lots. Autumn notes that Scarborough's ordinance doesn't currently allow parking lots as a stand-alone use. The Committee would like the ordinance be updated to include a use for an EV charging lot. Incentives (e.g., possibly waiving site plan fees) may be able to be incorporated into the language.
 - Autumn also suggests reaching out to Karen Martin at SEDCO to see if there is any economic development outreach that can be done to attract charging companies to Scarborough.
 - Jami shares that representatives from The Downs were asked to provide staff with ordinance language that reflects the modifications they are requesting. The language has not been provided yet.
 - Autumn also shares that the CPD District (the zone in which The Downs is located) may be updated to have different EV charging requirements than other zones in town.
 - **ACTIONS:**
 - o **Update EVCS Ready definitions; include separate definitions for residential and public charging**
 - o **Remove Level 3 requirements from the ordinance**
 - o **Propose language to allow EV charging lots as a stand-alone use**
 - o **Reach out to charging companies to learn more about what they look for when selecting charging locations**
2. Sustainable Scarborough Day
- Jami thanks the Committee members who were able to attend the event this year.
 - Attendance was on par with last year's event. It may have seemed lighter at some points in the day, but the EV area drew a lot more interest this year because it was closer to the main event.
 - A couple vendors dropped out at the last minute, but there were still more vendors at this year's event.
 - Music and food trucks both got rave reviews.
 - Workshops were not well attended, and Jami suggests the event not include workshops in the future.
 - The Scarborough Garden Club's multiple raffles throughout the day worked very well to get people at their booth throughout the day.
 - Rick shares that he recently met with a vendor who participated in the event, and the vendor reported that Sustainable Scarborough Day generated six new appointments for his company. It was the best show he's done.
 - April suggests asking vendors for feedback about their experience. Jami notes that a vendor survey went out a couple days following the event and notes that the survey could be sent a little later after the event so vendors have a more time to see residual benefits.

- Rick suggests the event encourage rolling demonstrations instead of workshops.
- It would be great to better connect Sustainable Scarborough Day with the Farmers' Market.
- Deb would like to find ways to engage the school system. She suggests working with environmental science teachers or developing a scavenger hunt for students. Jami encourages the Committee to take on tasks to better incorporate schools.
- The Committee would like to see a swap table at the event. Lydia and Patrice will work on that for the next event.
- The Committee would like to have a swap shop in Scarborough. They'd also like to see a town-wide bulky waste event similar to those done in Cumberland and Falmouth.

New Business

1. Climate Action Plan

- The Committee was asked to begin thinking about Scarborough's upcoming climate action planning process and to look at other communities' plans for ideas.
- Jami is working on proposal for a Community Action Grant to fund the plan. The proposal is due in December.
- Scarborough's plan will incorporate a greenhouse gas inventory and set goals for reduction.
- Rick notes that the Committee should consider recommending Scarborough adopt the energy stretch code. Maine municipalities will be required to adopt the updated Unified Building and Energy Code in 2025.
- Jami notes that the Council will need to see the cost comparison between the standard code and the stretch code, because affordable housing is a priority and few are in favor of adding requirements that increase construction costs.
- Lydia shares highlighting Scarborough's changing demographics will be important to include in the plan. A discussion of increased in flooding will also be important to include in the plan.
- Autumn asks about the timing of the plan. Jami shares that the grant is due in December. If awarded, the funds will be available in the spring, and the Town will put out an RFP to hire a consultant to assist with the plan.
- Deb suggests including case studies of retrofits and other actions that residents and businesses can take to reduce emissions. Rick knows someone who recently converted to solar and heat pumps who may be willing to share their story.
- The Committee would like to review the proposal at their next meeting. Jami will provide a draft scope of work.

Updates

1. Town Council

- Early voting is underway at the Public Safety Building during the week: Monday – Thursday, 7:00 am – 5:00 pm until 10/31 and on Saturday, 10/26, from 8:00 am – noon. Polls will be open at Scarborough High School on 11/5 from 7:00 am – 8:00 pm. Absentee ballots can also be requested until 10/31.
- Three new councilors will join the Town Council.
- A Councilor Corner Live on "Prioritizing the Priorities" is scheduled for Wednesday, 10/30, at 6:00 pm.
- April suggests the Committee think about a goal the Town Council may be able to incorporate into their 2025 goal setting process.

2. Planning Board

- Planning Board agendas continue to be light.

- The FedEx project continues to generate a lot of public comment. Abutters are concerned about traffic, noise, lighting, and impact on private wells.
 - The Downs is requesting an amendment to their master plan to accommodate the development of the down town district.
3. Conservation Commission
- Conservation Commission continues to work on a scaled back version of their proposed environmental standards. The revised version focuses on protections around wetlands to minimize impacts during construction and provide some water quality protection.
 - The proposed protections include a 25-foot setback from all wetlands, with the first 15-feet being maintained as a vegetative buffer. This compromise came out of a roundtable meeting with Commissioners, engineers, and staff.
 - The wetlands protections were reviewed by the Ordinance Committee at their September meeting, and there strong opposition to the ordinance from the development community.
 - First reading before the Town Council is scheduled on 11/6.
 - The Committee would like to provide a memo in support of the proposed ordinance. Lydia suggests submitting the letter in support of the ordinance to *The Leader*.
 - **ACTION: JAMI will provide the ordinance language to the Committee and provide a draft memo for the Committee to review at their next meeting.**
 - Conservation Commission will work on developing a tree protection ordinance next.
4. Transportation Committee
- Transportation Committee is wrapping up the Townwide Transportation Assessment. The document is tentatively scheduled to be presented to the Town Council at a workshop in December.
 - The Committee is recommending improving sidewalk connectivity as a 2025 Town Council goal.
5. Open Space Plan
- The draft plan is scheduled to be available in December. The public will have an opportunity review the plan and provide feedback.
 - The project will wrap up in early 2025.
6. Vulnerability Assessment
- The Town's consultants are completing fieldwork with the Scarborough Sanitary District looking at pump stations. Pump stations tend to be some of the most vulnerable pieces of infrastructure because they're in low-lying areas.
 - The working group will work with the consultant over the next several months to select 3-5 pilot projects to receive additional engineering designs.
 - The draft assessment should be available in the late spring 2025, and the project will wrap up in summer 2025.
 - Deb shares that she recently read about a "re-marshing" project in England.
Post-meeting note: [This article](#) is about "Stage 0" river restoration, which including filling a man-made river channel and reestablishing the wetland that was once part of the system.

Meeting adjourned at 9:40 am.

Next Meeting: December 4, 2024 at 8:00 am.

Future Projects List:

- Coordination with Scarborough Public Schools

- Community solar / municipal solar array
- Municipal building energy audits
- Residential energy efficiency grants
- Electric school buses
- Recycling information for homeowners when houses change hands
- Composting
- Tree preservation ordinance
- Swap shop
- Energy stretch code

SECTION XI. OFF-STREET PARKING AND EVCS REGULATIONS. [amended 01/06/2010; 07/19/2023; xx/xx/2025]

Applicability.

Off-street parking spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity.

All new or redevelopment parking facilities shall be required to install electrical vehicle charging station (EVCS) infrastructure. For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.

Such spaces shall be provided in accordance with the provisions of this Section, prior to the issuance of a certificate of occupancy for the structure or use. As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]

Single family and two-family dwellings in existence as of January 6, 2010, shall be exempt from this provision. [adopted 01/06/10]

Definitions.

Charging levels: Means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug
- Level 2 charging is through a 240V, AC plug
- Level 3 charging is through a 480V, direct-current (DC) plug.

EVCS-capable: Means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

EVCS-installed: Means parking spaces equipped with electrified EVCS.

EVCS-ready: Means parking spaces with necessary conduit installed and the main electrical switchgear be installed with sufficient space to accommodate future electrical capacity available to install required EVCS.

OR

EVCS-ready (public): Means parking spaces with necessary conduit installed and the electrical panel and equipment where EV charger circuits are to originate be designed with sufficient space to accommodate future capacity to install required EVCS.

EVCS-ready (residential): Electrical panel with at least 50 amp service and a 240V grounded alternating current outlet installed near where cars will be parked (garage, driveway, etc.).

Electric vehicle infrastructure: Means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space: Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electrical capacity: Means at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle: Means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Redevelopment: Means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

Off-Street Parking Required.

In specific cases where two or more uses, occupy segregated areas of the same building or structure, the off-street parking requirements shall be based on the total area occupied by each distinct use.

Where a use is not specifically mentioned in this provision, the Planning Board shall determine the minimum parking requirements. The number of parking spaces required shall be determined by the Planning Board based on the nature of the use, the intensity of the proposed use and the parking demand expected to be generated by the specific proposal.

On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.

For all non-residential uses EVCS the number of spaces required shall round up to an even number.

The following minimum off-street parking requirements, **including EVCS requirements**, shall be provided and maintained:

RESIDENTIAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Single Family	2 for each dwelling unit		100%	
Two Family	2 for each dwelling unit		100%	
Multi-family	2 for each dwelling unit Containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms	5%	30%	65%
Accessory Unit	None required			
Senior Housing	1 parking space per dwelling unit and 1 parking space for each	10%	20%	70%

	employee based on the expected average employee occupancy			
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INSTITUTIONAL AND CIVIC USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Elementary and Middle School	1 per teacher and staff member, plus 1 space per 2 classroom.	5%	5%	15%
High School	1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students.	5%	5%	15%
College	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.	5%	5%	15%
Group Day Care Homes, Day Care Centers, Nursery Schools	1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio		5%	20%
Hospitals, Boarding Care Facilities for the Elderly, nursing homes, residential and long-term care facilities for the ill, aged or disabled	1 per 3 beds, plus 1 for each employee based on the expected average employee occupancy.		5%	20%
Place of assembly, amusement, culture and places of worship	1 for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.		5%	20%
Funeral Home	10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms		5%	20%
RECREATIONAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Health Club [amended 01/06/2010]	3.5 per 1,000 sq. ft. Of FA, except that areas occupied by, and only to be used for specific activities (i.e. tennis or racquetball courts, Exclusive of gymnasiums) require 3 per court.	5%	10%	10%
Water Dependent Golf Driving Ranges	1.5 spaces for each tee area		5%	20%
COMMERICAL AND RETAIL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Capable
Retail sales & services (< 25,000 sq ft)	4 per 1,000 sq. ft. of FA		5%	20%
Retail sales & services (> 25,000 sq ft)	4 per 1,000 sq. ft. of FA	5%	10%	20%
Business services and business offices; Professional offices	4 per 1,000 sq. ft. of GLA		5%	20%

Financial, Insurance and Real Estate Offices	3.5 per 1,000 sq. ft. of GLA		5%	20%
Personal services	3.5 per 1,000 sq. ft. of GLA		5%	20%
High Technology Facility	2 per 1,000 sq. ft. of FA		5%	20%
Data Processing/ Telemarketing	6 per 1,000 sq. ft. of GLA		5%	20%
Medical and Dental Offices	4 per 1,000 sq. ft. of GLA		5%	20%
Restaurants & drinking establishments without drive-thru or take-out services	1 per 4 table or booth seats, plus 1 per 2 counter or bar seats, plus 1 for each 60 square feet of customer standing or waiting area, plus 1 for every 2 employees, based on highest employee occupancy		5%	20%
Restaurants & drinking establishments with drive-thru and/or take out services	Standards described above apply, provided that the minimum number of parking spaces is 10, plus 6 stack spaces for each drive-up window, at least 3 of which must be designated for the ordering station, located so as not to impede pedestrian or vehicular circulation on the site of any adjacent street		5%	20%
Work space in a live/ work unit	2.5 per 1,000 sq. ft. of GLA, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or leases of the live/work unit or any part thereof. Alternatively, 4 per 1,000 sq. ft. of GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit.		5%	20%

LODGING USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Cap-able
Hotels, motels and other transient lodging establishments	1 for each guest room	10%	10%	80%
INDUSTRIAL USES	SPACES REQUIRED	EVCS Install	EVCS Ready	EVCS Cap-able
Industry, manufacturing, warehousing and distribution [amended 01/06/2010]	2 per 1,000 sq. ft. of FA (additional spaces required for area(s) occupied for office and/or sales use) [amended 01/06/2010]		5%	20%

*FA=Floor Area

*GLA=Gross Leaseable Area

Off-Street Parking Location.

Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

Required residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize residential EV spaces to be combined in a centralized location with an adjacent residential project so long as the parking spaces are located within 300 feet of each principal residential structure, measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

Required non-residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize non-residential EV spaces to be combined in a centralized location with an adjacent non-residential project so long as the parking spaces are located within 300 feet of each principal non-residential structure, measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

~~J. Where off street parking for uses other than single or two family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open~~

~~and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:~~

~~1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.~~

No parking shall be located within a ~~green-strip~~required landscape buffer ~~buffer required pursuant to Section~~

~~IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.~~

Shared Parking

The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

Parking Design and Construction - General

~~Off-street parking shall be designed, constructed and maintained as follows: [amended 01/06/10]~~

For all uses, each off-street parking space must have an area no less than 9 feet wide by 18 feet long, ~~except that the size of parking spaces may be determined by the Planning Board in accordance with the requirements of Section IV(D)(1) of the Site Plan Ordinance.~~

Where required by applicable federal or state law, all off-street parking areas shall include handicapped accessible parking spaces in accordance with the ADA Standards for Accessible Design and the Site Plan Review Ordinance.

For all uses, parking spaces must be adequately served by isles and drives in accordance with the requirements of ~~Section IV of~~ the Site Plan Review Ordinance.

Where off-street parking for any use other than single or two-family dwellings is required or provided, the following construction requirements shall apply: [Adopted 01/04/2023]

~~1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.~~

The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.

~~3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.~~

~~4. Where artificial lighting is provided cut-off fixtures shall be used to control glare, skyglow, and spillover onto adjacent properties.~~

Parking Design and Construction – EVCS Spaces

Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations. ~~For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.~~

When EVCS spaces are required, they shall be installed as Level 2 charging stations. One level 3 charging station may substitute for four Level 2 charging stations. However, the total required number of overall parking spaces shall not be reduced.

Electric vehicle charging stations within single-family and two-family residences are exempt from the below general **station** requirements. This does not exempt electrical or other permit obligations.

General station requirements

Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

~~EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required.~~

Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 5.2.2 (1) through (4) of this section.

Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.

Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

Operational Hours. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. *Operation hours of the chargers and a phone number for public assistance must be placed in a prominent position visual from the parking space.*

Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

Accessible Facilities. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown in Table 2. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.

Table 2 Minimum Number of ADA Accessible Electric Vehicle (EV) Charging Stations

Number of EV charging stations	Minimum accessible EV charging stations
1-50	1
51-100	2
101+	3

Off-Street Parking Reductions.

Planning Board Authority. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Planning Board may reduce the requirements for off-street parking upon finding the following requirements are met:

That the undeveloped parking spaces are shown on an approved site plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, stormwater management standards, grading, vehicular access and circulation.

If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to appear before the Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed.

For **non-residential and multi-family commercial** development, the **EVCS** requirements outlined in Table 1 may be ~~revised upward or downward~~ **reduced** by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section xx.

Board of Appeals Authority. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Board of Appeals may reduce the requirements for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

Zoning Administrator Authority. For single family and two-family dwellings, the requirements in Table 1 may be waived by the Zoning Administrator as part of the building permit application process. An in-lieu fee will apply, as outlined in section xx.

Electrical Vehicle Charging Fee in Lieu.

Those who do not wish to meet EVCS requirements may pay an in-lieu fee to the Town of Scarborough in the following amounts:

- ~~\$15,000 per required Level 3 EVCS-installed parking space~~
- \$8,000 per required Level 2 EVCS-installed parking space
- \$3,000 per required EVCS-ready parking space
- \$1,000 per required EVCS-capable parking space

EVCS in-lieu fees collected by the Town shall be deposited into a specific account, segregated from the Town's general revenue, and created for supporting ~~electric vehicle infrastructure~~ energy efficiency and sustainability projects in the Town of Scarborough. These funds shall be used in accordance with the following:

- a. The funds contributed to the specific account, entitled the ~~Electric Vehicle Charging Infrastructure Fund~~ Sustainability Reserve Account, shall be used to ~~further the electric vehicle infrastructure~~ implement efficiency projects within the Town. ~~More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new municipally owned parking lots within Scarborough.~~
- b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, and permitting, ~~and property acquisition for electric vehicle charging projects approved by Town Council.~~
- c. ~~A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.~~
- d. The ~~Electric Vehicle Charging Infrastructure Fund~~ Sustainability Reserve Account may be used in combination with other Town funds and other private, non-profit, and government funding ~~for expanding electric vehicle charging infrastructure within Scarborough.~~
- e. ~~The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum zoning standards.~~
- f. The in-lieu fees collected by the Town shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required ~~to included electric vehicle charging infrastructure~~ in order to meet minimum zoning standards.

Scarborough Climate Action Plan (CAP) Scope of Work | *Draft Outline*

Anticipated timeline: May 2025 – December 2026

Task 1: Baseline Assessment, Goal Setting, and Community Engagement Plan

- Baseline Assessment:
 - Complete greenhouse gas (GHG) inventory for all sectors in Scarborough (governmental, commercial, residential, transportation, etc.)
 - Review existing plans, ordinances, policies, and resources that have direct climate or sustainability value and identify gaps (e.g., 2017 Energy and Sustainability Plan, 2021 Comprehensive Plan, 2025 Vulnerability Assessment, 2025 Open Space Plan, 2025 Transportation Plan, etc.)
- Goal Setting: Work with staff and the Sustainability Committee to propose emissions goals. Use 2024 *Maine Won't Wait* CAP as a starting point.
- Community Engagement Plan:
 - Develop an inclusive community engagement plan that seeks to involve all members of the community.
 - Prioritize leveraging existing efforts and organizations.
 - Develop a consistent brand for Scarborough's sustainability programs.

Task 2: Action Identification

- Research best, innovative and emerging practices other communities are taking to address GHGs identified in Scarborough's GHG inventory.
- Analyze GHG emissions reduction potential, adaptation, and other co-benefits of potential climate actions for Scarborough.
- Meet with staff and the Sustainability Committee to discuss the potential list of climate actions and identify additional actions.
- Coordinate and facilitate an interactive community workshop or series of workshops to discuss potential climate mitigation and adaptation actions and identify new actions.
- Develop online engagement tool to ensure stakeholders have a convenient way to engage with the development of the Plan.
- Based on ideas generated and feedback received, refine the list of potential climate mitigation and adaptation strategies. This list will then be used as the foundation for Task 3: Action Prioritization.

Task 3: Action Prioritization

- Identify costs, benefits, barriers, implementation timeline, etc. for list of potential climate actions.

Engineering & Technical Services

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- Develop and implement a process and framework for evaluating and refining the actions list.
- Meet with the Sustainability Committee to prioritize actions.
- Meet with staff to review the action prioritization process and finalize the list of actions for inclusion in the plan.
- Provide an opportunity for the Scarborough community to provide feedback on the prioritized list of actions.
- Compile all input received and create a master list of all prioritized actions.

Task 4: Implementation Plan Development

- Identify all components of the implementation plan, including steps, costs to implement, responsible parties, key partners, financial resources needed, and equity considerations.
- Identify major co-benefits associated with prioritized actions.
- Create draft implementation plan for all the prioritized actions. Share draft with Sustainability Committee and Town staff for feedback.
- Based on feedback, revise implementation blueprints for all prioritized actions.
- Develop an online tool to monitor and evaluate progress towards goals, while also allowing for ongoing community engagement across sectors.

Task 5: Final Plan Development

- Compile and analyze data from all tasks of the project.
- Draft a plan that is accessible and useful to the public, well-organized, visually appealing, user-friendly, and aligns with other Town plans. The plan will include the following elements:
 - Scarborough’s climate challenges and opportunities.
 - Key data from Scarborough’s GHG inventory.
 - Description of the planning process.
 - Description of Scarborough’s goals and vision for addressing climate change.
 - Vulnerabilities and priorities outlined in the 2025 Vulnerability Assessment.
 - GHG emissions reduction potential.
 - Priority climate solutions, including emissions reductions and vulnerability adaptation strategies.
 - Clear actions with implementation details and metrics to measure progress.
 - Community engagement strategies for plan implementation.
- Share draft plan with staff and the Sustainability Committee for review and comment.
- Provide an opportunity for the public to review the draft plan online and provide comment.

- Finalize the plan based on feedback.
- Present the plan to the Town Council for final review and approval.

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405B Town of Scarborough Site Plan Review, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are in underlined in red; deletions are struck through):

CHAPTER 405B TOWN OF SCARBOROUGH SITE PLAN REVIEW

V. Site Conditions & Environmental Considerations

Before and during construction, the applicant or developer shall abide by the following conservation, erosion, and sediment control measures as well as the site construction, safety, and hazardous waste standards.

A. Wetland Setbacks [adopted xx/xx/20xx]

1. Applicability

Wetland setback requirements shall apply to all new development requiring site plan or subdivision approval. Redevelopment projects shall maintain the minimum wetland setbacks under this Ordinance or that which was previously permitted at the property.

This ordinance does not preclude wetland fill permitting at the State and Federal level. If a wetland is approved to be filled in its entirety, no wetland setback or buffer is required. If a wetland is approved for partial impact, the wetland setback and buffer requirements will be based on the new wetland boundary.

This ordinance shall not apply to properties in receipt of or in process of receipt of approval for wetland fill as of the date of adoption of this ordinance.

2. Definitions

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.

Forested Wetland: Forested wetland means a freshwater wetland dominated by woody vegetation that is 6 meters tall, or taller.

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.

Vegetated Buffer: A vegetated buffer is part of the wetland setback area that maintains or enhances the natural vegetation cover from the natural resource for a specified distance. Limited activity may take place in the vegetated buffer.

Wetland Setback: A wetland setback is a defined distance between a coastal wetland, freshwater wetland or forested wetland, and any upland development. The wetland setback also includes a vegetated buffer.

3. Wetland Setback and Buffer Required

The following setback and minimum vegetated buffer width standards apply:

<u>Environmental Resource Type</u>	<u>Vegetated Buffer</u>	<u>Wetland Setback (includes vegetated buffer)</u>
<u>Wetlands</u>	<u>15'</u>	<u>25'</u>

*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 required minimum vegetated buffer is a portion of the wetland setback area directly adjacent to the wetland and maintains or enhances the natural vegetation cover from the wetland for a specified distance. Lawn areas are not permitted in the vegetated buffer.

All wetland setbacks and vegetated buffers shall be marked with permanent pins every 50-100' and signage along the 15 foot buffer line as determined by the Planning Board. All required boundary markers shall be installed by a qualified professional before project construction commences.

4. 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 excavation, 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

<u>Permitted Activity</u>	<u>Setback Area – Inside of Vegetated Buffer</u>	<u>Setback Area - Outside of Vegetated Buffer</u>
<u>Pesticides Permitted</u>	<u>NO</u>	<u>NO</u>
<u>Fertilizer Permitted^A</u>	<u>NO</u>	<u>P</u>
<u>Tree Cutting or Vegetation Removal</u>	<u>NO</u>	<u>P</u>
<u>Invasive Species Control^B</u>	<u>P</u>	<u>P</u>
<u>Planting/establishment of Non-invasive species^C</u>	<u>P</u>	<u>P</u>
<u>Forest Management Activities^D</u>	<u>NO</u>	<u>P</u>
<u>Outdoor Lighting</u>	<u>NO</u>	<u>P</u>
<u>Fences^F</u>	<u>NO</u>	<u>P</u>
<u>Stormwater Retention or Detention Basin</u>	<u>NO</u>	<u>NO</u>
<u>Stormwater Conveyance Structures</u>	<u>NO</u>	<u>P</u>
<u>Sewage Disposal Facilities</u>	<u>NO</u>	<u>NO</u>
<u>Soil Erosion and Sediment Control Measures^G</u>	<u>NO</u>	<u>P</u>
<u>Shoreline Stabilization</u>	<u>NO</u>	<u>NO</u>
<u>Living Shorelines</u>	<u>P</u>	<u>P</u>
<u>Maintenance to existing structures and improvements within existing footprint^E</u>	<u>P</u>	<u>P</u>
<u>Repair, maintenance and improvements of existing roadways, utilities and sidewalks</u>	<u>P</u>	<u>P</u>
<u>Installation of piers or docks, provided that all required local, state, and federal approvals have been granted</u>	<u>P</u>	<u>P</u>
<u>Wildlife refuges, passive recreation, conservation nature trails, and open spaces as permitted or required by the Zoning Ordinance or Subdivision Regulations</u>	<u>P</u>	<u>P</u>
<u>Trailhead Parking</u>	<u>NO</u>	<u>NO</u>
<u>Grading, Fill or Excavation Activities</u>	<u>NO</u>	<u>Only for permitted activities listed above</u>

^APermitted 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.

^BInvasive 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.

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

^DWhen 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.

^EReconstruction and modifications of existing structures is permitted; however, footprint expansion must move landward to the greatest extent practical.

^FFences may be constructed along the vegetated buffer line; however, they must have no footings and no ground disturbance within five (5) feet of the vegetated buffer.

^GConstruction disturbance limit is 15 feet from the wetland. When silt fence is required, it shall be placed outside of the 15 feet vegetated buffer line.

5. Site Plan and Subdivision Waivers – Wetland Setbacks

The Planning Board may review waivers to wetland setbacks for the following:

a. Wetland Crossings

- i. The crossing must be located at the narrowest span of wetlands; and
- ii. The crossing must be designed to move flow between the segregated wetlands; and
- iii. Minimum footprint of the roadway or utility crossing must be demonstrated to reduce wetland impacts; and
- iv. Open bottom culverts shall be included every 50 feet; and
- v. It is demonstrated that no other alternative route is feasible

BA. Conservation, Erosion, & Sediment Control [amended 04/21/2021]

1. All sites must comply with Chapter 420 – Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance.
2. Stripping of vegetation, re-grading and other development shall be performed in such a way as to minimize erosion.
3. Development shall preserve prominent natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.
4. Wherever feasible, natural vegetation shall be retained, protected, and supplemented.

5. The extent of disturbed area and the duration of exposure shall be proposed by the applicant for consideration by the Applicable Reviewing Authority. The proposal shall conform to time schedules acceptable to the Applicable Reviewing Authority or to the Town Planner and Town Engineer if the Applicable Reviewing Authority so directs.
6. Disturbed soils shall be stabilized as efficiently as possible.
7. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
8. The permanent vegetation and mechanical erosion control measures shall be installed in conformance with a specified schedule as approved by the Applicable Reviewing Authority or by the Town Planner and Town Engineer if the Applicable Reviewing Authority so directs.
9. Until the disturbed area is stabilized, sediment in the runoff shall be trapped and contained by the use of debris basins, sediment basins, silt traps, silt fencing or other acceptable measures.
10. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing the sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any resulting damages in an efficient manner.
11. Any developer conducting an activity on or across a stream, watercourse or swale or upon a floodway or right-of-way thereof shall maintain, as nearly as possible, the state of the stream, watercourse, swale, floodway or right-of-way during the activity. Following the activity, the water feature shall be returned to its original, or equal, condition.
12. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

CB. Site Conditions

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order by the Code Enforcement Officer or other authorized personnel. The developer shall make provisions for the disposal of oil, grease, and any other materials or equipment which may pose a threat to public health and safety. The site shall be regularly sprayed to control dust from construction activity.
2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials. Such material shall be removed or destroyed upon the request, and to the satisfaction, of the Code Enforcement Officer and must be accomplished prior to the issuance of an occupancy permit.
3. No substantial change shall be made in the elevation or contour of any lot or site by the removal or addition of earth, except as shown on an approved site plan. Minimal

changes in elevations may be made only after approval by the Code Enforcement Officer. All permitted changes necessitated by field conditions shall be shown on the as built plans.

4. Prior to or during construction, the Code Enforcement Officer may require the installation or construction of improvements in order to prevent or correct a temporary condition on the site that could cause personal injury, damage to property, erosion, flooding, heavy construction traffic, creation of steep grades, or pollution. Required improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads, and other improvements specific to a condition. All temporary improvements shall remain in place and operation until otherwise directed by the Code Enforcement Officer.

MEMO

To: Town Council
From: Sustainability Committee
Date: December 4, 2024
Re: Wetland Protections

Please accept this memo in support of the proposed modifications to the Town's Zoning, Subdivision, and Site Plan Ordinances to require vegetated buffers and setbacks around wetlands.

Wetlands are essential landscape features that provide important wildlife habitat, control flooding, recharge groundwater, and reduce water pollution. They also play a vital role in Earth's carbon cycle by collecting and storing a large amount of carbon. (The image on the following page shows how carbon storage in wetlands compares to other types of ecosystems.) When wetlands are disturbed (drained, filled, etc.), their capacity to store carbon is reduced, and the carbon that is stored within the system is released into the atmosphere.

A [2011 report](#) produced by the Association of Fish and Wildlife Agencies and the Association of State Wetland Managers details the importance of wetlands in reducing carbon dioxide (CO₂) in the atmosphere and recommends measures to protect existing carbon stores and the ability of wetlands to sequester carbon. One recommendation is to adopt policies to protect wetlands and prohibit wetland draining and degradation.

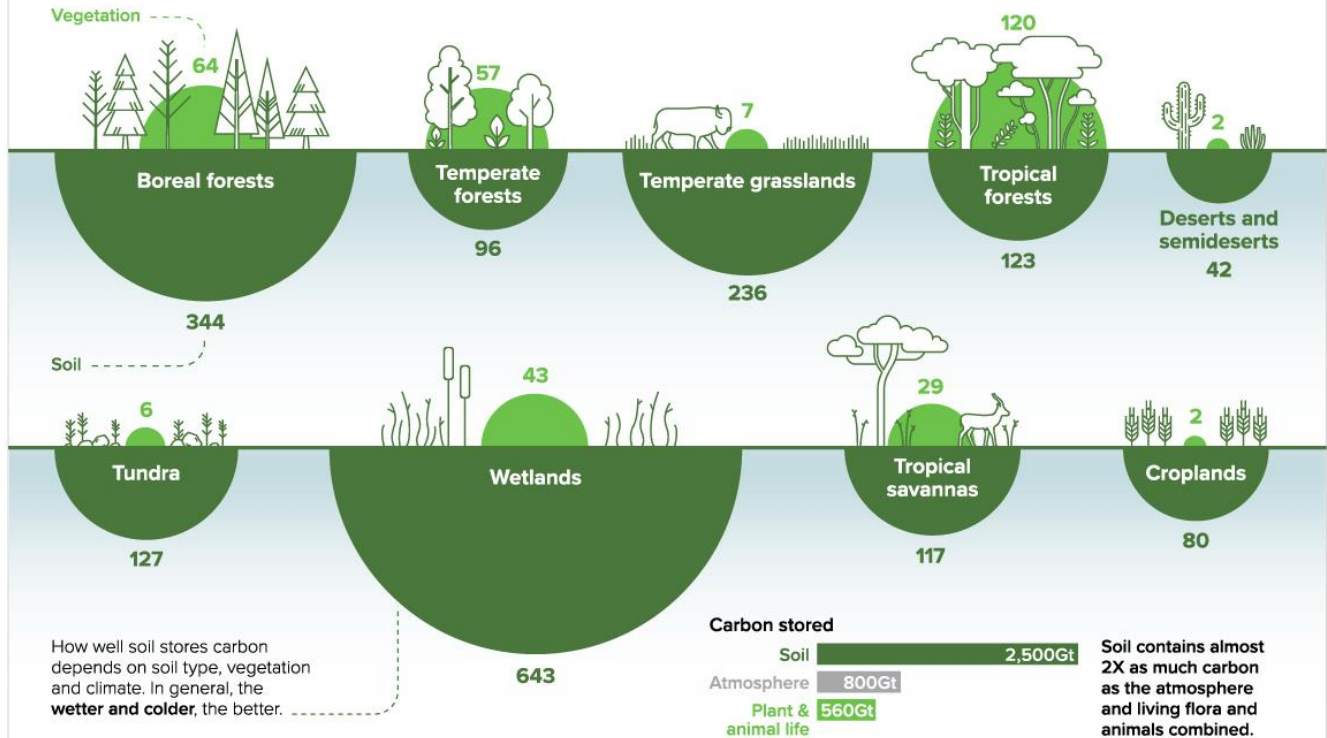
As Scarborough embarks on developing a Climate Action Plan to set greenhouse gas emissions goals and identify measures to meet them, protecting our wetlands will likely be an important strategy detailed in the plan. The nominal wetland protections proposed, a 25-foot setback from all wetlands, including a 15-foot vegetated buffer, are a small but important initial step to protecting Scarborough's wetland resources to ensure they remain a viable carbon sink.

Carbon Storage

Tonnes of Carbon

The world's forests absorb around **15.6 gigatonnes** of CO₂ each year. That's around 3X the annual CO₂ emissions of the United States.

However, around **8.1 gigatonnes** of CO₂ leaks back into the atmosphere due to deforestation, fires and other disturbances.



Average stored carbon in tonnes per hectare at a ground depth of one meter
Sources: IPCC; NASA

Source: [Visual Capitalist](https://www.visualcapitalist.com/)