

Wetland Protections



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Comprehensive Plan Vision

The Scarborough Marsh is central to the Town's identity, creating a special awareness by our residents of the importance of all of the Town's natural resources. Future land use will follow a pattern of development that is sensitive to protecting our beaches, dunes, rivers, open spaces, farmlands, and other elements that comprise our unique ecosystem.



Importance of Wetlands

- **Prevent flooding**
of properties and basements
- **Absorb wave energy from storms**
protecting property and infrastructure
- **Remove pollution in runoff from development**
- **Recharge groundwater**
so wells don't go dry
- **Gradually release stored water**
maintaining flow of rivers and streams in the summer
- **Provide critical habitat**
- **Store carbon from the atmosphere**



Wetlands are Under Serious Threat

Wetlands are disappearing three times faster than forests.

35% of the world's wetlands were lost between 1970 and 2015.

In terms of DEP permitting, the Town of Scarborough ranks 3rd in total number of applications under review by the State.



Direct and Indirect Impacts

Direct Impacts

- Construction activity
- Close proximity of use

Indirect Impacts

- Changes to vegetation
- Changes to Habitat
- Changes in groundwater and surface runoff



Current Ordinances

Chapter 405, Section VII Conservation Subdivision Standards

25-foot wetland buffer

Chapter 405, Section IX Performance Standards – Private Way Residential Development

No-disturb buffer of 25 feet from wetlands

Chapter 406, Section 4 Subdivision Ordinance

Requires Identification of wetlands and assurances that the activities will not adversely affect the quality of the wetlands

Chapter 405B, Site Plan Ordinance

A description of method to be used to permanently delineate wetlands and wetland buffers to prevent encroachment.

Structures and impervious areas shall be designed around and away from resource areas such as wetlands.

Chapter 405C Shoreland Zoning Ordinance

Applies to coastal wetlands or upland edge of freshwater wetland designated as significant wildlife habitat or containing 20,000 sq. ft. of aquatic vegetation, emergent marsh vegetation, or open water, which leaves the majority of Scarborough's non-tidal wetlands unprotected.



Process to Date

- Conservation Commission – June 2023 - February 2024
- SEDCO Board Presentation – March 21, 2024
- Ordinance Committee Review – April 10, 2024
- Long Range Planning Committee – May 10, 2024
- Developer Forum – May 23, 2024
- Stakeholder Roundtable – August 28, 2024
- Ordinance Committee – October 9, 2024
- Council 1st Reading – December 4, 2024



Proposed Wetland Protections

- Protections for all **new** development requiring site plan or subdivision approval
- Definitions relating to natural resources
- 25' natural resource setback from wetlands
- First 15' of setback must be maintained as vegetated buffer
- Permitted activities within natural resource setbacks and vegetated buffer areas
- Waivers for wetland crossings



Development Types



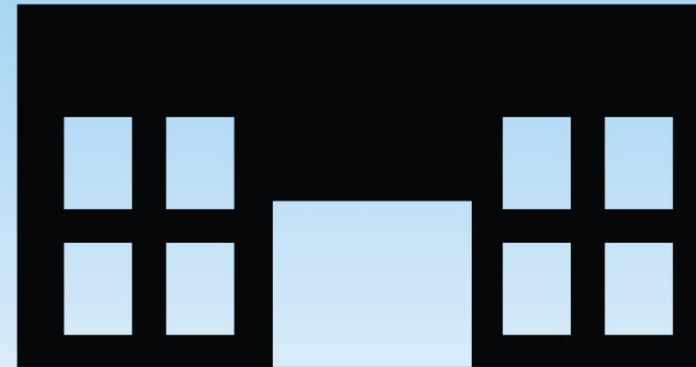
**SINGLE-FAMILY HOMES:
NO**



**SUBDIVISIONS:
YES**
(SIMILAR REQUIREMENTS ALREADY APPLY TO MOST)



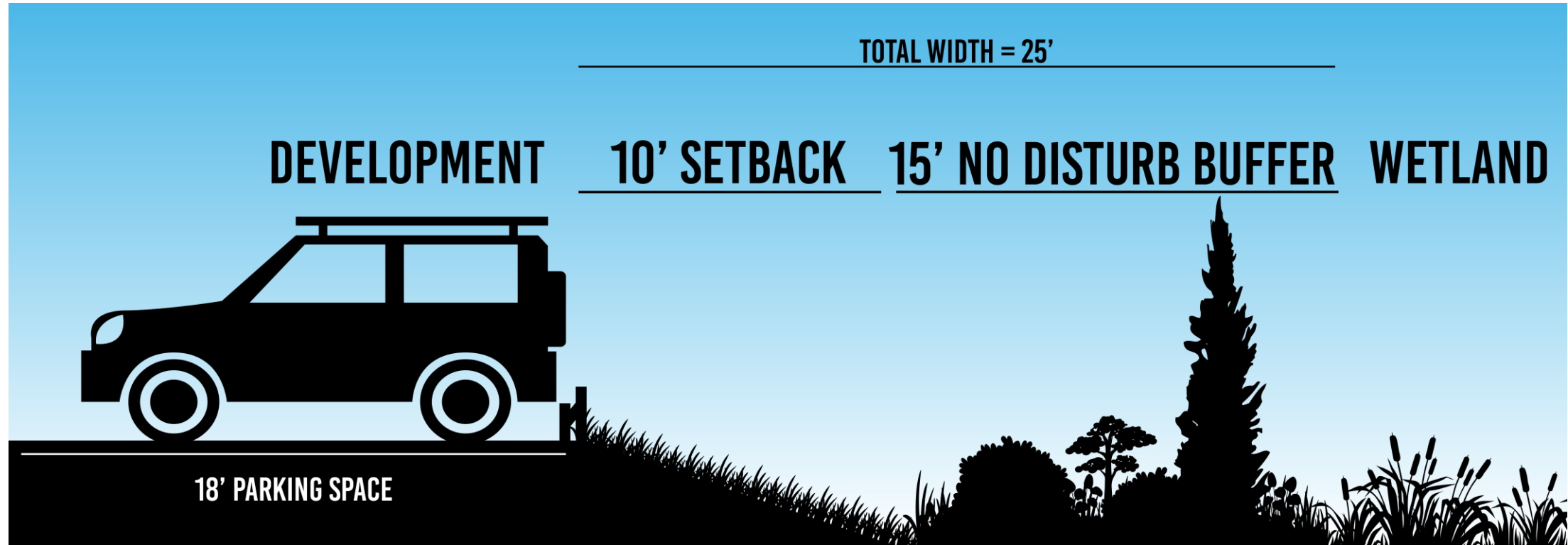
**MULTI-FAMILY HOMES:
YES**



**COMMERCIAL DEVELOPMENT:
YES**



Wetland Buffers & Setbacks



Frequently Asked Questions



- **Will these requirements prohibit filling wetlands?**

No. Wetland impacts would still be permitted through DEP and ACOE. The "new" delineated wetland line would be the starting point for the local wetland setback and the buffer.

- **Will temporary disturbance be allowed in the 25' setback?**

Limit of construction disturbance would be 15' from the wetland.

- **Are there any exemptions allowed?**

The Ordinance allows for wetland crossings to be able to develop uplands on the property.

- **How will existing permits be impacted by this Ordinance?**

All in-process permit applications with DEP and ACOE prior to the adoption of this Ordinance will be grandfathered from the requirements.

**Over 70% of the Downs development area is already permitted through DEP.*



Recent Projects Meeting Proposed Standard

- Marsh Bend Subdivision, Pine Point Road
- Cottages at Sawyer, Sawyer Road
- Hampton Inn, Payne Road (next to Acura)
- Trackside Subdivision, Chamberlain Road



Proposed Next Steps

- Town Council First Reading: December 4, 2024
- Planning Board Public Hearing: December 16, 2024
- Town Council Public Hearing: January 8, 2025
- Town Council Second Reading: January 22, 2025

