

# 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**





# 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 1<sup>st</sup> Reading – December 4, 2024



# Proposed Wetland Protections

- Protections for all **new** development requiring site plan or subdivision approval
- Definitions relating to natural resources
- Defined setbacks and permitted activities within natural resource setbacks and vegetated buffer areas
- Waivers for wetland crossings



# Development Types



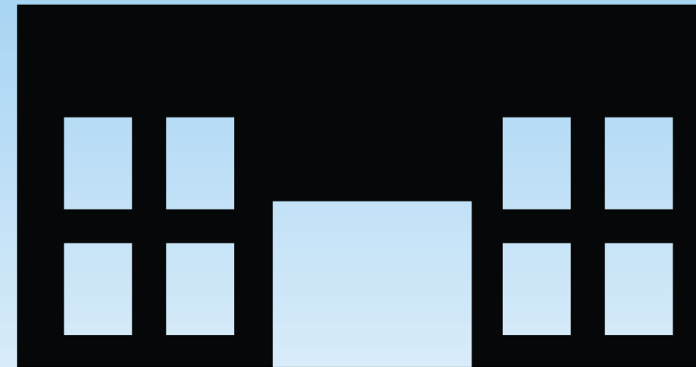
**SINGLE-FAMILY HOMES:**  
**NO**



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



**MULTI-FAMILY HOMES:**  
**YES**



**COMMERCIAL DEVELOPMENT:**  
**YES**





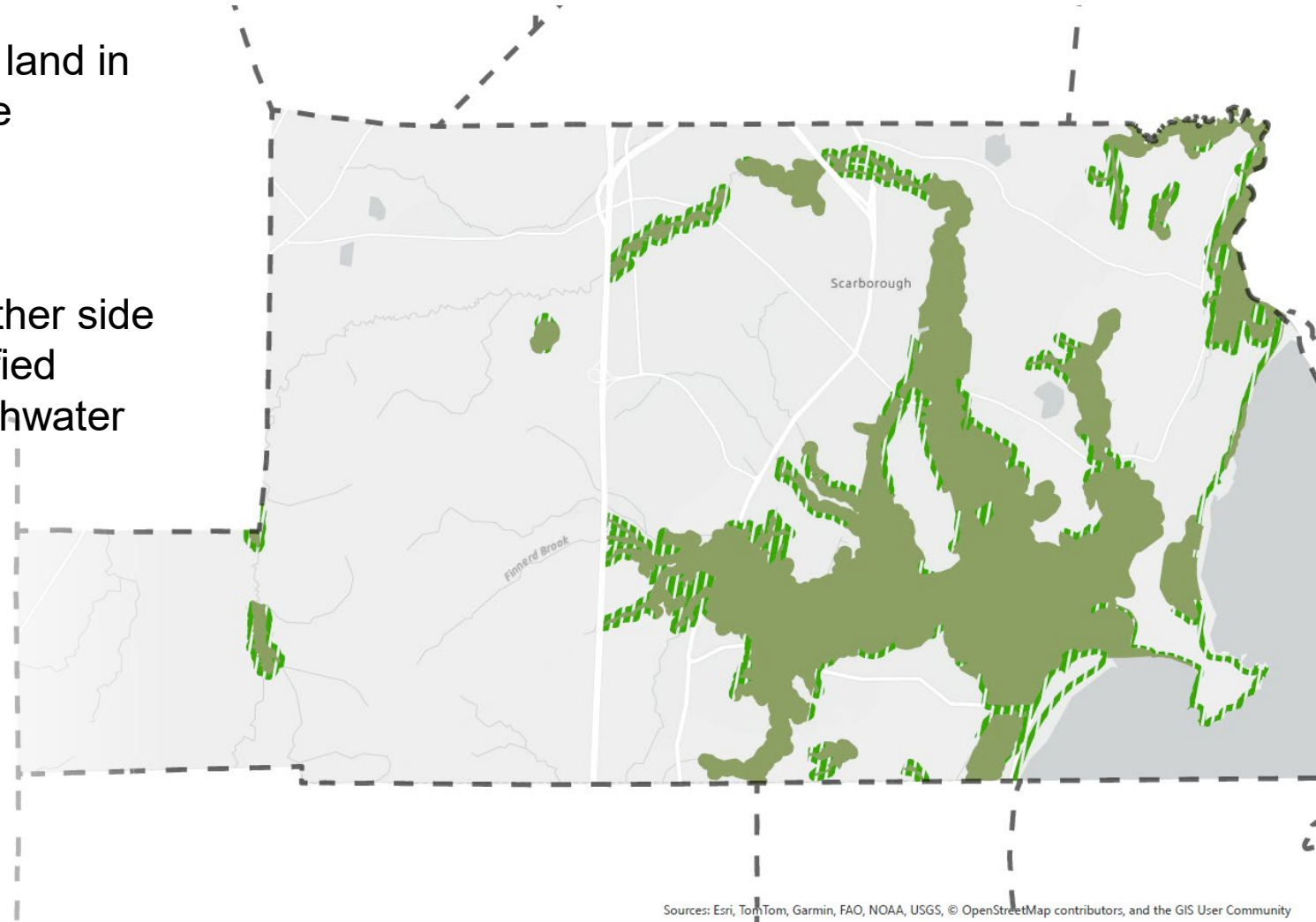
# Resource Protection

Approximately 17% of the total land in Scarborough is in the Resource Protection (RP) zone

RP district is established as a minimum 250' distance from either side of the upland edge of an identified natural resource, including freshwater wetlands, and wetlands associated with great ponds & rivers

Resource Protection district includes a specific set of uses and activities that may occur

No impacts



# RF, RFM & R2 - Conservation Subdivisions

RF, RFM and R2 represent approximately 65% of the total land area of the Town (green areas on map)

RF, RFM and R2 zoning requires Conservation Subdivisions when

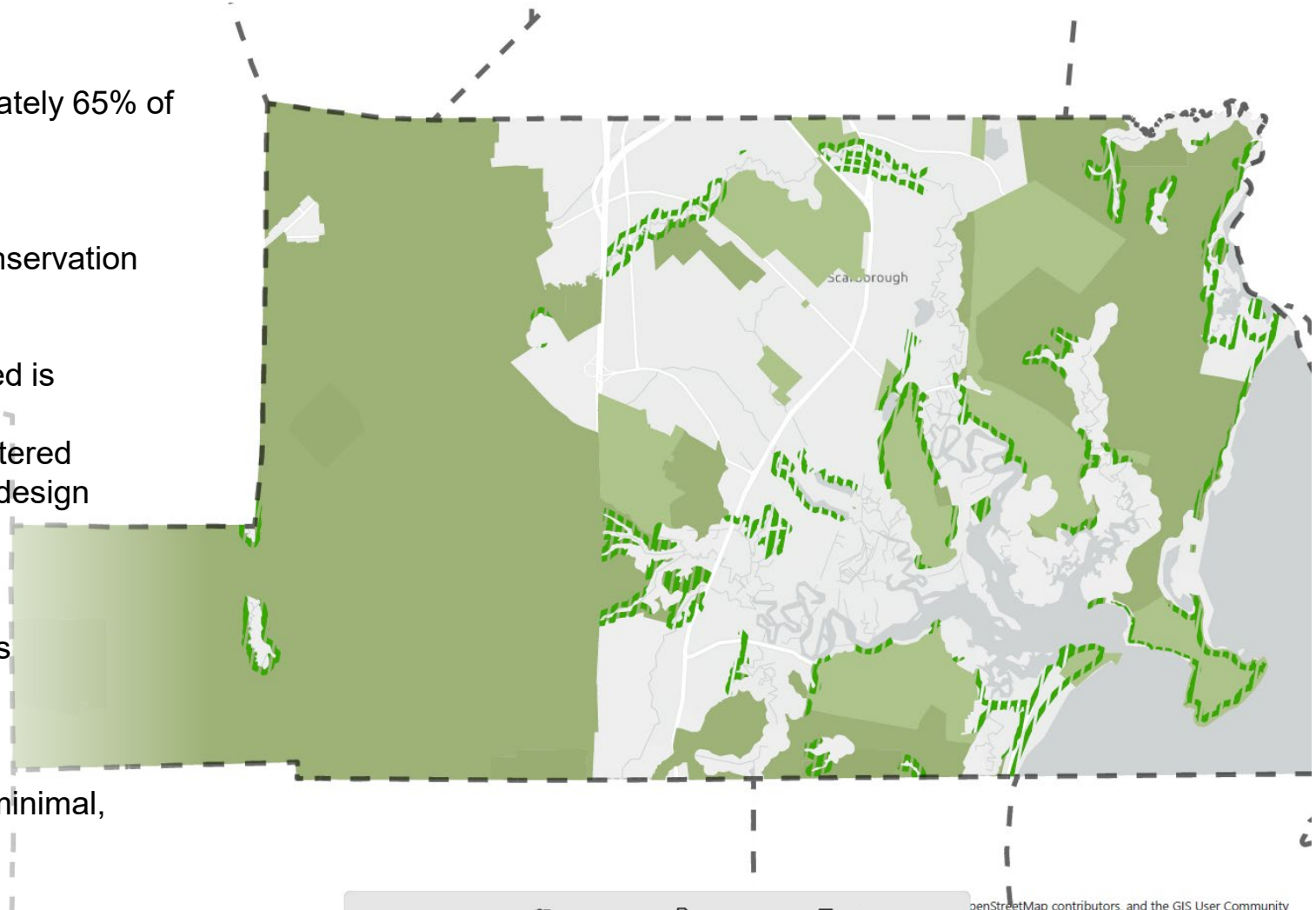
- greater than one acre of wetlands
- or 20% of the land to be subdivided is wetlands or
- if 4,300 sq ft of wetlands will be altered through conventional subdivision design

Requires wetland buffer of 25 feet

Prevents wetland fill in most instances

Higher standards than are proposed

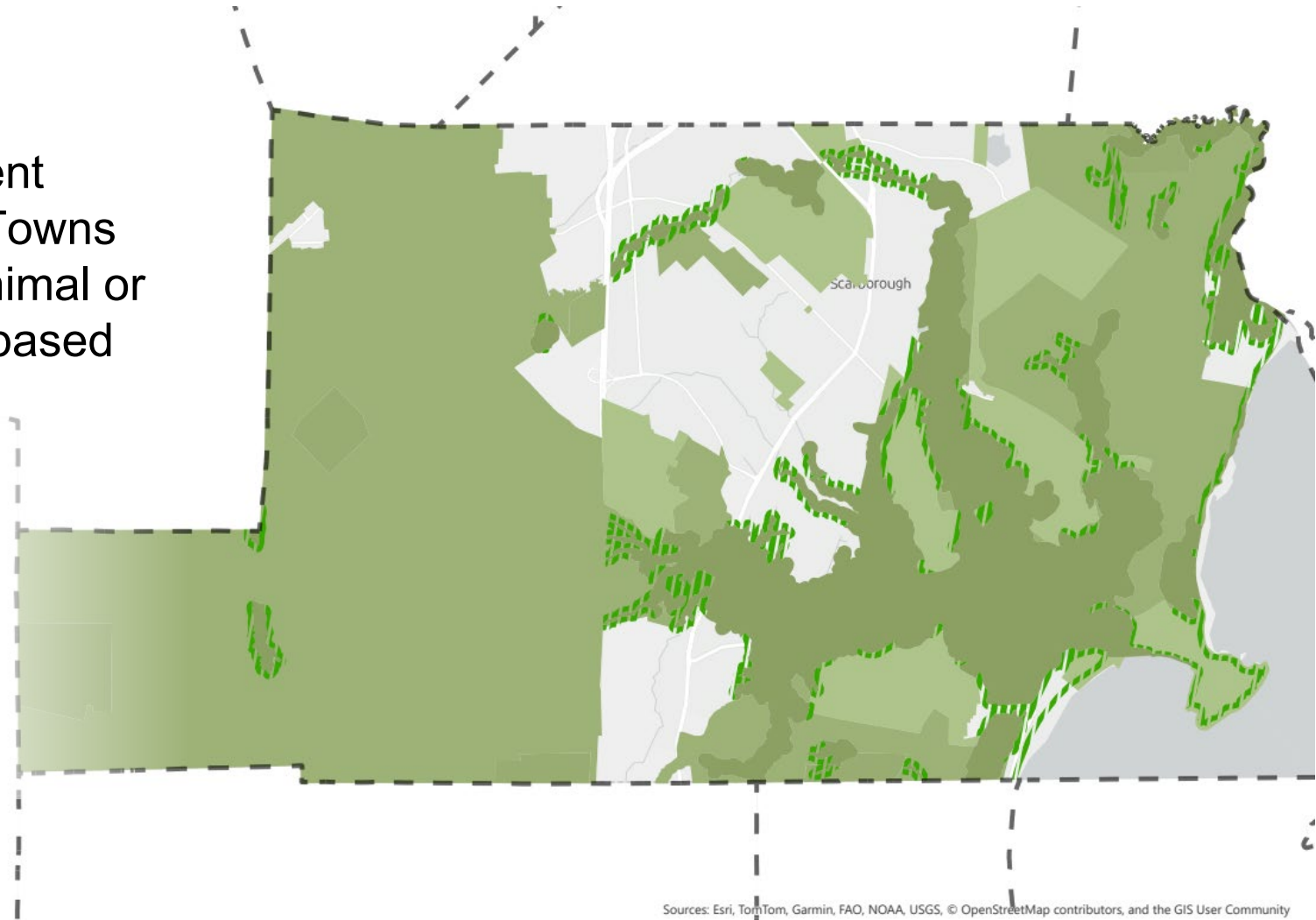
Proposed wetland setback will have minimal, if any impacts to these areas of Town





# Minimally Impacted Areas

These four districts represent approximately 82% of the Towns land area that will have minimal or no impact by the proposal based on current rules

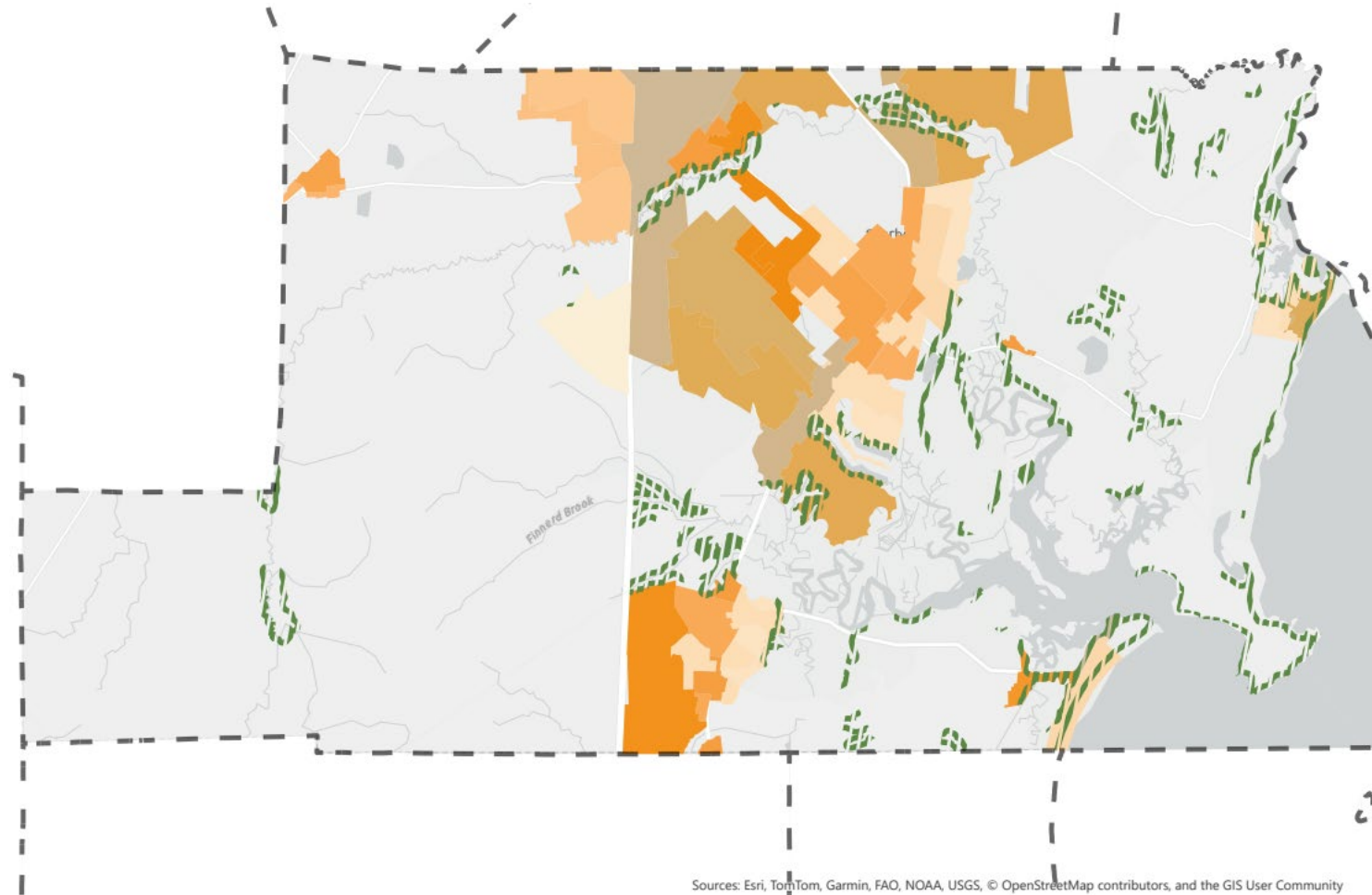


# Impacted Areas – What's Left

18% in other zones

Will not apply for redeveloped parcels

Will not apply to developments with existing or pending state or federal permit at the time of ordinance adoption

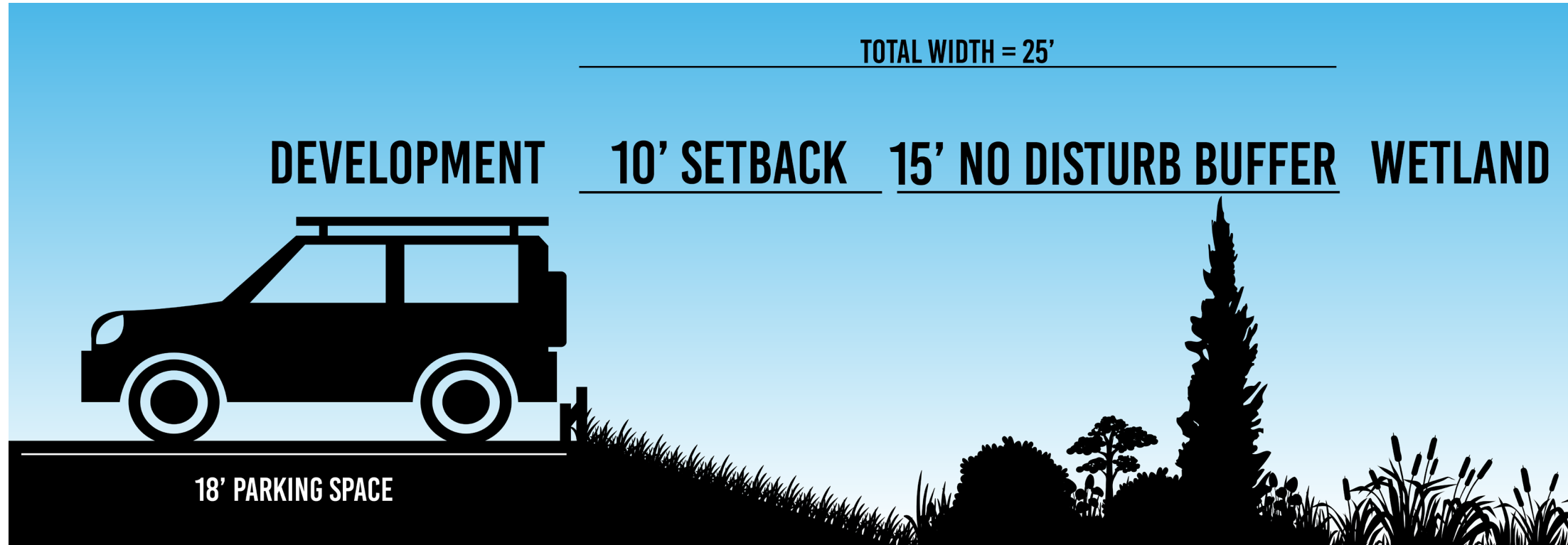


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





# Proposed Wetland Buffers & Setbacks



# Proposed Wetland Protections

- 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





# 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.

- **Does this affect net acre for density calculations?**

No, the land area of the buffer would not be removed from the land counted for density purposes.





# Proposed Next Steps

- Town Council Public Hearing: January 8, 2025
- Town Council Second Reading: January 22, 2025

