TOWN OF SCARBOROUGH, MAINE

Town of Scarborough Conservation Commission

March 26, 2025 | 6:00 pm | Hybrid: Town Manager's Conference Room and via Zoom

To participate in the Conservation Commission meeting remotely, please follow this link:
https://scarboroughmaine.zoom.us/webinar/register/WN_6BmQKc-bTHqwApsrgTtXtA

To view the Conservation Commission, please follow this link:
https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw

Agenda

6:00 pm **Call to order and attendance**

(1) Welcome and introductions

(2) Land acknowledgement

(3) Vote on minutes from 12/11/24 meeting

(4) Review 3/26/25 agenda

(5) Public comment

6:15 pm **Old Business**

(1) Goal Setting
- Review Town Council Goals
- Identify Commission priorities for 2025

(2) Tree Protection
- Tree City USA (see attached)

(3) Planning Board Submittals
- Files are not available until 3/25

7:00 pm **New Business**

(1) Review proposed updates to the Stream Protection Overlay District

(2) Discuss Chair and Vice-chair positions

7:15 pm **Updates**

(1) Education Subcommittee

(2) Town Council

(3) Parks and Conservation Land Board

(4) Transportation Committee

(5) Sustainability Committee

(6) Planning Projects: Open Space Plan & Vulnerability Assessment

7:30 pm **Adjourn**

Next meeting: April 23, 2025

Town of Scarborough Conservation Commission

December 11, 2024 | 6:00 pm | Virtual via Zoom

Minutes - DRAFT

Present via Zoom

Commission: Kate Borduas, Randi Hogan, Cathleen Miller, Abel Plaud, Jessica Sargent, Pete Slovinsky, Maggie Vishneau, Marla Zando
Staff: Jami Fitch, Autumn Speer
Town Council: Karin Shupe

Conservation Commission 12/11/24 meeting recording

Call to order

1. Meeting is called to order at 6:00 pm.
2. Randi offers a land acknowledgement to recognize the Wabanaki People as traditional stewards of Scarborough.
3. Pete motions to accept the minutes from the 10/23/24 meeting, Marla seconds. Rollcall vote is unanimous. Motion passes.

Public Comment

1. None.

Old Business

1. Environmental Standards
   - Town Council's first reading was on 12/4. Autumn Speer and Angela Blanchette provided an introduction and overview of the process to date and a summary of the proposed requirements.
   - There was extensive public comment made.
   - Town Council voted 5-2 to advance the ordinance to the Planning Board.
   - Autumn has pulled together more information to clarify how different landowners will be impacted by the proposed ordinance and to address some frequently asked questions. The presentation to the Planning Board will focus on this additional information.
   - Karin shares that four councilors fully support the ordinance and one supports continuing the process. She notes that there is more work to be done to ensure the ordinance passes. She expects positive feedback from the Planning Board.
   - The Commission notes additional messaging to support wetlands setbacks:
     - Why setbacks and buffers are needed to protect wetlands.
     - Connecting inland wetlands to the health of Scarborough Marsh
     - Connection between flooding and drought
     - Appropriate locations for affordable housing
     - Economic impact of doing nothing
     - Watershed concept – you don't need to touch the Marsh to have an impact
     - Examples of developments successfully (voluntarily) complying with the setbacks

- Cathleen suggests setting up a shared file or drive for sharing information.
- Marla notes that it's important to be in the room during the Town Council meetings.
- Bennett plans to speak in favor of the ordinance at Planning Board and suggests the Commission develops written comments for the Planning Board.
- Autumn asks the Commission to provide justification for the 15-foot buffer.
- Jami notes that DEP staff are reviewing the proposed ordinance language and will provide feedback.
- Marla asked that information about the importance of wetlands be posted on the Conservation Commission webpage. Adding the graphic showing the setback and buffer would be helpful.
- **ACTIONS:**
  - **JAMI will re-share the link to the Commission's shared Google folder.**
  - **RANDI will draft a memo to the Planning Board. COMMISSIONERS will review it and make comments.**
  - **JAMI will add info about wetlands and the setback graphic to the Commission's webpage.**

2. Tree Protection: review and discuss potential draft
   - Autumn pulled together an initial draft of a tree protection ordinance based on the Commission's discussion at the 10/23 meeting. The language mirrors South Portland's ordinance.
   - Autumn walks the Commission through the draft language.
   - Comments and questions:
     - Some of the language in the applicability section for projects not subject to Planning Board approval should probably be moved to a different section.
     - Language around the number of heritage trees removed is inconsistent.
     - Is there a designation location in Scarborough where replacement trees would be planted? *No, that needs to be identified as part of this process.*
     - Should heritage trees have a higher replacement value than other protected trees?
     - How will the public be made aware of the ordinance? *South Portland had a 1-year phase-in period when after their ordinance was passed so they could provide outreach to the community.*
     - Is there already a requirement for measuring trees prior to development? *Existing conditions identifies tree growth areas, but there is no requirement for tree measurements or assessments.*
     - Add exemptions for forest management plans and for the installation of solar panels.
     - Do we need to address the cumulative impact of cutting a few trees over multiple years?
     - What is the stakeholder process? *Get wetland setbacks passed before moving forward with the tree protection ordinance. Autumn suggests Councilor Shupe include tree protection on the list of potential Town Council goals to see if others will support the effort.*

3. Planning Board Submittals
   - White Oaks sketch plan: 10-lot conservation subdivision proposal on Scottow Hill Rd.
     - The Commission discusses how the wetlands setback requirements would apply to conservation subdivisions. The Commission supports exempting conservation subdivisions from the wetlands setbacks requirements.
   - The Downs Town Center Subdivision
     - The Commission supports legally conserving the 75 acres of land to the south of Downs Road and permanently conserving the significant vernal pool.
     - There are concerns of potential impact of development on the significant vernal pool.
     - The Commission continues to be concerned with only two crossings on Downs Road and would like to see a minimum of five crossings be required.

New Business

1. 2025 Goals

- The Commission discusses goals in the context of the Open Space Plan and Vulnerability Assessment.
- Karin shares the goals she is considering: supporting the outcomes of the Open Space Plan, seeking Tree City USA certification, pursuing Community Rating System.
- Pete notes the Town should support Scarborough Land Trust's Marsh modeling project. He also would like to see environmental standards discussions continue.

Updates

1. Education sub-committee
   - Cathleen and Randi thank Marla for her leadership on the education subcommittee and Commission as a whole.
   - Marla encourages the Commission to remain engaged in the Town's land management practices as they relate to pesticide use. She thanks staff for their support of the Commission's work.
2. Town Council
   - Karin notes that goal setting will take place in January.
   - Committees have been selected. Karin will continue to be the liaison to the Conservation Commission. She is also the chair of the Ordinance Committee and a member of the Finance Committee.
3. Parks and Conservation Land Board (PCLB)
   - Jessica shares that the PCLB is in the process of revising the evaluation form to incorporate historic preservation.
   - There is an opening on the PCLB. Members of the Commission are encouraged to apply.
4. Transportation Committee
   - The draft Townwide Transportation Assessment is available for public comment and a Council workshop was recently held. The Assessment will wrap up in early 2025.
5. Sustainability Committee
   - The Sustainability Committee is working on an update to the EV Charging Ordinance.
   - The Town will also begin a Climate Action Plan in 2025. Jami is in the process of writing a grant proposal to support the plan.
6. Open Space Plan
   - The draft Open Space Plan will be available to the public in late December. Public comment will be accepted through mid-January. A Town Council workshop will be held in early spring.
   - A key outcome of the plan is a baseline conserved and protected land in Scarborough. The Town is ~23% conserved. An additional ~2,000 acres needs to be protected to reach the 30x30 goal.
   - Maggie would like to see the Commission and PCLB meet annually to review progress toward implementing the Open Space Plan.
   - Conservation Commission could identify Town-owned properties to be formally conserved. The Commission has made recommendations in the past but no action was taken at that time.
7. Vulnerability Assessment
   - The working group of residents and Town staff will review potential pilot project locations in January.
   - The draft StoryMap that shows flood vulnerabilities through 2100 will be available this winter. The StoryMap will be updated throughout the spring with information about adaptation strategies and pilot projects.

Next meeting: January 22, 2025

Meeting adjourned at 8:02 pm.

2025 TOWN COUNCIL GOALS

LONG RANGE FACILITIES PLANNING

Goal: Address School Enrollment and Facility Needs for K-8 students in partnership with the School

- **Objective:** Ensure a rigorous and public engagement process for addressing school enrollment challenges and support the development of a school project proposal for the November 2025 ballot.
    - **Responsible Parties:** SBAC2, School Department, Finance
    - **Council Champion:** April Sither, Bill Donovan
    - **Actionable Tasks:**
        - Support site selection for new school
        - Partner with BOE and SBAC on communication and community outreach
        - Be an active participant in scheduled joint Town/School Workshops
        - Actively attend forums and community opportunities to hear residents feedback on the school
        - Evaluate proposal for readiness to sent to ballot as early as November 2025
        - Support financial impact analysis of the new school
        - Work with stakeholder groups to develop a comprehensive long-term facilities planning strategy
        - Develop a formal policy for naming Town buildings/facilities, ensuring consistency, transparency, and community involvement

CONSERVATION, SUSTAINABILITY & RESILENCY

Goal: Develop and Implement Environmental Protection and Climate Change Initiatives that protect our environment and enhance our resiliency.

- **Objective:** Strengthen environmental protection through updated ordinances, stormwater management, and proactive climate action.
    - **Responsible Parties:** Conservation Commission, Ad-hoc Open Space Committee, Ad Hoc Vulnerability Assessment Committee, Sustainability, Long Range Planning, Planning, Engineering
    - **Council Champion:** Karin Shupe, Cory Fellows
    - **Actionable Tasks:**
        - Explore a “Tree City” initiative and discuss the creation of a tree board.
        - Review and accept Open Space Plan and set priorities to achieve 30 X 30 goal
        - Advance the findings of the Vulnerability Assessment to develop a plan for addressing climate risks in Scarborough

        - Evaluate the pros and cons of implementing a Stormwater Management Fee
        - Establish Sustainability Reserve Account to build funds that support sustainability initiatives and support local matches for grant funding
        - Explore low-impact development (LID) standards in our zoning designed to protect the Scarborough Marsh and its tributaries while supporting economic development
        - Examine the potential to improve the Town's standing in the National Flood Insurance Program's Community Rating System (CRS) to reduce flood insurance premiums for residents

GROWTH, HOUSING & LAND USE

Goal: Develop a basis for defining an affordable and workforce housing policy

- **Objective:** Create a comprehensive and actionable affordable and workforce housing policy that recognizes the importance of growth zones, housing diversity (including multifamily and accessory dwelling units), and residents' concerns over the rate of growth.
    - **Responsible Parties:** Scarborough Housing Alliance, Long Range Planning, Planning Board, SEDCO, Planning
    - **Council Champions:** Cory Fellows, Bill Donovan
    - **Actionable Tasks:**
        - Host a workshop to discuss Council thoughts on affordable and workforce housing
        - Determine data points and needs to define a policy approach (examine a housing needs assessment)
        - Engage the public on a discussion on affordable and workforce housing
        - Define clear policy objectives for the next 10 years for affordable and workforce housing, including defining goals for the # and type of units
        - Refine the Credit Enhancement Agreement (CEA) provisions around eligibility and process.
        - Create a short-term rental ordinance to align with Town objectives on affordable and workforce housing and ensure responsible growth.

Communication and Community Engagement

Goal: Increase communications with residents to advance Council Goals with the public

- **Objective:** Improve communication with residents and stakeholders to better understand our growth management policies, foster collaboration and predictability in land-use regulations when changes occur, inform and educate residents throughout budget development, and ensure consistent and thorough communication practices as we work toward our council goals.

- **Responsible Parties:** Communications Committee, Long Range Planning, Ordinance, SEDCO, Planning
- **Council Champion:** Don Cushing, Jon Anderson
- **Actionable Tasks:**
  - Develop a comprehensive communications plan to highlight growth management strategies in Scarborough and foster public understanding of current/future strategies.
  - Further refine our framework for public engagement
  - Establish a Council liaison role to Crossroads Holding LLC to better partner
  - Ensure ordinance changes impacted the development community are reviewed by SEDCO and in collaboration with other Town Committees
  - Develop a Communications Plan that educates the public on the Town and School budgets to understand generally what their tax dollars are paying to deliver (general operations/level services) and secure the future (new investments).
  - Develop a consistent framework for community outreach that engages more residents and increases participation

TRAFFIC & TRANSPORTATION

Goal: Advance the Town-wide Transportation Study and engage with regional partners to prioritize and advance transportation initiatives in Scarborough

- **Objective:** Prioritize findings in the Town-wide Transportation study for 2027 CIP consideration and develop alternative traffic solutions in North Scarborough and advance the Town's transportation planning for future investments.
  - **Responsible Parties:** Transportation Committee, GPCOG, PACTS, Communications Committee, Engineering, Public Works
  - **Council Champion:** Jon Anderson, April Sither
  - **Actionable Tasks:**
    - Council to accept final Town-wide Transportation Study
    - Transportation Committee to prioritize corridors for action and recommend CIP plan for implementation for FY27 budget
    - Continue to pursue Grant funding for Payne Road improvements in partnership with Crossroads Holding LLC
    - Host a workshop with METRO Coalition, PACTS and impacted Towns to discuss the North Scarborough Region and discuss collaborative alternatives to address congestion
    - Communicate via different channels the work actively being implemented to improve traffic in Town led by the Town, State, or via TMPs
    - Resolve to support GPCOG's Vision Zero Plan to support safety
    - Explore a public transit options with regional providers to enhance ridership and reduce congestion

- Fund more sidewalks in the FY26 budget beyond historical rate

Conservation Commission 2/26/25 – Tree City USA

Council Goal: Develop and Implement Environmental Protection and Climate Change Initiatives that protect our environment and enhance our resiliency.

- Objective: Strengthen environmental protection through updated ordinances, stormwater management, and proactive climate action.

  Actionable Tasks - Explore a “Tree City” initiative and discuss the creation of a tree board.

What is Tree City USA?

The Arbor Day Foundation, in cooperation with the USDA Forest Service and the National Association of State Foresters, recognizes towns and cities across America that meet the standards of the Tree City USA program.

Nearly half of the trees in a typical city are on public property-along streets, in parks, and around buildings. The Tree City USA program is designed to recognize those communities that effectively manage their public resources, and to encourage the implementation of community tree management based on four Tree City USA standards. These four standards provide structure for a community forestry program, require that program to demonstrate success based on the judgment of the state forester’s office, and provide for an awareness and appreciation of trees among the residents of the community.

Tree City USA recognition can make a strong contribution to your community’s pride, and it will put you and your tree board in touch with other communities and resources that can help you improve your program. There are 20 communities in Maine. They are:

- Auburn - 20 Years
- Augusta - 28 Years
- Bangor - 18 Years
- Bath – 26 Years
- Brunswick - 6 Years
- Camden - 26 Years
- Castine – 14 Years
- Ellsworth - 2 Year
- Falmouth - 4 Years
- Farmington - 46 Years
- Hallowell – 21 Years
- Kennebunkport – 46 Years
- Lewiston – 20 Years
- Orono – 27 Years
- Portland – 43 Years
- Rockland - 4 Years

- Saco – 13 Years
- South Portland – 43 Years
- Westbrook – 46 Years
- Yarmouth – 44 Years

The four qualifying criteria for Tree City USA are:

1. Tree board or department
2. Community tree ordinance
3. Community forestry program with an annual budget of at least $2 per capita
4. Arbor Day observance and proclamation.

Tree Board or Department

Someone must be legally responsible for the care of all trees on town-owned property. By delegating tree care decisions to a professional forester, arborist, town department, citizen-led tree board or some combination, town leaders determine who will perform necessary tree work. The public will also know who is accountable for decisions that impact community trees. Often, both professional staff and an advisory tree board are established, which is a good goal for most communities.

The formation of a tree board often stems from a group of citizens. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

Community Tree Ordinance

A public tree care ordinance creates consistent guidelines around planting, maintaining, and removing trees in public spaces. This official policy creates visibility to your efforts and transparency for citizens. These ordinances should be flexible and evolving, accounting for long-term needs and changing landscapes.

Cities and towns in the U.S. have both public and private property within their jurisdictional boundaries. Trees on public property are a public good, and caring for these trees is a vital element of the Tree City USA program. A public tree care ordinance or law forms the foundation of a city's tree care program; it provides an opportunity to set good policy and back it with the force of law when necessary.

A key section of a qualifying ordinance is one that assigns authority over public trees. This could be through the establishment of a tree board or forestry department—or both—and gives one of them the responsibility for public tree care (as reflected in Standard 1).

Qualifying ordinances will also provide clear guidance for planting, maintaining, and/or removing trees from streets, parks, and other public spaces.

Importantly, a public tree care ordinance protects public trees at all times, not just during the development process. In other words, the policies for tree planting, care, and removal of trees codified in the ordinance must be continuous, not triggered by an event like landscaping requirements or the land development process.

Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community. There are many ways to strengthen a tree ordinance, including the task of crafting and implementing a plan of work, a clause protecting public trees from damage, or the requirements for tree care businesses.

For tips and a checklist of important items to consider in writing or improving a tree ordinance, see Tree City USA Bulletin #9. (Attached)

Community Forestry Program with an annual budget of at least $2 per capita ($50,000)

To meet this standard each year, the community must document at least $2 per capita toward the planting, care and removal of city trees—and the planning efforts to make those things happen.

Sample - Staffing - Saco – Urban Forest Division:
The Urban Forest Division of Saco Parks and Recreation is tasked with both the administration of contractual tree services and completion of arboricultural maintenance activities by park staff in the care of the community's street trees and urban forest. The Department's duties include hazard tree identification, assessment of the health of the urban forest, and to act as an advisor to the planning department with regards to development review. This Department is tasked by City Code to be responsible for the routine care, planting and emergency storm maintenance of all City trees. All basic tree care, planting and emergency work is covered by in house staffing.

Arbor Day observance and proclamation (In Maine Arbor week is during the third full week of May)

Arbor Day celebration can be simple and brief or an all-day or all-week observation. It can include a tree planting event, tree care activities or an award ceremony that honors leading tree planters.

For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality.

The benefits of Arbor Day go far beyond the shade and beauty of new trees for the next generation. Arbor Day is a golden opportunity for publicity and to educate homeowners about proper tree care. Utility companies can join in to promote planting small trees beneath power lines or being careful when digging. Fire prevention messaging can also be worked into the event, as can conservation education about soil erosion or the need to protect wildlife habitat.

Potential Next Steps:

- Identify Pros and Cons – Goals of Joining
- Identify partners – Public Works, Community Services, etc.
- Develop Action Plan – Public outreach, Council workshop, etc.
- Apply for Project Canopy Grant
- Draft Tree Care Ordinance
- Apply for Tree City USA Designation

Other Resources:

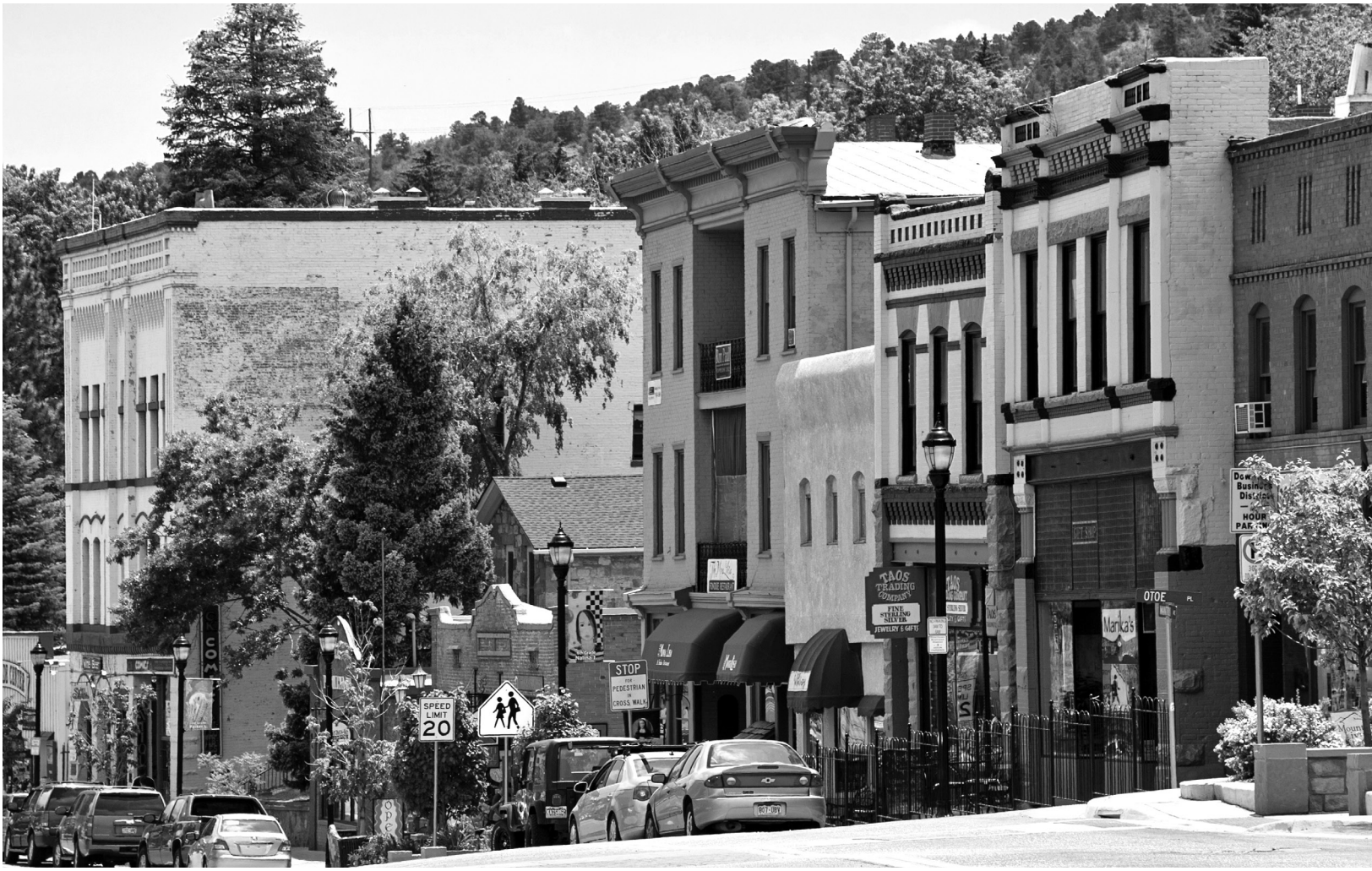
Arbor Day Foundation | Tree Planting Non-Profit

Tree City USA: Programs: Project Canopy: Help Trees help you.

TreesAreGood.org

TREE CITY USA®
BULLETIN
No. 9
Editor: Dr. James R. Fazio • $3.00

How to Write a Municipal Tree Ordinance



Tree City USA is a powerful force for the promotion of tree care and urban forestry. It is a program that has caught the imagination of citizens, elected officials, and urban tree professionals. More than 3,400 communities now fly the flag of accomplishment, a composite area that is home to some 137 million Americans.

At the heart of the Tree City USA program are four basic requirements:

The community must have (1) a tree board or department, (2) an annual community forestry program backed by the expenditure of at least $2 per capita for trees and tree care, (3) an annual Arbor Day proclamation and observance, and (4) a tree care ordinance.

In this issue of Tree City USA Bulletin, sections of a model ordinance are presented, explained, and illustrated with actual examples. Not every section will be appropriate to all communities, and there are others in use that are not included in this general coverage of the topic.

The purpose of this issue is to encourage all citizens to support their town having an appropriate, current tree ordinance and to provide a starting point for thousands of communities to create or enhance an existing ordinance. Although an ordinance is only as good as the administrative program that backs it up — including support for education and, when necessary, enforcement — a municipal tree ordinance and involvement in the Tree City USA program are giant strides in the direction of healthier urban trees and a quality environment.

Arbor Day Foundation®
100 Arbor Avenue • Nebraska City, NE 68410

Why a Tree Ordinance?

Ordinances reflect the values of a community — the values its residents believe are worth protecting to maintain their quality of life and an environment that is both safe and pleasant. A community's trees, often called the urban forest, are very much the kind of community asset that deserves to be protected and managed for the common good.

A tree ordinance encourages beautification, air cooling and purification, noise abatement, property value enhancement, and the other attributes of trees within a city. It also enables citizens to prevent and control the spread of diseases, to preserve trees in the path of development, and to avoid unnecessary costs associated with sewer clogging, sidewalk replacement, and tree-related accidents. An ordinance may also give force and direction to professional tree care within the municipality's workforce and helps control unscrupulous or careless operators.

Ordinances vary in length and complexity, but the key to effectiveness is to write the ordinance simply, clearly, and tailored to the needs of your community. In the end, a tree ordinance is just another tool for proper tree care. Like any tool, it needs to be of high quality, matched properly to the job, and used with skill and care.



Friends of Trees organized a tree planting along a multiple-use corridor in Portland, Oregon. These trees will provide a forested buffer between the local neighborhood and the interstate, decreasing road noise and adding significant beautification to the area.

THE SEARCH FOR AN IDEAL ORDINANCE

For several decades, citizens who have wanted better tree protection in their communities have searched for model ordinances to guide the way. The ordinance sections and their descriptions found in this bulletin are based largely on just such a model ordinance developed by Philip J. Hoefer of the Colorado State Forest Service. They are condensed from *Municipal Tree Ordinance Manual*, a publication of the International Society of Arboriculture and currently out of print.

An important point made by Hoefer is that in addition to an ordinance, there should be an appended standards and specifications document. This presents detailed guidelines for arboricultural practices such as planting and pruning, tree care, removal, landscaping, contracting, and similar activities that are important in any community forestry program.

It is recommended that the standards and specifications section be a separate but companion part of a municipal ordinance. This is because including such a large amount of detail directly in the ordinance itself is cumbersome and difficult to change. For greater flexibility, it is better to keep the ordinance brief, but to authorize the designated forestry body (board, commission, or department) to publicize rules, regulations, standards, and specifications. These can be published separately and revised as necessary, but still be subject to final approval by the city council or other elected officials.

Importantly, each community has different circumstances that need to be addressed in an ordinance and its accompanying standards and specifications. Use the model ordinance sections in this bulletin and the ordinances of other communities as starting points for developing your own ordinance or to revise one that is not working well, but add or delete sections to match the unique needs and circumstances of your community. Be sure to search your own city codes for any references to trees that may already exist. Finally, use the services of an attorney to review or help write all drafts to ensure that your final product is legally sound as well as beneficial to the future of your community's trees.

To locate sample ordinance provisions, search online for "sample tree ordinances," or search for "ordinances" on the following sites:

- www.isa-arbor.com/home.aspx
- www.actrees.org

IN ADDITION TO AN ORDINANCE, THERE SHOULD BE AN APPENDED **STANDARDS AND SPECIFICATIONS DOCUMENT.**

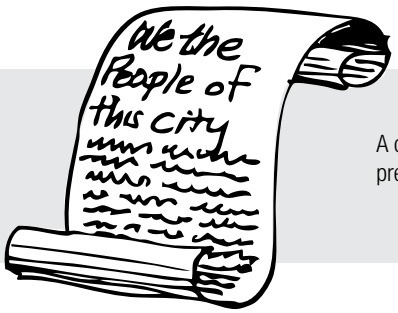
Suggested Sections for a Tree Ordinance

Although no two tree ordinances will be exactly alike, there are some basic elements that will help ensure that the document is workable and effective. These elements are called sections, and they are presented here with examples and principles that illustrate why each one is necessary.

I. PURPOSE

PRINCIPLE: An opening statement that clearly sets forth the purpose of the ordinance will help avoid ambiguity in interpretation. This initial section is usually capitalized and in bold print.

EXAMPLE: It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city of _____.



A clearly stated purpose prevents misinterpretation.

II. AUTHORITY AND POWER

PRINCIPLE: Someone within city government must have the clearly designated authority to administer the provisions of the ordinance. This section defines, designates, or creates a department, board, commission, or person responsible for the planting, care, and protection of the city's trees.

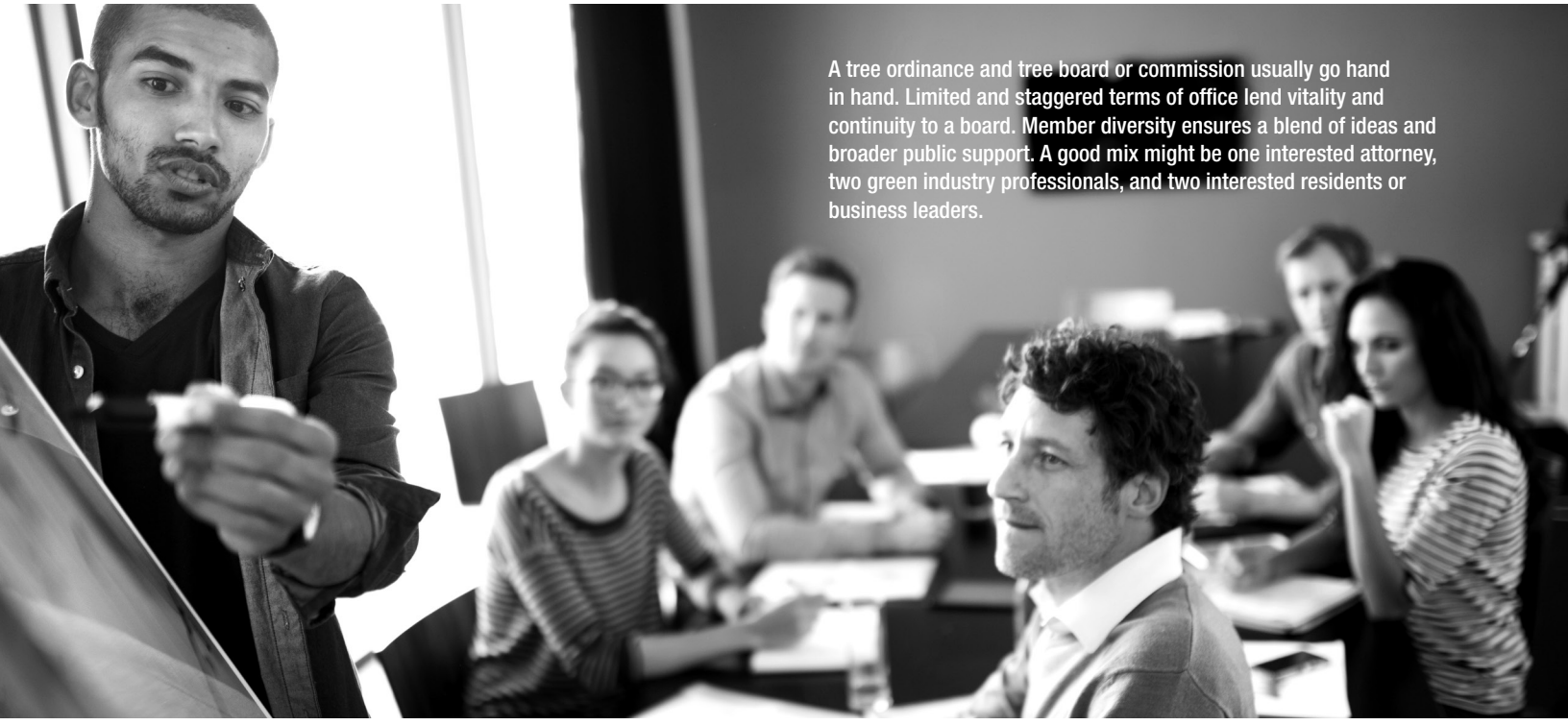
EXAMPLE: There is hereby created and established a City Tree Board for the City of _____, which shall consist of five members, citizens, and residents of this city, who shall be appointed by the mayor with the approval of the city council. Members of the board shall serve without compensation.

HOME RULE AUTHORITY: In order to avoid conflicts with state laws governing trees, a statement transferring regulations to the city may be necessary. State, county, and city laws will explain this process. If needed, the statement should be added as a section.

III. TERM OF OFFICE

PRINCIPLE: Reasonable and clearly stated terms of office for volunteer boards or commissions will help infuse the program with new ideas on a periodic basis and will help avoid the problems created by obstructionists with life or long-term tenure. This section defines length of service, a method for filling vacancies, and the number of consecutive terms (if any) that can be served. Staggering terms can help ensure continuity and stability.

EXAMPLE: The term of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.



A tree ordinance and tree board or commission usually go hand in hand. Limited and staggered terms of office lend vitality and continuity to a board. Member diversity ensures a blend of ideas and broader public support. A good mix might be one interested attorney, two green industry professionals, and two interested residents or business leaders.

IV. APPLICABILITY

PRINCIPLE: This section is needed to clarify which property is covered by the ordinance. This usually includes trees on rights-of-way, public parks, cemeteries, and other public grounds. Private property is also sometimes included.

EXAMPLE: This ordinance provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks, and public places of the city and over trees, plants, and shrubs located on private property that constitute a hazard or threat as described herein.



An ordinance must specify which property it covers, such as rights-of-way, public parks, and cemeteries.

V. DEFINITIONS

PRINCIPLE: To prevent misunderstanding, words that may be unfamiliar to lay citizens should be defined. If a standards and specifications appendix accompanies the ordinance, many arboricultural terms can be placed there instead of in this section.

EXAMPLES OF WORDS OR TERMS TO DEFINE: arborist, contractor, city forester or city arborist, tree, public tree, private tree, tree lawn, parkway, right-of-way, easement, etc.

VI. LICENSING

PRINCIPLE: One way to protect trees and citizens from irresponsible companies or individuals who pose as arborists is to require practitioners to have a license. Conditions for obtaining the license may even require that the person be a certified arborist. (See Bulletin No. 6.) This section provides licensing authority and includes details such as fees, frequency of renewal, testing procedures, types of licenses, suspensions and appeals, surety bonds, showing identification on equipment, etc.

EXAMPLE: It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs, or vines within the City without first producing evidence of certification/license before the City. (An explanation of requirements and fees is then presented.)

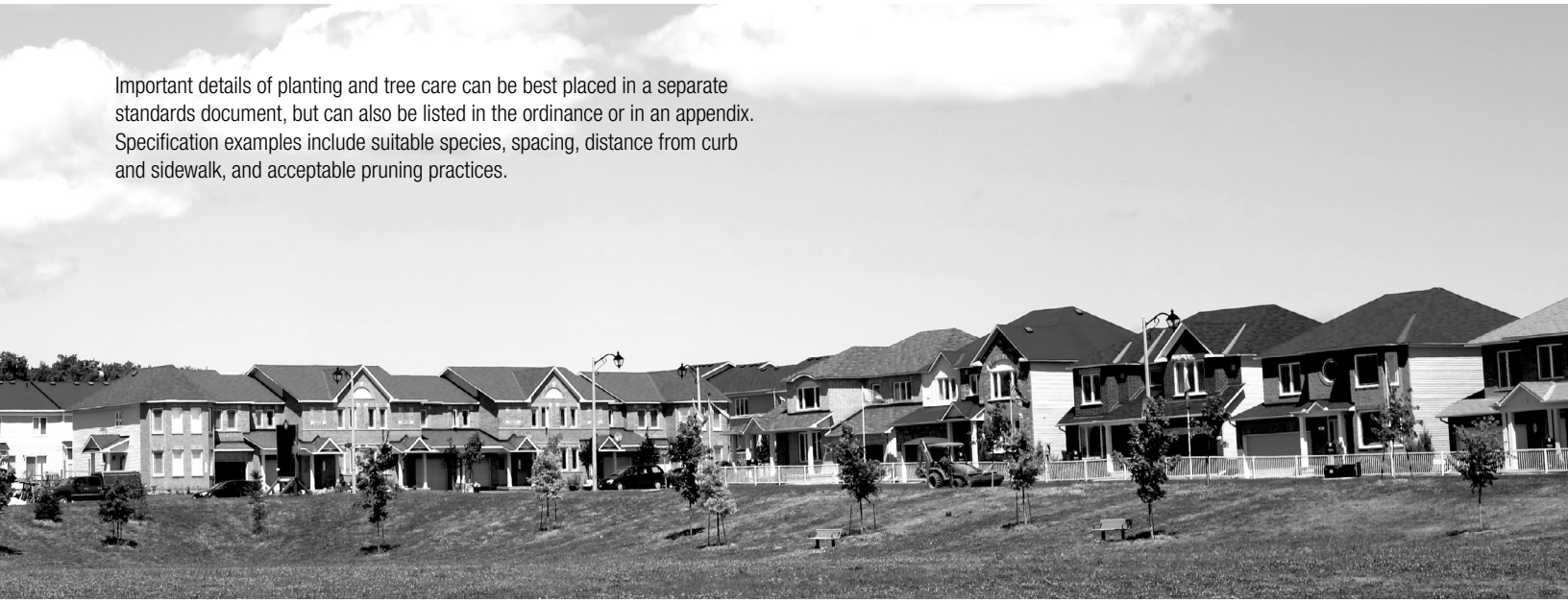
VII. INSURANCE

PRINCIPLE: Arborists work under dangerous circumstances and around high–value property. Since it is often difficult for homeowners to ascertain whether property and tree workers are adequately covered, or to insist on such coverage, a provision in the tree ordinance can easily correct the situation.

EXAMPLE: Before any license shall be issued, each applicant shall first file evidence of possession of worker compensation and liability insurance in the minimum amounts of $1,000,000 for bodily injury or death and $100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

A license requirement protects both trees and property owners.





Important details of planting and tree care can be best placed in a separate standards document, but can also be listed in the ordinance or in an appendix. Specification examples include suitable species, spacing, distance from curb and sidewalk, and acceptable pruning practices.

VIII. LANDSCAPING

PRINCIPLE: This section can ensure that trees will be a part of new developments. But planted vegetation can be an asset or a liability — depending on what is planted and how it is done. This part of the ordinance can define a process for having new landscape plans reviewed and approved by the city forester or tree board, with the issuance of building permits only after such a review.

EXAMPLE: In new subdivisions or when the development of commercial property occurs, the city forester shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks, and other public places abutting lands henceforth developed and/or subdivided.

IX. TREE PLANTING, MAINTENANCE, AND REMOVAL

PRINCIPLE: Good tree care and management is possible only if people have specific information about practices that result in safe, healthy trees that contribute to a quality environment rather than to creating problems. The purpose of this section is to provide that information in the form of requirements. In many ways, it is the heart of a good ordinance. Actually, the material in this section is best included in a separate standards and specifications chapter, but placing it directly in the ordinance is an option. Either way, all specifications should be reviewed at least every five years and should include such specifics as desirable and undesirable tree species, spacing, pruning techniques, high-risk trees, sight obstruction, and vandalism.

A good way to clearly specify pruning and other tree work standards is to use the terms and definitions as contained in ANSI A300 standards. For nursery stock, use ANSI Z60.1, available online at the site of AmericanHort.

EXAMPLES:

TREE SPECIES — The Town Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large.

SPACING — The spacing of street trees will be in accordance with the three species size classes listed in this ordinance. No trees may be planted closer together than the following, except in special plantings designed or approved by a landscape architect: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet.

UTILITIES — No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

DISTANCE FROM CURB AND SIDEWALK — The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section ___ of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

TOPPING — It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined by the International Society of Arboriculture as an inappropriate technique to reduce tree size that cuts through a stem more than two years old at an indiscriminate location. (Such a point is usually between branches, leaving a stub.)

X. ADJACENT LANDOWNER RESPONSIBILITY

PRINCIPLE: Quite naturally, homeowners often want to plant trees or do work on trees that abut their property but are on a public right-of-way. This section describes a process by which the homeowner can do the work, but only in accordance with the sound principles of urban forestry management and arboriculture.

EXAMPLE: No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the city forester. The person receiving the permit shall abide by the standards set forth in this ordinance.



An ordinance may provide authority to investigate privately owned trees that may pose a threat to the public and require removal or mitigation, such as pruning.

XI. TREE PROTECTION

PRINCIPLE: Protecting existing trees is a major challenge. Therefore, more and more progressive communities are using this section not only to prevent insect and disease epidemics, but also to protect trees on both public and private property from damage during construction. Increasingly, another use of this section is to identify and protect trees of historic value or unusual qualities (called heritage trees). Requiring permits for all tree removal is one way to achieve these goals. Penalties may be established requiring violators to pay a fine in the amount of the tree's appraised value. Ideally, such funds will be designated solely for planting more trees.

EXAMPLE 1: Upon the discovery of any destructive or communicable disease or other pestilence that endangers the growth or health of trees or threatens to spread disease or insect infestations, the city forester may at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove, or otherwise control such condition within reasonable time to be specified in such notice.

EXAMPLE 2: The following guidelines and standards shall apply to trees proposed in a developer's tree protection plan to be retained. (Rules are then specified such as not grading or locating utilities within the tree's drip line, placing protective barriers around trees, preventing siltation, etc. Or, developers may be required to preserve a percent of forested tracts, plant trees in open space, or pay into a county tree-planting fund so that there is no net loss of tree cover.)

EXAMPLE 3: The city forester shall have as one of his/her duties the location, selection, and identification of any trees that qualify as heritage trees. A tree may qualify as a heritage tree if it meets one or more of the following criteria: (Criteria may include species rarity, old age, association with a historical event or person, abnormality, scenic enhancement, etc.)

XII. PRIVATE TREES

PRINCIPLE: Since trees on private property often affect the safety and welfare of other trees and people other than the owner, a provision is needed to allow community action in such cases. This section provides authority to inspect private trees, designate them as public nuisances, and demand their removal or mitigation, such as pruning, when necessary.

EXAMPLE: The city forester or his/her official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant, or plant part that is suspected to be a public nuisance and to order its removal if necessary. (Note: An appropriate legal definition of a public nuisance is needed here, such as any tree with an infectious disease or insect problem that poses a significant threat to the community's tree population; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety, etc. Also needed is a description of the legal process for notifying property owners and causing abatement of the nuisance, including removal and billing for costs by the city if action is not taken by the owner.)

XIII. PERMITS

PRINCIPLE: Permits provide a way to make certain that anyone who plants, works on, or removes public trees (and sometimes private trees) is knowledgeable and capable of doing the job right. Permits are also a means to ensure compliance with standards and specifications, allow for follow-up inspections, and generally serve as a tool for enabling a community to control the future of its urban forest.

EXAMPLE: No person except the city arborist, his/her agent, or a contractor hired by the city arborist may perform any of the following acts without first obtaining from the city arborist a permit for which no fee shall be charged: (treatments and actions are listed, each one specifying whether it applies to trees on public land or to any tree, public or private).

XIV. ENFORCEMENT

PRINCIPLE: For an ordinance to be more than a piece of paper, authority must be given to the city forester or other official to enforce the provisions. This includes the right to issue notices of violation, notices to perform work, and the ability to stop work.

EXAMPLE: The city forester shall have the authority to publicize and enforce rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the city. (Details about the process of rule-making, review, and approval by the governing body and enforcement need to be included.)

XV. PENALTIES, CLAIMS, AND APPEALS

PRINCIPLE: Enforceable, meaningful ordinances must contain provisions for penalties and violations. Most cities have standard statements that will work in a tree ordinance, or one may be written specifically related to trees. There needs to be a process for the city to do needed work if a landowner fails to comply with an order, and there should also be an appeal process.

EXAMPLES:

VIOLATIONS — Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provision of the ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed $500 for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on city-owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens*, as published by the International Society of Arboriculture.



Each community's ordinance must be written to serve that community's unique needs and circumstances.

ASSESSMENT OF CLAIM — In the event that a nuisance is not abated by the date specified in the notice, the city arborist is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.

APPEALS — (Include your municipality's standard appeals process.)

XVI. OTHER

Because circumstances vary so widely between municipalities, there may be other sections necessary to fashion an ordinance to the needs of your community. These range from sections that local government may require in all its ordinances (such as a severability clause that states that if any section of the ordinance is found to be invalid or unconstitutional, it does not affect the validity of remaining sections) to how the urban forestry program is to be financed. The ordinance must fit your town's needs.

Don't Overlook Evaluating and Revising

The basic steps toward protecting and managing the trees in any community are (1) determining what you have (an inventory), (2) deciding what you want, i.e., what is right for your community (safety, a certain percent crown cover, diversity, etc.), and (3) establishing goals and an implementation strategy (a plan). Tree ordinances are part of the latter. They are one of the ways of attaining the desires of residents to have the kind of community forest they deserve for a quality lifestyle.

No tree ordinance is static. As communities grow and change, it is essential to review your ordinance and make certain it keeps pace with the changing needs and challenges. Review what works and what doesn't work. For example, if homeowners in new suburbs are encouraged to plant street trees but this is being ignored by non-resident owners of duplexes or apartments, what might be changed in the ordinance to solve the problem?

Monitoring is often the overlooked step in urban forestry. It is made easier when a tree board or department sets management goals annually and reviews the city's vision statement regularly. It also helps to stay current on what is being done in other cities with similar growth patterns and challenges. The bottom line is that ordinances are not one-time documents. They are a tool, and they need to be updated or replaced like any other tool in order to serve best.



Tree ordinances are important for large cities, small towns, and developing suburban areas.

FOR MORE INFORMATION …

For more information and references, please visit **arborday.org/bulletins**. Explore the Foundation's website for other helpful pages on trees, sale items, the Tree City USA program, public education, the management of community forests, and much more.

Tree City USA Bulletin ORDER FORM

Name _____

Organization _____

Address _____

City _____ State _____ Zip _____

Phone _____

For a complete list of Tree City USA Bulletins, visit **arborday.org**.

		1 Issue $3.00 ea.
1. How to Prune Young Trees	1.	$
2. When a Storm Strikes	2.	
3. Resolving Tree/Sidewalk Conflicts	3.	
4. The Right Tree for the Right Place	4.	
5. Living With Urban Soils	5.	
6. How to Hire an Arborist	6.	
7. How to Save Trees During Construction	7.	
8. Don't Top Trees!	8.	
9. Writing a Municipal Tree Ordinance	9.	
---- Tree City USA Annual Report		
TOTALS:	$	

Annual Friends of Tree City USA Membership ..... $15.00 $ _____

Tree City USA Bulletin 3-Ring Binder ..... $7.95 $ _____

TOTAL PAYMENT: ..... $ _____

Order Tree City USA Bulletins online at **arborday.org** or send this form and mail with your payment to:

Arbor Day Foundation • 211 N. 12th Street • Lincoln, NE 68508

888-448-7337 • *(Make checks payable to Arbor Day Foundation)* 1925 101

THE TREE CITY USA PROGRAM IS SPONSORED BY THE

Arbor Day Foundation in cooperation with the U.S. Forest Service and National Association of State Foresters. To achieve the national recognition of being named as a Tree City USA, a town or city must meet four standards:

Standard 1: A tree board or department
Standard 2: A tree care ordinance
Standard 3: A community forestry program with an annual budget of at least $2 per capita
Standard 4: An Arbor Day observance and proclamation

Each recognized community receives a Tree City USA flag, plaque, and community entrance signs. Towns and cities of every size can qualify. Tree City USA application forms are available from your state forester, the Arbor Day Foundation at **arborday.org/treecity**, or your state forestry agency.

PHOTO COURTESY OF: Friends of Trees (page 2).

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B. Stream Protection Overlay District

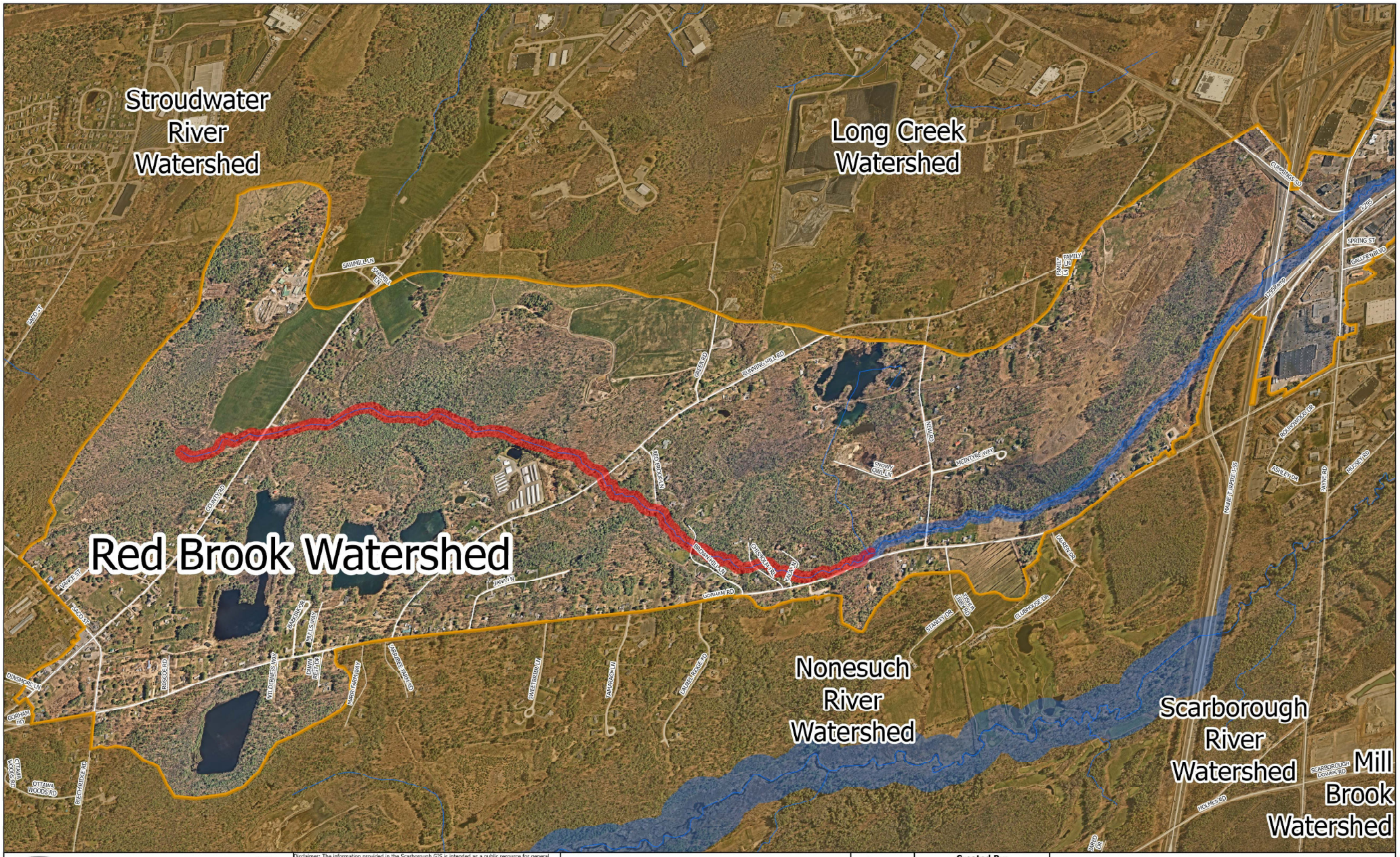
The Stream Protection Overlay District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, excluding ~~sive of those~~ areas within the Stream Protection 2 District and excluding ~~those~~ areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland.

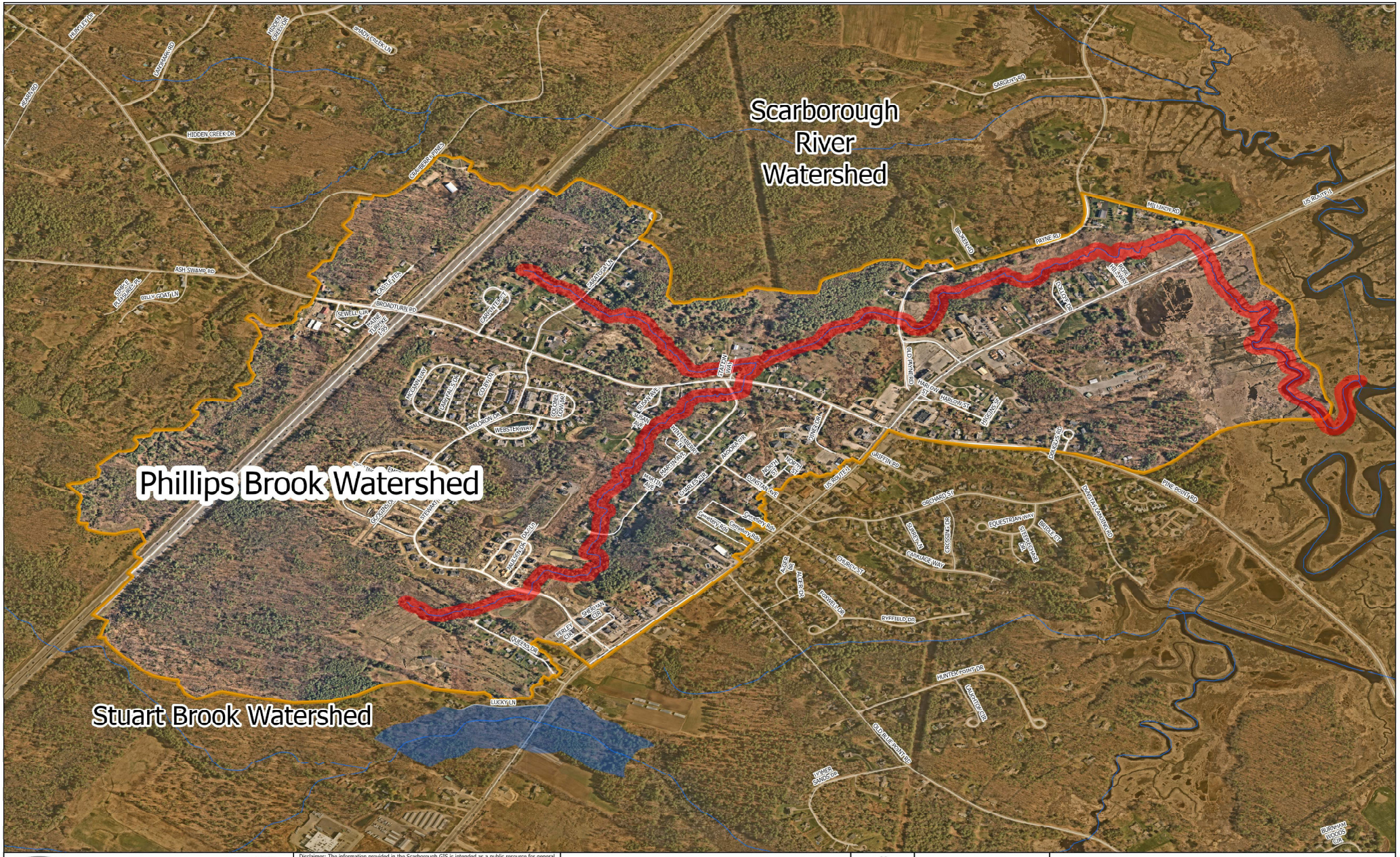
The Stream Protection Overlay District also includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of any stream listed as impaired in the Maine Department of Environmental Protection's (DEP) Integrated Water Quality and Assessment Report (303d list). For streams listed on Maine DEP's 303d list, the Stream Protection Overlay District applies to the entire length of the stream.

Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Areas in the Stream Protection Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008) (amended 07/15/2009) (amended 06/03/2020, effective date 10/01/2020)

DRAFT


Stroudwater River Watershed
Long Creek Watershed
Red Brook Watershed
Nonesuch River Watershed
Scarborough River Watershed
Mill Brook Watershed
SAWMILL LN
GREEN RD
RUNNING HILL RD
FAMILY LN
SPRING ST
GAULEY BLVD
CLAUDIA DR
PLEASANT HILL RD
ROUNDWOOD DR
ASHLEY DR
MANE T ARTIE RD
MANN RD
MUSSEY RD
ENDRY DR
MCINTYRE WAY
KENNEY RD
BERRYMAN LN
PROUTY HILL RD
GORHAM RD
OLDE TOWN RD
JONES WAY
CLUBHOUSE DR
STANLEY DR
MOSHER HILL RD
DUNSMORE LN
GORHAN RD
BOOTH RD
WILDFLOWER WAY
LAWN VIEW RD
MARIA ANN LN
SWEETSER LN
PAMBROKE LN
PALMER RIDGE RD
OTTAWA WOODS RD
BEECHRIDGE RD
SCARBOROUGH DOWNS RD
HOLMES RD
Town Of Scarborough Maine
http://www.scarboroughmaine.org
Disclaimer: The information provided in the Scarborough GIS is intended as a public resource for general reference. The Town of Scarborough makes no guarantees regarding the accuracy, completeness, or timeliness of the data and assumes no liability for any errors, omissions, or decisions made based on this information. Parcel data is for general mapping purposes only and serves as an approximate representation of lot configurations; it is not suitable for boundary determination, legal descriptions, delineation, or property transfer. Any utility service information displayed is for general reference and may not include all utilities. For precise utility details, please contact the appropriate service provider. GIS data should not be used for engineering design, and field verification is strongly recommended.
USGS Rivers and Streams
Proposed Amendment - StreamProtectionOverlay
Existing - StreamProtectionOverlay
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Date Created: 3/12/2025
Stream Protection Overlay
Red Brook Amendment
Data Location: M:\EngineeringandTechnicalServices\StreamProtectionOverlayUpdate\


Scarborough River Watershed
Phillips Brook Watershed
Stuart Brook Watershed
Town Of Scarborough Maine
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Date Created:
3/12/2025
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Phillips Brook Amendment
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From Ch. 405C, Shoreland Zoning Ordinance
https://resources.finalsite.net/images/v1690557776/scarboroughmaineorg/yfkwzbiilgg6qrpau4mv/405C-Shoreland-Zoning-Ordinance.pdf

The proposed changes will be made in the highlighted section below.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which developments would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. In developing the Official Shoreland Zoning Map, areas of the following types were included in the Resource Protection District unless such areas were already developed at the time of mapping.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W)that are depicted on the Geographic Information System (GIS) data layer maintained by either Maine Department of Inland Fisheries and Wildlife or the Maine Department of Environmental Protection as of December 31, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river. (amended 07/15/2009)
2. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973. (adopted 07/15/2009)
3. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100-year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
4. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
5. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water. (adopted 07/15/2009)
6. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

7. Freshwater wetlands not rated "moderate" or "high" by the Maine Department of Inland Fisheries and Wildlife but substantially surrounded by areas included in the Resource Protection District because of other characteristics described in this Section 13 (A).

B. Stream Protection Overlay District

The Stream Protection Overlay District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within the Stream Protection 2 District and those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. Areas in the Stream Protection Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008) (amended 07/15/2009) (amended 06/03/2020, effective date 10/01/2020)

C. Stream Protection 2 Overlay District

The Stream Protection 2 Overlay District includes all land areas within two hundred fifty (250) feet of the normal high water line of Stuart Brook east of the Maine Turnpike excluding the area within the travel way of Lucky Lane and the area upland of this way as shown on the Official Zoning Map and the normal high water line of the Nonesuch River as shown on the Official Zoning Map. Areas in the Stream Protection 2 Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008; amended 05/08/2010; amended 05/05/2010) (amended 06/03/2020, effective date 10/01/2020)

D. Shoreland Overlay District

All land areas in the shoreland zone which are not in the Resource Protection District, the Stream Protection District, or the Stream Protection 2 District are in the Shoreland Overlay District. Areas in the Shoreland Overlay District are subject to the requirements of the Scarborough Zoning Ordinance as well as to the requirements of this Ordinance. (amended 02/06/2008)

Section 14. Table of Land Uses (amended 06/03/2020, effective date 10/01/2020)

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform to all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map (amended 05/05/2010).

Key to Table 1:

405 – Permitting authority and requirements defers to Chapter 405, Scarborough Zoning Ordinance

Yes - Allowed (no permit required but the use must comply with all applicable land use standards).

No - Prohibited
PB - Allowed with permit issued by the Planning Board (amended 07/15/2009)
CEO - Allowed with permit issued by the Code Enforcement Officer (amended 07/15/2009)
LPI - Allowed with permit issued by the Local Plumbing Inspector (amended 07/15/2009)

Abbreviations:

RP - Resource Protection
SP - Stream Protection Overlay (amended 02/06/2008)
SP2 - Stream Protection 2 Overlay
SO - Shoreland Overlay

TABLE 1. LAND USES IN THE SHORELAND ZONE				
LAND USES	**DISTRICTS**			
	SO[1]	**SP[1]**	**SP2[1]**	**RP**
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	Yes	Yes
4. Timber harvesting	Yes	Yes	Yes	CEO[2]
5. Clearing or removal of vegetation for activities other than timber harvesting (amended 07/15/2009)	Yes	CEO	CEO[11]	CEO[2]
6. Fire prevention activities	Yes	Yes	Yes	Yes
7. Wildlife management practices	Yes	Yes	Yes	Yes
8. Soil and water conservation practices	Yes	Yes	Yes	Yes
9. Mineral exploration	405[1]	405[1]	405[1]	Yes[3]
10. Mineral extraction including sand and gravel extraction	405[1]	405[1]	405[1]	PB[4]
11. Surveying and resource analysis	405[1]	405[1]	405[1]	Yes
12. Emergency operations	405[1]	405[1]	405[1]	Yes
13. Agriculture	405[1]	405[1]	405[1]	CEO
14. Aquaculture (amended 07/15/2009)	405[1]	405[1]	405[1]	PB
15. Principal structures and uses				
A. One and two family residential, including driveways (amended 07/15/2009)	405[1]	405[1]	405[1]	No
B. Multi-unit residential	405[1]	405[1]	405[1]	No
C. Commercial	405[1]	405[1]	405[1]	No
D. Industrial	405[1]	405[1]	405[1]	No
E. Governmental and Institutional	405[1]	405[1]	405[1]	No
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	405[1]	405[1]	405[1]	PB
16. Structures accessory to allowed uses	405[1]	405[1]	405[1]	PB
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences (amended 07/15/2009)	CEO	CEO	CEO	No
19. Home occupations (amended 07/15/2009)	405[1]	405[1]	405[1]	No

TABLE 1. LAND USES IN THE SHORELAND ZONE				
LAND USES	**DISTRICTS**			
	SO[1]	**SP[1]**	**SP2[1]**	**RP**
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	No
21. Essential services	CEO	PB[6]	Yes[11]	PB[6]
22. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development	PB	PB	Yes[11]	PB[10]
24. Campgrounds	405[1]	405[1]	405[1]	No[7]
25. Road construction (amended 07/15/2009)	PB[8]	PB[8]	Yes[11]	No[9]
26. Land management roads	Yes	Yes	Yes	PB
27. Parking facilities	CEO/PB	PB	CEO/PB[11]	No[7]
28. Marinas	PB	PB	Yes[11]	No
29. Filling and earthmoving of < 10 cubic yards	Yes	CEO	Yes[11]	CEO
30. Filling and earthmoving of > 10 cubic yards but less than 500 cubic yards (amended 07/15/2009)	CEO	PB	Yes[11]	PB
31. Filling and earthmoving > 500 cubic yards (adopted 07/15/2009)	PB	PB	PB	PB
32. Signs	405[1]	405[1]	405[1]	405[1]
33. Uses similar to allowed uses	405[1]	405[1]	405[1]	CEO
34. Uses similar to uses requiring a CEO permit	405[1]	405[1]	405[1]	CEO
35. Uses similar to uses requiring a PB permit (amended 07/15/2009)	405[1]	405[1]	405[1]	PB

[1]In the Shoreland Overlay, Stream Protection Overlay, and Stream Protection 2 Overlay district uses are governed by the district regulations of the Scarborough Zoning Ordinance for the district in which the property is located, unless otherwise indicated in this table. (amended 07/15/2009) (amended 06/03/2020, effective date 10/01/2020)

[2]In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

[3]Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

[4]In RP not permitted in areas so designated because of wildlife value.

[5]Provided that a variance from the setback requirement is obtained from the Board of Appeals.

[6]See further restrictions in Section 15(L)(2).

[7]Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

[8]Except that no permit is required for the repair or maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

(1) not more than one standard culvert size wider in diameter than the culvert being replaced;

(2) not more than 25% longer than the culvert being replaced; and

(3) not longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exception. The person repairing, replacing or maintaining an existing culvert pursuant to this exception shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course.

[9]Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

[10]May include no more than one accessory food concession stand, cart or booth located inside a structure existing on August 5, 1992, provided no on-site waste water disposal is required for the operation of the concession. [Planning Board review is not required to operate such a concession at a recreational area which lawfully existed on August 5, 1992]. (amended 07/05/95)

[11] Uses located greater than 75 feet, horizontal distance, from the normal high water line shall be allowed. Uses less than 75 feet, horizontal distance from the normal high water line shall be regulated by the authority established in the SP column.

[12] See further restrictions in Section 15(B)(1)