Town of Scarborough Conservation Commission

May 28, 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_m5qiuV8bTryh4cjKsfojkQ

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 4/30/25 meeting

(4) Review 5/28/25 agenda

(5) Public comment

6:15 pm **Old Business**

(1) Select Chair

(2) Tree City USA – review and discuss revised draft tree ordinance

(3) Planning Board Submittals - nothing this month

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: July 23, 2025

Town of Scarborough Conservation Commission

April 30, 2025 | 6:00 pm | Hybrid: Town Manager's Conference Room and via Zoom

Minutes - DRAFT

Present in person:

Commission: Kate Borduas, Bennett Flanders, Randi Hogan, Cathleen Miller, Abel Plaud, Jessica Sargent, Pete Slovinsky

Staff: Jami Fitch, Autumn Speer

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. Abel motions to accept minutes from the 3/23/25 meeting, Pete seconds. Vote is unanimous. Motion passes.

Public Comment

1. Andrew Mackie of Scarborough Land Trust (SLT) shares the Land Trust's upcoming events. Please see the SLT website for details.

Old Business

1. Select Chair and Vice-Chair
   - Jessica announces that she is stepping down from the Conservation Commission due to her obligations to the Parks and Conservation Land Board. This is her last meeting.
   - Randi opens the meeting for discussion about the Chair and Vice-Chair positions.
   - Many Commissioners share that they have other responsibilities that limit their ability to serve as Chair or Vice-Chair.
   - Abel shares that he is willing to serve as Vice-Chair.
   - Randi agrees to serve as Chair for one more meeting but will not be chair after the 5/28 meeting.
   - Pete nominates Abel as Vice-Chair. Bennett seconds. Vote is unanimous. Motion passes.
2. Tree City USA
   - Autumn explains the Tree City USA requires municipalities to pass a tree ordinance that applies just to Town properties and right-of-way and walks through the draft ordinance.
   - Autumn asks the Commission to assist with developing the ordinance purpose statement. The Commission provides the following suggestions:
     - Revise language in applicability section to make it clear the ordinance applies only to Town-owned property.
     - Add reference to Tree City USA designation to Purpose.
     - Reference the Town's commitment to preserving trees on municipal property to maintain Town character, improve aesthetics, provide stormwater treatment, etc.
     - Add reference to "right plant, right place."

- The Town needs to identify which staff member will be responsible for overseeing the ordinance.
- The Commission does not want to expand requirements of the ordinance to private property because it will likely slow down the process. The Commission would like to explore a Heritage Tree ordinance that would apply to private property.
- The Commission suggests the Town hold a "big tree" or heritage tree contest for an Arbor Day event. The Town Arborist could use the information to maintain a list of heritage trees in Scarborough.
- The Commission believes the Tree Advisory Board should be a separate body from the Conservation Commission.
- Once the Commission has finished weighing in on the ordinance language, it will go to the Ordinance Committee.
- **ACTION: KATE will provide some language to include in the purpose statement.**

3. Planning Board Submittals
   - The Commission reviews the site inventory for property on Two Rod Road, adjacent to the FedEx property.
   - There may be opportunities to add deed restrictions to some wetlands, especially those around the significant vernal pool.
   - The Commission recommends minimizing the number of wetland crossings. They recommend maintaining the wetlands on the external areas of the parcel (along the property lines) and filling (if necessary) only the wetlands on the interior of the parcel.
   - The Town's wetland protection ordinance requires wetland crossings use open bottom culverts.

Updates

1. Education sub-committee
   - No update
2. Town Council
   - No update
3. Parks and Conservation Land Board (PCLB)
   - The Town Council unanimously approved funding for a conservation easement at 49 Grant Road.
4. Transportation Committee
   - The Transportation Committee is working on a Vision Zero Resolution.
   - The Town Council recently held a workshop with Metro to learn more about a micro transit pilot project that is proposed for Scarborough.
5. Sustainability Committee
   - The Sustainability Committee is exploring a municipal solar array.
   - A grant to complete a climate action plan for Scarborough was funded.
6. Open Space Plan
   - The Town Council adopted the Open Space Plan at their 4/16/25 meeting. An art display to track progress toward 30x30 was also unveiled at the meeting.
   - The Town's Open Space consultant is working on developing an online dashboard to track progress toward 30x30 as well as a GIS app to evaluate parcels for conservation. The app will incorporate the PCLB's evaluation scoring tool.
7. Vulnerability Assessment
   - The Vulnerability Assessment StoryMap is now available. It currently shows Scarborough's current and future flood exposure. It will be updated before the project ends to include adaptation strategies.
   - Randi askes about the Sawyer Street project. The contract was finally signed by USFWS and work will begin this spring. The project is roughly six months behind schedule.

- Randi also asks for an update on Route 1. The grant MaineDOT was planning to apply for to raise Route 1 was paused by the USDOT. MaineDOT is still working on the design so they will be in good shape if/when the grant reopens.
- Pete asks about the status of the LID ordinance. Maine DEP just released the draft for one final public comment period. Comments are due to DEP by 5/14. The ordinance is still due to be passed in 11/25.
- Pete also askes about the status of the Close the Gap project. Jami shares that construction went out to bid, and bids were received. More information will be shared publicly when it's available.

Next meeting: May 28, 2025

Meeting adjourned at 7:34 pm.

DRAFT – TOWN OF SCARBOROUGH TREE CARE ORDINANCE
Conservation Commission Review 5.28.25

A. Purpose

It is the purpose of this Scarborough Tree Care Ordinance to to encourage beautification, air cooling and purification, stormwater treatment, and promote and protect public health and , safety. This ordinance provides and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants on Town-owned properties and public rights-of-way. This ordinance shall designate which plants are to be planted and where, to meet "right plant, right place". This ordinance establishes the Tree Advisory Board and defines its membership and duties. within the Town of Scarborough.

B. Applicability

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

C. Administration

1. Town Arborist – We need to determine who this will be

a. The Town Arborist and/or their designee shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all public streets, rights-of-way, parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any public water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
b. All Town departments will coordinate as necessary with the Town Arborist and will provide services as required to ensure compliance with this ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under the direct jurisdiction of the Town Arborist.
c. No person shall hinder, prevent, delay, or interfere with the Town Arborist or their agents while engaged in carrying out the execution or enforcement of this Ordinance.
d. The Public Works Department shall have the right to prune, spray, maintain, and remove public trees as may be necessary to ensure public safety or to preserve or enhance the beauty of public places. Spraying shall be

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undertaken in accordance with State laws and the Town's Organic Pest Control Policy.

e. Pruning, planting, removing or any other tree work done on public trees by volunteers or Town employees under the supervision and operation of the Town Arborist and/or their designee is permitted.
f. Work on public trees by an electric utility company is permitted.

2. Tree Advisory Board Establishment and Procedures

It is hereby created and established a Town Tree Advisory Board for the Town of Scarborough, hereinafter referred to as the "Board."

a. **Terms.** Member shall be appointed by Town Council for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified.
b. **Council Liaison.** The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Council liaison shall not be a voting member.
c. **Staff Liaison.** The Town Manager, or their designee, shall serve as staff liaison to the Committee. The staff liaison shall not be a voting member.
d. **Officers**. The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
e. **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

3. Tree Advisory Board Duties and Responsibilities

The Board shall act in an advisory capacity to the Town Arborist and shall:

a. Coordinate and promote Arbor Day activities;
b. Support public awareness and education programs relating to trees;
c. Review Town department concerns related to tree care;
d. Submit an annual report of its activities to Town Council, including tree planting and maintenance activities;
e. Assist with the annual application to renew the Tree City USA designation;
f. Develop and maintain a list of desirable trees for planting on public property, using the Preferred species list from Chapter 405b Scarborough Site Plan Review Ordinance. The list shall be made available to the general public, and its use shall be encouraged for private planting.
g. Other duties as assigned by Town Council.

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D. Public Landscape Standards

1. Tree Planting

a. Trees planted on public property by abutting property owners or other persons shall be selected and located in accordance with this ordinance and in accordance with Town policy. Notification shall be made to the Town Arborist and/or their designee and approval shall be given prior to any planting. In addition, Dig Safe, the Scarborough Public Works Department, Scarborough Sanitary District, Maine Water, CMP, and the Portland Water District shall be consulted before any planting.

b. All such designs shall be submitted to the Town Arborist and/or their designee for approval prior to any plantings.

2. Species Selection

Species shall be selected from the approved list developed by the Tree Advisory Board in accordance with all other Town Standards.

3. Tree Installation Requirements

The following minimum installation requirements shall be met, unless otherwise approved by the by the Town Arborist and/or their designee.

Species Size	Minimum Spacing	Minimum Soil Surface	Minimum Soil Volume
Small Trees (mature height of 30' or less)	20 ft.	36 sq. ft.	36 cu. ft.
Medium Trees (mature height of 30' -45')	30 ft.	48 sq. ft.	48 cu. ft.
Large Trees (mature height over 45')	40 ft.	60 sq. ft.	60 cu. ft.

4. Tree Spacing Requirements

The distance trees may be planted from curbs or curb-lines, sidewalks, street corners, driveways, buildings and sidewalks shall be in accordance with the species sizes listed in Definitions, Section C. of this ordinance. No trees may be planted closer to any curb, sidewalk, driveway, building, or street than the following:

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Species Size	Distance to Curb or Sidewalk	Distance to Driveway ~~or Building~~	Distance to Building	Distance to Street Corner
Small Tree	2 ft.	10 ft.	10’	20 ft.
Medium Tree	5~~3~~ ft.	10 ft.	15’	20 ft.
Large Tree	10~~4~~ ft.	~~10~~ 15 ft.	25’	20 ft.

No public tree shall be planted within ten feet (10’) of any hydrant or any underground utilities. Only small trees may be planted under or within 10 feet (10’) of any overhead utility wire.

5. **Public Tree Maintenance**
   a. **Authority.** No person except the Town Arborist, their designee(s), or an approved ~~-~~contractor ~~hired by the Town Arborist~~ may prune, plant, transplant, or remove public trees.
   b. **Pruning.** The Public Works Department shall have the right to prune any public tree if, in the opinion of the Town Arborist and/or their designee, it interferes with visibility of any traffic control devise or intersection, or interferes with pedestrian or vehicular traffic. A clearance of fourteen feet (14’) above street surface or eight feet (8’) above the sidewalk surface shall be maintained. If such obstructing public tree is on private property, the Town Arborist and/or their designee shall notify the property owner of the intent to prune.
   c. **Tree Topping**. It shall be unlawful for any person or the Town to top any public tree. Trees severely damaged by storms or other causes may be exempted from this prohibition at the determination of the Town Arborist and/or their designee.
   d. In lieu of topping, public trees under utility wires or other obstructions where other pruning practices are impractical or not considered arboriculturally sound may be removed by the Town Arborist and/or their designee.
   e. **Private Property.** No property owner shall allow a tree, or other plant growing on their property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Town Arborist shall notify the property owners to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.
   f. **Disease.** 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 Town Arborist may at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated. The notice shall require such property owner to eradicate, remove, or otherwise control such condition within a

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reasonable time to be specified in such notice. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.

6. Tree Preservation

Wherever practical, existing specimen trees, native species over 20” at DBH, tree clusters or other significant vegetation shall be preserved on public properties. When preservation is proposed, the following protection must be in place to ensure survival of the preserved tree.

a. Site features must be designed to minimize disturbance to protected trees.
b. Tree wells or cut areas may be used to preserve the original grade around the tree.
c. In the drip line of protected trees, no cut or fill may be at least four (4) inches deep unless a qualified arborist or forester evaluates and approves the disturbance.
d. Finished grades must slope away from trunks to avoid water concentrated at tree bases.
e. During construction, perimeter fencing must be erected around protected trees, at least six (6) feet from the trunk or one-half of the drip line, whichever is more.
f. Storage or movement of equipment, material, debris, or fill in the tree protection zone is prohibited.
g. Damaging attachments, wires, signs or permits cannot be fastened to protected trees.
h. Trenches or footings should be at least eight (8) feet from trunk bases. Tunneling under large diameter roots may be required to prevent root damage.

7. Heritage Trees

The Town Arborist shall have as one of their 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:

a. The tree (or group of trees) is associated with events that have made a significant contribution to the broad pattern of national, state, regional, or local history;
b. The tree (or group of trees) is associated with the life of a person or group of historic significance;
c. The tree (or group of trees) represents a significant and distinguishable entity within a community or location; and/or
d. The tree (or group of trees) has age, size, or species significance that contributes to its heritage status.

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E. Violations and Penalties

a. **Violations.** Any failure to comply with the terms, conditions, provisions, or any notice issued pursuant to this ordinance, shall constitute a violation.

b. **Penalties.** Any person who violates any provision of this ordinance shall be subject to a fine payable to the Town of Scarborough of up to $100.00 each day of the violation. No penalty shall be assessed for failure to act during any notice period, unless remediation ordered by any notice is not accomplished within the designated timeframe. In addition, if, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a public tree occurs, the penalty shall include the replacement value of the public tree as determined by the Town Arborist and/or their designee.

F. Severability

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

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