TOWN OF SCARBOROUGH, MAINE

Town of Scarborough Conservation Commission

May 27, 2026 | 6:00 pm | Hybrid: Scarborough Town Hall and via Zoom

To participate in the Conservation Commission meeting remotely, please follow this link:
https://scarboroughmaine.zoom.us/webinar/register/WN_fqZILrh4RT6Ufok85yxcgw

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 3/25/25 meeting

(4) Review 5/27/26 agenda

(5) Public comment

6:15 pm **Old Business**

(1) Low Impact Development (LID) Ordinance
- Review and discuss revised draft standards (attached)
- Discuss next steps

(2) Planning Board Applications – no review needed this month

7:15 pm **New Business**

(1) Tree Removal and Site Disturbance Ordinance – review and discuss proposed ordinance (attached)

7:50 pm **Updates**

(1) Town Council

(2) Parks and Conservation Land Board

(3) Transportation Committee

(4) Sustainability Committee

(5) Planning Projects: Climate Action Plan
Visit SustainingScarborough.org to take the third quick poll

8:00 pm **Adjourn**

Next meeting:
June 24, 2026

Town of Scarborough Conservation Commission

March 25, 2026 | 6:00 pm | Hybrid: Town Hall and via Zoom

Minutes - DRAFT

Present in person:
Commission: Kate Borduas, Carrick Gambell, Randi Hogan, Christine Labaree, Crescie Mauer, Cathleen Miller, Abel Plaud, Crayton Silsby
Staff: Angela Blanchette, Jami Fitch
Guest: Andrew Mackie, Scarborough Land Trust (SLT)

Present on Zoom:
Staff: Autumn Speer
Town Council: Karin Shupe

Meeting recording

Call to order

1. Meeting is called to order at 6:04 pm.
2. Cathleen offers a land acknowledgement to recognize the Wabanaki People as traditional stewards of Scarborough.
3. Abel motions to accept minutes from the 2/4/25 meeting, Christine seconds. Vote is unanimous. Motion passes.

Public Comment

1. Andrew Mackie of SLT shares that the Land Trust and partners are hosing the World Trail Film Festival at USM on 3/28.

Old Business

1. Low Impact Development (LID) Ordinance
   - The Commission reviews proposed LID standards that were developed based on past Commission discussions and staff recommendations.
   - Commission comments on proposed standards:
     - 5,000 sq. ft. threshold is good, and include compliance to the maximum extent practicable for sites <5,000 sq. ft.
     - Buffer width – set 50' minimum and offer additional points for wider buffers.
     - Need to determine the minimum number of points needed for a site to comply with the ordinance.
     - What would incentivize a developer to meet an optional higher standard?
     - The Commission asks if fees can be reduced if developers meet a higher standard.
     - Suggestion to assign points that meet DEP's minimum standards, but require the Town's minimum point total to be higher than DEP's standard. This approach would allow sites to achieve a higher standard as it makes sense for the specific site. For example, if a site needs 100 points to meet the Town's standard, DEP minimum requirements could total 90 points,

and the developer would need to reach 100 points by implementing additional measures as it makes sense for that site.
    - The Commission also suggests that the recommended local standard be considered for the minimum standard and additional bonus points still be required. The standards would need to be run through various scenarios to understand how sites will be designed in compliance with the standards.
    - The Commission would like to require minimum vegetative cover, particularly tree cover, for lots.
- Abel suggests starting at the end – what do we want sites to look like in Scarborough – then work out how to achieve those results through the ordinance development process.
- Autumn suggests that required standards could vary based on the size of the site or amount of disturbance. Sites with more disturbance would need to meet more or higher standards.
- The LID ordinance would apply to any development that goes before the Planning Board. Autumn would like to add some of the standards to residential zoning districts.
- Is there any opportunity to measure the impact of wetland setbacks ordinance? Angela suggests that we try to estimate the amount of wetlands that would have been filled if the ordinance was not in place.
- Commission would like to see the proposed ordinance be used to evaluate real-world examples.
- Autumn asks if some of the requirements can be met by changing requirements in the Zoning ordinance. Jami suggests adding a reference in the LID ordinance to other ordinances where the requirements.
- Councilor Shupe recommends making the ordinance as protective as possible.
- Staff will work on the structure of the ordinance and bring it back to the Commission at the next meeting.

2. Stewardship Guide for Homeowners - tabled

Updates

1. Town Council
    - Councilor Shupe notes that there are not many Town Council goals related to conservation. 30x30 continues to be a priority.
    - The Council would like to limit tree cutting in commercial development.
    - Councilor Shupe notes a letter received from the Maine Department of Inland Fisheries and Wildlife regarding the Town's Animal Control Ordinance as it applies to endangered piping plovers. There is a Town Council workshop on this topic on 4/15.
    - Town Council is also reviewing a short-term rental ordinance.
2. Parks and Conservation Land Board (PCLB)
    - PCLB is revising the evaluation criteria to align it with the Open Space Plan.
3. Transportation Committee
    - Metro seeks to provide a fixed route bus route from Portland to Rt. 1, through The Downs, and to Cabela's. Metro also proposes a micro-transit pilot that will cover a larger portion of Scarborough. There will be a Town Council workshop on 4/1.
    - MaineDOT proposes a lane closure pilot on Rt. 1 across the marsh during the summer to determine if one north-bound lane could be closed to accommodate bike and pedestrian facilities. There will be a Town Council workshop with MaineDOT to discuss the pilot on 4/22.
4. Sustainability Committee
    - Sustainability Committee is reviewing state legislation related creating a climate superfund. They hope to bring a resolution in support of the legislation to the Town Council.
5. Climate Action Plan

- Jami asks the Commission to take the Quick Poll that is on SustainingScarborough.org and share the poll with others. The next poll will be posted in April.

6. Scottow Hill Road
   - A Town Council workshop about Scottow Hill Road is scheduled for 2/4/26 and a Councilor Corner Live on 2/1/26.
   - The Council will consider multiple options to address the culvert failure of Scottow Hill Road. The Town received a grant to remove the culvert and restore the stream (the Commission provided a letter of support for the proposal). The Council will hear options for the road, including culvert removal and two options to replace the culvert.

Next meeting: May 27, 2026 at 6:00 pm.
Meeting adjourned at 7:45 pm.

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements		*Required Applicability Size*	*Scarbroough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Minimize Site Clearing (Required)							
Require that all applicants provide an inventory of sensitive areas present on site pre-development as part of the development application and prioritize* their protection. Layout of the development should be aligned with conservation of sensitive areas present onsite. Applicants must provide a narrative description of how they prioritized these areas for protection from disturbance.	NA	1 acre or greater	All	✓	✓	✓	✓
Require that all development proposals show limits of disturbance on all site plans. Limits of disturbance must be marked on-site using flagging, fencing, signs or other means prior to any disturbance and must be maintained throughout each project.	NA	1 acre or greater	All	✓	✓	✓	✓
Maintain a minimum 25-foot buffer on all protected natural resources including intermittent streams	Increase start at 50'	1 acre or greater	All	✓	✓	✓	✓
Protect Natural Drainage System - PROTECT PRE-DEVELOPMENT DRAINAGE SYTSEMS							
Require that *new* culvert crossings for any waters of the state use Maine Stream Smart Principles to preserve the natural pre-development drainageways and be designed in accordance with all required state and federal permits. Stream crossings over portions of streams that have been artificially channelized are not subject to this standard.	Require replacement culverts - Add Coast Wise	1 acre or greater	All New and Replacement	new and replacement	new and replacement	new and replacement	new and replacement
Require that proposed developments preserve the natural pre-development drainageways. This does not include instances where the time of concentration for pre-development drainageway is the same as or shorter than the post-development drainageway.	NA	1 acre or greater	All	✓	✓		✓
Maximize Time of Concentration							
See section 10							
Minimize Impervious Area							
Minimize the impervious surfaces on the site using the following strategies: • Multi-story buildings and parking garages. • Utilize pervious installed storm water treatment measures. • Minimize connected impervious areas by treating at the source. Direct runoff from roadways and parking areas into water quality treatment buffers and utilize best management practices (BMPs) such as grassed underdrain soil filters, bioretention facilities, etc.	Reduce Impervious permitted overall - will this meet the requirements?	1 acre or greater	All	✓	✓		
Roads:							
Minimize the width of proposed roads by not exceeding the minimum width requirements as established in applicable land use code. Waivers of minimum pavement and shoulder widths will be considered; however, waivers will not be granted for widths less than the minimum required by emergency vehicles.	Define maximums as well for waivers	1 acre or greater	All	✓	✓		✓
Minimize the width of proposed driveways to the minimum width as established in applicable land use code or as required by emergency vehicles.	Make sure we set a maximum as well	1 acre or greater	All	✓	✓	✓	✓
Optional Road Standards							
a. Require that dead-end streets be no longer than 1000 feet.	Required for private and public - add something about blocks and house number - street capacity for public safety	NA	All	✓	✓		✓
b. Require dead-end roads to be constructed to provide a hammerhead or a tear drop cul-de-sac turn-around with a center that is vegetated, used for open space and/or has a stormwater treatment measure to promote on-site infiltration.	NA - No *new* dead end public roads (1829) but... Sawyer Street and scottow Hill	NA	All	✓	✓		✓
~~c. Require that cul-de-sac roads be constructed with the center used for stormwater treatment measures unless type A or B soils are present in the center, in which case this area should be used to promote natural infiltration on-site.~~	Hard option - Public Works	NA	All	NA	NA	NA	NA
Parking							

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements		*Required Applicability Size*	*Scarbroough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Minimize the number of proposed parking spaces by not exceeding the minimum parking requirements for use in the applicable land use code.		1 acre or greater	All	✓	✓		
Optional Parking Standards							
Offer waivers for minimum parking standards set forth in local zoning laws by:	NA	Optional	All	✓	✓		
• Establishing shared parking provisions.	Existing	Optional	All	✓	✓		
• Limiting parking lot travel aisles to a maximum of 22 feet wide.	Options or thresholds?	Optional	All	✓	✓		
• Requiring garages under buildings where appropriate, optionally tied to a density or height bonus.		Optional	Optional	✓	✓		
• Incorporating maximum commercial parking space size with a 9-foot width and a 19-foot length and allow developers to reduce the 19-foot length if an equivalent overhang was provided in all developments.	9-18 max space and cpmpact parking; waiver for larger	Optional	All	✓	✓		
• Ensure parking volume requirements are up to date, including establishing maximum parking limits in appropriate areas		Optional	All	✓	✓		
Minimize the Effect of Impervious Area							
Require that new development sites that will result in more than 20,000 sq. ft. of impervious area to disconnect or treat (construct and maintain or connect to a structural stormwater treatment measure) no less than 95% of the impervious area and no less than 80% of the developed area unless site constraints make this threshold unachievable. Directing runoff from impervious areas to vegetated areas is considered to meet the disconnection requirement.	Higher standards - Add as an additional requirement for Urban Impaired and Threatened Streams	1 acre or greater	All	✓	✓		
Treatment and retention measures used to meet performance standard (a) of this section must achieve 80% removal of total suspended solids and at least 60% removal of both total phosphorus and total nitrogen.	Higher standards - Urban Impaired and Threatened Streams	1 acre or greater	All	✓	✓		
Require that runoff from sidewalks and peak use overflow parking be directed into stormwater treatment buffers or structural stormwater treatment measures that maximize infiltration to replicate pre-development hydrology.	Higher standards - Urban Impaired and Threatened Streams	1 acre or greater	All	✓	✓		
Require that redevelopment of sites with more than 20,000 square feet of impervious area disconnect or treat 30% of the existing impervious area plus 100% of any new impervious area unless site constraints make this standard unachievable. i. Treatment and retention measures used to meet performance standard (b) of this section must achieve 80% removal of total suspended solids and at least 60% removal of both total phosphorus and total nitrogen. c. Require that roof runoff be directed to stormwater treatment buffers or structural stormwater treatment measures that maximizes infiltration.	Higher standards - Urban Impaired and Threatened Streams	1 acre or greater	All	✓	✓		
Minimize Soil Compaction							
Restrict construction equipment movement, parking and storage to only the disturbed area or existing impervious area. See performance standard 1(b) for the requirement to mark out areas on-site as well as on-site plan		1 acre or greater	All	✓	✓		✓
Areas to be revegetated due to compacted soils as a result of construction activities shall be ~~rototilled~~, aerated, have soil amendments incorporated or other like corrective actions based on site soils and conditions prior to planting.	Soil test requirements??	1 acre or greater	All	✓	✓		
Minimize lawns and maximize landscaping that encourages runoff retention							
Utilize Maine Native or Climate-Resilient Northeastern native plants in any proposed general buffer area or any stormwater treatment buffer where planting of buffers is proposed. Plantings should be appropriate for the site conditions: trees, grasses and or other native plants in sufficient numbers and density to prevent soil erosion and replicate natural site conditions.		1 acre or greater	All	✓	✓		
Planting of invasive plants is prohibited. See Maine Department of Agriculture, Conservation & Forestry's/Maine Natural Areas Program Advisory List of Invasive Plants – 2019.		1 acre or greater	All	✓	✓		
Provide Vegetated open-channel conveyance systems							

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements		*Required Applicability Size*	*Scarbroough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Prioritize the use of vegetated open-channel conveyance systems for managing runoff of new roads. The applicant may submit an alternative analysis which demonstrates that this performance standard is impracticable.	Can we define impractical? Is there a way to offer counter measures for certain zoning districts - instead you must do xyz....deeper catch basins, pre-treatment alternatives, can the subcatchment distance be smaller?? Areas less than I acre? SEE BELOW CAPTURE	1 acre or greater	All	✓	✓		✓
In designing vegetated conveyance measures, transitions to and from culverts must be protected from erosion caused by flow acceleration and turbulence. The vegetation must be tolerant of the hydrologic conditions associated with the conveyance measure.	List plants specific for these uses - not just grass	1 acre or greater	All	✓	✓		
Require that all new and redesigned roads must take into consideration existing topography and utilize existing drainage ways, swales, depressions and storage areas in their natural state to preserve the natural hydrology, drainage and infiltration features.	Copy paste language into ordinance	1 acre or greater	All	✓	✓		✓
Rainwater Capture and Reuse							
Encourage the capture and re-use of water via cisterns or rain barrels for later reuse for landscaping.	Copy paste language into ordinance	1 acre or greater	1 acre or greater	✓			
Stormwater Quality Treatment and Retention Measures							
Require individual stormwater treatment measures to treat a maximum of one acre of impervious area, except for institutional or commercial uses where a higher level of storage, detention or treatment can be achieved more cost effectively by treating an area more than one acre.	Set max impervious coverage for larger acreage ; waiver with extra requirements - site larger than xx acres requires waiver and additional measures	1 acre or greater	1 acre or greater	✓	✓		
Stormwater quality treatment system must be designed to improve or maintain water quality and to: i. Account for upstream and up gradient runoff flows onto, over or through the site to be developed or re-developed. ii. Consider chloride source control measures in the urban impaired streams and lakes most at risk watersheds or where chloride is identified as a stressor by the Department.	Require - Add to snow storage to require reduced salt usage and practices	1 acre or greater	All	✓	✓		
Require retention of rooftop runoff through the use of stormwater treatment measures that utilize infiltration, sheet flow over vegetated stormwater buffers, or capture stormwater for beneficial re-use. Exception: Site specific conditions may limit the ability to utilize infiltration (low saturated soil hydraulic conductivity, high seasonal high-water table, rooftops known to have high pollutant loading, for instance rooftops of industrial facilities. In such situations, the applicant shall: i. Provide a narrative detailing the site-specific limiting factor and how it cannot be avoided through alternative site layout. In the case of high seasonal high-water table, the applicant must provide a detailed soil investigation as supporting evidence for this limitation. In the case of low saturated soil hydraulic conductivity, the applicant must provide a hydraulic conductivity test or testimony from a licensed professional soil scientist as supporting evidence for this limitation. ii. Utilize an alternative design including structural stormwater control measure(s) detaining rooftop runoff with a drawdown time between 24 and 48 hours. In the case of rooftops with high pollutant loading, manufactured or equivalent treatment measures effectively targeting the pollutants of concern must be implemented.	Copy paste language into ordinance	1 acre or greater	All	✓			
Other - Snow storage							

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements		*Required Applicability Size*	*Scarbroough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Require that all site plans show snow storage areas. b. Snow storage in any stormwater treatment measure or shoreland zone buffer is prohibited. c. The ordinance must provide a mechanism to ensure that stormwater treatment measures will be maintained and functioning as designed in cases where ownership has changed.		1 acre or greater	All	✓			

CHAPTER 405B
TOWN OF SCARBOROUGH
SITE PLAN REVIEW

I. Purpose

The Town of Scarborough finds that uses and structures for which site plan submissions are required are potentially significant additions to the community's built and natural environment as well as to the residential, commercial or industrial neighborhood in which they are proposed. The purpose of site plan review is to ensure that the design, layout and construction of these additions to the community constitute suitable development and will not result in a detriment to the neighborhood, community or environment. The standards and requirements of this ordinance are intended to enassure that adequate provisions are made for: traffic safety, access and circulation; emergency access and response; stormwater management; protection of natural features and the environment; water supply and sewage disposal; and minimizing impacts to abutting properties or uses.

II. Applicability

A. Activities Requiring Site Plan Review [amended 04/21/2021]

Site Plan approval is required before any of the following activities take place, with the exception of the activities found below in Section II(C):

- Tree removal greater than one acre, other than permitted Timber Harvesting
    - Shall follow the Minor Site Plan process – would need to add a requirement for a buffer to remain or a percentage of tree in landscape section
- Any activity Creating Disturbed Area, as defined in Chapter 420 Erosion and Sedimentation Control.
    - More than one acre of disturbed area shall follow the Major Site Plan process
    - Less than one area of disturbed area shall follow the Minor Site Plan process

***FOR REFERENCE ONLY: Disturbed Area** - Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.*

- Construction or expansion of any building or structure ~~is erected or externally enlarged~~ greater than 100 sq ft.

- Construction, changes or expansion of ~~and before~~ any parking, loading, or vehicular or pedestrian use. ~~is established, enlarged or changed, with the exception of the activities found below in Section II(B).~~
- Any activity causing a net increase in impervious area greater than 100 sq ft.

B. Site Plan Review Types.

Activities subject to site plan review shall be divided into three~~two~~ classes: Major Development Review, ~~and~~ Minor Development Review and Administrative Review.

1. **Major Development Review.** Planning Board approval is required for all development activity unless otherwise specified in this ordinance ~~any activity described above, except for any activity that may be~~ as eligible for Minor Development Review ~~outlined below~~, or as exempt as provided in Section II.B.

~~2.~~ **Minor Development Review.** In addition to those activities requiring Minor Site Plan review in Section A, ~~Town Planner~~Director of Planning and Codes ~~-~~approval also is required for any permitted uses in the Industrial District, the Light Industrial District, and those uses in the Crossroads Planned Development District which are permitted only within the "inclusionary area" as outlined in Section XX.C.I.B.iv of the Scarborough Zoning Ordinance so long as the activities: ~~.~~

~~3. Notwithstanding the above, the following activities in the Industrial District, the Light Industrial District, and those uses in the Crossroads Planned Development District which are permitted only within the "inclusionary area" as outlined in Section XX.C.I.B.iv require Major Development Review from the Planning Board:~~

2.

~~a.~~ disturb less than ~~Activities with~~ one-acre ~~or more of disturbance~~; and

a.

b. f~~Activities that are f~~orecasted to generate less than ~~more than~~ 35 trip ends during any peak hour; and

c. do not require ~~Activities that require~~ amendments to state or federal permits.

The ~~Town Planner~~Director of Planning and Codes (or designee) may refer approval of a permitted use defined as requiring minor development review to the Planning Board for Major Development Review when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources, as determined by the ~~Town Planner~~Director of Planning and Codes (or designee). Additionally, an applicant may request that a project be reviewed by the Planning Board through Major Development Review instead of Minor Development Review for any reason.

Administrative Review. The Director of Planning and Codes or designee may approve minor deviations from approved site plans that do not alter the essential nature of the approval or affect approval criteria with endorsement of the Planning Board Chair.

3.

C. Exempt Activities.

The following activities shall not require site plan approval; however, such activities may require building permits, plumbing permits or other local or State approvals:

1. Municipal buildings or uses, but shall be reviewed by the Planning Board for an advisory opinion to the Town Council or the applicable Town Department.

~~**1.**~~**2.** The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use. More than one single family or two-family dwellings developed on a single lot under unified ownership, as defined in Section II(d)(9) of the Zoning Ordinance, are not exempt from Site Plan Review.

~~**2.**~~**3.** Alterations to a building which in total do not increase the floor area of the building by more than 100 square feet, so long as no new impervious area is created.

~~**3. Municipal buildings or uses, but shall be reviewed by the Planning Board for an advisory opinion to the Town Council or the applicable Town Department.**~~

4. Buildings, structures and areas of impervious surface, the principal use of which is the conduct of accessory agriculture, commercial agriculture, or commercial animal husbandry, as ~~are~~ defined in Section VI. Definitions of the Town of Scarborough Zoning Ordinance and permitted in conformance with applicable performance standards in Section IX. Performance Standards.

5. Farm stands with no more than 400 square feet of retail sales area, subject to CEO approval and permitting in conformance with Section IX.R. Performance Standards Farm Stands.

6. Construction of a Private Way, subject to Town Engineer approval and permitting in conformance with Section IX.I. Private Way Residential Development.

~~**5. Farm stands with no more than 400 square feet of retail sales area.**~~

~~**6.**~~**7.** Temporary use of accessory storage containers, subject to CEO approval and permitting in conformance with Section IX.G. Performance Standards Accessory Containers.

8. Tree removal of less than one acre and not creating Disturbed Area, on existing residential lots.

9. Tree removal in the Shoreland Zone, subject to CEO approval and permitting in conformance with Chapter 405C Shoreland Zoning Ordinance

10. Timber harvesting, subject to notification to the Town of Scarborough and acknowledgement of tree clearing and disturbed area limitations.

~~**7.**~~**11.** New landscaping or replacement of existing landscaping in accordance with Section IV. Performance & Design Standards. Section B Landscape and Screening Standards, subject to Administrative Review.

DRAFT