TOWN OF SCARBOROUGH, MAINE

Town of Scarborough Conservation Commission

July 22, 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_oR5UhFndQWytOAReXnoyhA

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 5/27/25 meeting

(4) Review 7/22/26 agenda

(5) Public comment

6:15 pm **Old Business**

(1) Low Impact Development (LID) Ordinance: update on schedule & process

(2) Tree Ordinance: update on schedule & process

(3) Planning Board Applications – TBD; submittals due 7/20

6:50 pm **New Business**

(1) Stewardship Guide for Homeowners – discuss topics to include & identify Commissioners to lead

7:15 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 quick polls

7:30 pm **Adjourn**

Next meeting:
August 26, 2026

Town of Scarborough Conservation Commission

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

Minutes - DRAFT

Present in person:
Commission: Carrick Gambell, Crescie Mauer, Cathleen Miller, Will Sedlack, Crayton Silsby
Staff: Angela Blanchette, Jami Fitch, Autumn Speer
Town Council: Karin Shupe
Guest: Denise Hamilton, resident; Averyl Hill, resident; Andrew Mackie, Scarborough Land Trust (SLT)

Present on Zoom:
Commission: Randi Hogan, Christine Labaree, Abel Plaud

Meeting recording

Call to order

1. Meeting is called to order at 6:01 pm.
2. Cathleen offers a land acknowledgement to recognize the Wabanaki People as traditional stewards of Scarborough.
3. Crayton motions to accept minutes from the 3/25/25 meeting, Christine seconds. Vote is unanimous. Motion passes.
4. Jami suggests adjusting the agenda to take up new business first, since members of the public are at the meeting for that item. The Commission agrees.

Public Comment

1. Andrew Mackie shares information about SLT's upcoming native plant sale.
2. Averyl Hill shares comments about the clear cutting at 741 Route 1 and the draft tree cutting ordinance (attached).

New Business

1. Tree Removal and Site Disturbance
   - Members of the public are invited to participate in the discussion.
   - Autumn introduces the draft ordinance.
   - Autumn asks the Commission what scenarios they hope to prevent with the tree cutting ordinance.
     - Karin shares feedback she heard related to the cutting at Eight Corners. She notes that the cutting was authorized and that the larger issue with that site was the lack of visual buffers that remained after the cutting.
       - Autumn suggests updating Ch. 405B to require a certain percentage of the tree canopy remain in place. The Low Impact Development Ordinance may also address this issue.
       - Will suggests canopy standards are more appropriate for non-shoreland areas than buffer requirements.

        - Crescie suggests requiring mature trees be preserved on the site.
            - Autumn notes a tree survey could be required through the site planning process.
        - Randi notes the importance of preserving champion trees on a site.
        - Cathleen suggests that the developer be required to post signage about the project so the public knows that the appearance of a site will change.
        - Karin suggests increasing fines as a deterrent to illegal cutting.
    - Autumn notes that the suggestions discussed so far address cutting on commercial property where development is proposed. The Commission needs to consider cutting on commercial property where no development is proposed, as was the case of the recent cutting on Route 1.
        - Will suggests using the State's language to define a clear cut.
        - Will notes that a typical harvest from a woodlot would be about ¼ acre. Autumn suggests revising the proposed ordinance language to require administrative approval for cutting of ½ acres.
    - Recommendations:
        - Commercial properties planning to cut an acre or more to must complete a tree survey to identify trees over a certain DBH.
        - A perimeter of trees must remain in place or a minimum tree canopy must be maintained.
        - A a wetland and vernal pool inventory must be completed prior to any cutting of an acre or more.
        - Set the threshold for administrative approval for cutting at ½ acre.
        - Don't offset or reduce fines to require additional planting/restoration. Require maximum fines in addition to appropriate restoration.

2. Low Impact Development Ordinance
    - Staff walks the Commission through the table of LID requirements, which outlines DEP's minimum requirements and proposed requirements in addition to DEP's requirements.
    - Based on past discussions with the Commission, staff proposes all projects subject to the Town's site plan or subdivision ordinances would need to comply with the requirements. DEP's minimum is 1 acre of development.
    - Recommendations:
        - Define "protected natural resources" – don't rely on the State's definition.
        - Add tree preservation requirements and require a tree survey.
        - Remove exemption from requirements around artificial channelized streams (protect natural drainage systems section).
        - Reduce allowed impervious cover overall in addition to setting impervious cover maximums on individual parcels.
        - Require vegetated ditches only in certain zones.
    - Cathleen notes that it would be helpful for the Commission to have talking points to support the ordinance when it goes to the Ordinance Committee and Council.
    - The Commission discusses how to engage the public on this issue, including developers. The Commission considers replacing its July meeting with a public meeting on the LID ordinance.

Updates

1. Town Council
    - Councilor Shupe asks if 17 Broadturn Rd. came before the Conservation Commission.
    - Councilor Shupe also shares that Public Works has proposed to expand a cemetery into 40 acres of forested land between the marsh and the Eastern Trail. The project is deferred for at least a year.
    - The Town has yet to respond to IF&W's letter related to the Animal Control Ordinance.
    - Angela shares that MaineDOT is starting a new process to study the traffic congestion in North Scarborough.

2. Sustainability Committee

- Sustainability Committee will write a letter to the Town Council in support of the data center moratorium.

3. Climate Action Plan
   - Please take the third quick poll. There is a link in the agenda.

Next meeting: June 24, 2026 at 6:00 pm.
Meeting adjourned at 8:13 pm.

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements	Additional Town Minimum	*DEP Required Applicability Size*	*Scarborough 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**	✓	✓	✓	✓
NA	Tree Preservation - Tree Survey required for all trees over specific diameter - Enforce planting and preservation requirements (Separate topic)	NA	**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 - **DEFINE** (include manmade ponds)	40' + 10'	1 acre or greater	**All**	✓	✓	Phase 2 (25')	✓
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 - each site will have to comply as well - Address watersheds as well	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 (reconcile with complete streets)	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							

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements	Additional Town Minimum	*DEP Required Applicability Size*	*Scarborough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Minimize Site Clearing (Required)							
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	NA				✓
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 *newly constructed* dead end public roads (1829) (Sawyer Street and scottow Hill)	NA	NA	✓	✓		
~~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	NA	NA	NA	NA	NA
Parking							
Minimize the number of proposed parking spaces by not exceeding the minimum parking requirements for use in the applicable land use code.	Add maximums as well	1 acre or greater	All	✓	✓		
Optional Parking Standards							
Offer waivers for minimum parking standards set forth in local zoning laws by:	NA	Optional	NA	✓	✓		
• Establishing shared parking provisions.	Existing	NA	NA	✓	✓		
• Limiting parking lot travel aisles to a maximum of 22 feet wide.	Options or thresholds? Confirm with Public Safety	Optional	Add Maximum of 24'	✓	✓		
• 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.	9X18 max space and compact parking; waiver for larger	Optional	Add maximum 9x18	✓	✓		
• Ensure parking volume requirements are up to date, including establishing maximum parking limits in appropriate areas		Optional	Optional	✓	✓		
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 in Urban Impaired and Threatened Streams	✓	✓		
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	✓	✓		

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements	Additional Town Minimum	*DEP Required Applicability Size*	*Scarborough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Minimize Site Clearing (Required)							
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.		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	Existing	✓	✓		
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	Existing	✓	✓		
Provide Vegetated Open-Channel Conveyance Systems							
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 - Per Zoning	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	NA	✓			
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	NA	✓	✓		

Requirements		Applicability - Size		Applicability - Type of Submittal			
DEP Minimum Requirements	Additional Town Minimum	*DEP Required Applicability Size*	*Scarborough Minimum Size*	Site Plans	Subdivision	Res Permits Outside of Subdivision	Private Ways
Minimize Site Clearing (Required)							
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							
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	✓	✓		✓ note only

LID Ordinance Adoption - Anticipated Schedule

		August	September	October	November	December	January	February	March	April	May
Public Meeting	Highlight DEP required standards; focus on proposed local requirements		X								
Ordinance Committee - 1	Highlight DEP required standards; focus on proposed local requirements			X							
Conservation Commission	Provide update from Ordinance Committee			X							
Ordinance Committee - 2							X				
Town Council Workshop	*TBD if needed* - Highlight DEP required standards; focus on proposed local requirements										
Town Council 1st Reading								X			
PB Public Hearing									X		
Town Council Public Hearing										X	
Town Council 2nd Reading										X	

TOWN OF SCARBOROUGH, MAINE

To: Ordinance Committee

From: Autumn Speer, Director of Planning and Codes

Date: June 10, 2026

Re: Tree Clearing Ordinance Amendments

REQUEST

Consider amending Chapter 405 Zoning Ordinance Section VI Definitions to add and amend definitions pertaining to Timber Harvesting; and amending Chapter 405 B Site Plan Review Ordinance Section II Applicability to differentiate types of review required, add an Administrative review provision, and add site plan review requirements for creating Disturbed Area and Tree Clearing.

BACKGROUND

Staff has been tasked with providing options to address tree clearing and site disturbance concerns. The Town currently has an Ordinance, Chapter 420 Erosion and Sedimentation Control, which applies to all Construction Activity within the Municipality's right of way, on a Parcel, or Common Plan of Development or Sale, with stormwater discharges. Chapter 420 requires an Erosion and Sedimentation Control Plan be submitted and reviewed with the applicable reviewing process.

Construction Activity – Means any activity on a Parcel or within the Municipality's right of way that results in **Disturbed Area** as defined below:

> *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.*

The Erosion and Sedimentation Control plan is typically included in the site plan or subdivision review process; however, staff proposes to include the activity "**Create Disturbed Area**" as a unique category of activity which requires Site Plan review no matter if it is part of a larger project or not. This will provide more clarity as to when this is required.

Timber Harvesting remains listed as an activity exempt from Site Plan review, but staff recommends adding a requirement for FON notification to the Town of Scarborough; acknowledgment of tree clearing and disturbed area limitations and buffer requirements. **Timber Harvesting** is subject to an existing performance standard requirement:

> *On any lot where timber harvesting occurs, a minimum 50-foot wide buffer area shall be maintained between the property line and the harvesting activity. Slash shall be disposed of in such manner that it lies on the ground and no part thereof extends more than four feet above the ground.*

Staff also proposes to address **Tree Removal**, outside of an approved Timber Harvest as a unique activity requiring Site Plan review. Under consideration is Tree Removal over ½ acre to require some level of Site Plan review. Staff request input in as to what the requirement should be for review – Is the same 50' buffer required of Timber Harvests adequate?

Staff is also taking to opportunity to streamline and simplify the Site Plan Review Types and which activities fall under the different categories.

PROCESS TIMELINE

- Conservation Commission Review: May 27, 2026
- Ordinance Committee: June 10, 2026

ATTTACHMENTS

1. Draft Ordinance Amendments to Chapter 405 Zoning Ordinance
2. Draft Ordinance Amendments to Chapter 405B Site Plan Review Ordinance

Chapter 405 Zoning Ordinance

Section VI Definitions:

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. [Adopted 07/19/23]

Forestry:
The use of land for the raising and harvesting of timber, pulp wood, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper. The operation of a sawmill and/or chipper must be primarily used to process timber harvested on the premises, but may also process timber harvested off the premises provided this processing is accessory and subordinate to the principal forestry use of the property. The term "forestry" does not include the clearing of land for approved construction. [05/05/10]

Forest Management Activities:
Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control.

Forestry Operations Notification (FON):
Process required to notify the Department of Agriculture, Conservation, and Forestry, Bureau of Forestry, of proposed commercial timber harvesting activities. In general, landowners are required to notify the Bureau of Forestry, in writing, before timber is cut or removed, when the primary purpose of the harvest is to sell or use the timber as forest products.

Timber Harvesting:
The cutting and removal of timber for the primary purpose of selling or processing forest products. ~~trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.~~ See Section IX Performance Standards.

Timber Harvesting Activities:
Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting, the mining of gravel used for the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Section IX Performance Standards:

17. Timber Harvesting. On any lot where timber harvesting occurs, a minimum 50-foot wide buffer area shall be maintained between the property line and the harvesting activity. Slash shall be disposed of in such manner that it lies on the ground and no part thereof extends more than four feet above the ground.

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 assure 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, other than permitted Timber Harvesting
- Any activity creating Disturbed Area
- Construction or expansion of any building or structure
- Construction, changes or expansion of any parking, loading, or vehicular or pedestrian use
- Any activity causing a net increase in impervious area
- Change of Use

~~building or structure is erected or externally enlarged 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). Activities subject to site plan review shall be divided into two classes: Major Development Review and Minor Development Review.~~

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B. Site Plan Review Types

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

1. **Major Site Plan ~~Development~~ Review.** Requires Planning Board approval ~~is required for any activity described above, except for any activity that may be eligible for Minor Development Review outlined below, or as exempt as provided in Section H.B.~~

   a. Tree removal greater than one acre, other than permitted Timber Harvesting.

   b. Any activity creating more than one acre of Disturbed Area

   c. Construction or expansion of any building or structure greater than 100 sq ft.

   d. Construction, changes or expansion of any parking, loading, or vehicular or pedestrian use.

   e. Any activity causing a net increase in impervious area greater than 100 sq ft.

   f. Permitted Uses within the following Zoning districts: Industrial District, Light Industrial District, and Crossroads Planned Development District, which:
      i. Disturb more than one acre; or
      ii. Forecasted to generate more than 35 trip ends during any peak hour; or
      iii. Require state or federal permits.

2. **Minor Site Plan ~~Development~~ Review.** Requires Director of Planning (or designee) and Planning Board Chair approval. Submittals may be elevated to Major Site Plan Review by staff or applicants may request a project be reviewed by the Planning Board through Major Site Plan Review instead of Minor Site Plan Review for any reason.

~~1. Town Planner approval 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.~~

~~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:~~

~~a. Activities with one-acre or more of disturbance;~~

~~a. Activities that are forecasted to generate more than 35 trip ends during any peak hour; and~~

~~a. Activities that require amendments to state or federal permits.~~

   a. Tree removal greater than one half acre, but less than one acre, other than permitted Timber Harvesting.

   b. Any activity creating less than one acre of Disturbed Area.

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c. Construction or expansion of any building or structure greater than 0 but less than 100 sq ft.

d. Any activity causing a net increase in impervious area greater than 0 but less than 100 sq ft.

e. Permitted Uses within the following Zoning districts: Industrial District, Light Industrial District, and Crossroads Planned Development District, which:

i. Disturb less than one acre; and

ii. Forecasted to generate less than 35 trip ends during any peak hour; and

iii. Require no state or federal permits.

1. **Administrative Site Plan Review.** Requires Director of Planning (or designee) approval. May be elevated to Minor or Major Site Plan Review.

a. Planting or replacement of landscaping, in conformance with Chapter 405B Section IV.B.

b. Change of use for an existing and approved site plan.

C~~The Town Planner (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 (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.~~

~~B~~. Site Plan ~~Activities~~ Review: Exempt Activities ~~from Site Plan Review~~ [amended 05/05/2010; 01/04/2023]

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

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.~~

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.

~~4. 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. Private Ways, in conformance with Chapter 405 Section IX.I, subject to Town Engineer review and approval.

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5. 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.

6. Farm stands with no more than 400 square feet of retail sales area, subject to CEO approval and permitting.

7. Temporary use of accessory storage containers, subject to CEO approval and permitting.

8. Tree removal of less than one half acre and not creating Disturbed Area, on existing single family or two-family residential lots.

9. half acre and not creating Disturbed Area, on existing single family or two-family residential lots.

10. Tree removal in the Shoreland Zone, subject to CEO approval and permitting.

11. Timber H~~h~~arvesting, subject to FON notification to the Town of Scarborough; acknowledgment of tree clearing and disturbed area limitations and buffer requirements.

Site Plan Review Process Summary Table:

Activity	Admin Review	Minor Site Plan Review	Major Site Plan Review
Tree removal, other than permitted Timber Harvesting		Greater than one half acre, but less than one acre	Greater than one acre
Any activity Creating Disturbed Area		Less than one acre	Greater than one acre
Change of Use (no site modifications required)	✓	NA	NA
Construction or expansion of any building or structure			Greater than 100 sq ft
Construction, changes or expansion of any parking, loading, or vehicular or pedestrian use.			All
Any activity causing a net increase in impervious area		Greater than 0 but less than 100 sq ft.	Greater than 100 sq ft.

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Activity	Admin Review	Minor Site Plan Review	Major Site Plan Review
Permitted Uses within the following Zoning districts: Industrial District, Light Industrial District, and Crossroads Planned Development District		• Disturb less than one acre; and • Forecasted to generate less than 35 trip ends during any peak hour; and • Require no state or federal permits	• Disturb more than one acre; or • Forecasted to generate more than 35 trip ends during any peak hour; or • Require state or federal permits
Planting or replacement of landscaping	✓	NA	NA

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