

3.1.2. SCARBOROUGH, ME

Population Density	270/ sq. mi.
Form of Government	Town
Category	Suburban Oceanfront
CRS Rating	Not Participating

Median Household Income	Median Per Capita Income	% Owner Occ	Population	Pop Growth Rate	% White	% Hispanic	% Minority	% Seasonal Housing
72805	34083	69.9	18919	1.08	94.9	1%	5.9%	8.6

Adaptations	Status	Incorp orates CC	Type	Impact	Standard Costs	Funding Source
Cluster Zoning Ordinance required in coastal zone	Implemented	No	Prevention	Mandatory	Unique Low (< \$10,000)	None
Flood Ordinance Notification Provisions	Implemented	No	Procedural	Mandatory	Unique Very Low (< \$1,000)	None
Growth Management Ordinance/Residential Development Cap	Implemented	No	Prevention	Mandatory	Unique Very Low (< \$1,000)	None
Open space fund	Implemented	No	Prevention	NA	Unique NA	Other
Saco Bay Regional SLR Working Group	In Progress	Yes	Procedural	Recommendation	Unique Low (< \$10,000)	State

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POPULATION AND GEOGRAPHY

Scarborough is located 7 miles south of Portland and is in the Portland-South Portland-Biddeford metropolitan statistical area. Scarborough has recently endured significant changes in its land use and population, as growth from the Portland area has spread in its direction.

Its population in 1990 was 12,518, growing to 16,970 by 2000 and 18,919 by 2010, with a population density of 270 persons per square mile. Its growth rate is among the most rapid of any community in our study. The town has a median per capita income of \$34,803. The town is 94% white non-Hispanic. Blacks comprise .5% of the population and Hispanics just over 1%, making Scarborough one of the least diverse communities in our survey.

Scarborough comprises an area of 70 sq. mi., 47.6 of which is land and the remainder water. Elevations range from sea level to 215 feet along Beech Ridge and east of Burnham Road. The coastal landscape, like much of Maine, has sandy beaches interspersed with outcrop of bedrock at or near the ground. (Scarborough Comprehensive Plan 2006, p. 21). With more than 3,100 acres, Scarborough is home to the largest coastal wetland system in Maine. The Scarborough Marsh estuary system "is a complex of ebb and flood tide deltas, salt marshes, tidal flats, and meandering tidal channels." (p. 14) The surface of the marsh is mostly owned and maintained by the U.S. Fish and Wildlife Service, but the edges and uplands are in private ownership. The town protects these freshwater and forested wetlands with resource protection zoning in accordance with state law.

Interstate 95 travels through the town, which is bordered by Cape Elizabeth to the northeast, South Portland to the north, Westbrook to the northwest, the towns of Gorham and Buxton to the west, and project-profiled towns of Saco and Old Orchard Beach to the south. Scarborough has been growing both as a residential community and job center. The comprehensive plan reports that there were 3,516 jobs in the town in 1980, and by 2000 there were just under 10,000. There is significant commutation to the town, with only one-quarter of all employees living in the town. Retail has grown as well, with a significant increase in the tax base. Retail has grown around the Maine Mall and medical uses have expanded on Route 1 North. An area of town called Oak Hill has also experienced extensive growth, and the town has encouraged development in the Enterprise Business Park. The town is headquarters for Hannaford supermarkets.

COASTAL ISSUES

The plan describes the town's coastline as containing "long sandy beaches, rocky headlands, working harbors, and quiet tidal marshes that reach inland for miles" (p. 4-1).

Three historic summer colonies—Pine Point, Prouts Neck, and Higgins Beach—are located in the town and, although the town has shore protection zoning and provisions in its comprehensive plan to limit growth in these areas, existing structures are predicted to be at risk under sea level rise scenarios.

Higgins Beach has been receding in a landward direction and the spit has extended to the northeast throughout known history. (Higgins Beach Management Plan, Sec. 3.4 - 3.9) A major nor'easter hit the area in 1978, which caused significant damage to Higgins Beach. A hotel and a portion of the seawall were damaged beyond repair, and many cottages and seawalls were damaged in the storm. Flooding was also a major problem especially in the low-lying area near the rear of Higgins beach. The surge overtopped the seawalls and reached cottages in the second and third row behind the beach.

Coastal storm damage resulted from:

- The location of structures too close to the beach
- The poor design and inadequate protection of some existing seawalls
- Floating debris borne by wave surge
- Flooding due to high storm tides and inadequate drainage of the beach residential area after the storm tides waned
- The inability of existing beach and dune environments to perform their natural storm wave energy absorption and flood prevention potential.

Under scenarios that modeled the existing 2010 highest annual tide (HAT), HAT plus 2 feet of sea level rise, and the storm of record (February 7, 1978), highest observed water level plus 2 feet of sea level rise, portions of the Spurwink and Scarborough River watersheds are at risk, as well as the Higgins Beach area. Under the existing HAT scenario, buildings in two areas - near the Scarborough River and in Pine Point, are at risk from flooding. (SLAWG 2011, p. 5-6) Within Scarborough, over 600 existing buildings—with a combined structure and land value of over \$98 million—may be adversely impacted by flooding under a HAT + 2 ft scenario. Under the 1978 storm + 2 ft scenario, there are more than 1,100 potentially impacted buildings whose value exceeds \$311 million. (p. 8)

ADAPTATIONS

Cluster Zoning

The town has a cluster subdivision design ordinance that is required to be used in the coastal zone. The purpose of the law is to "conserve and protect the town's freshwater wetlands, watercourses, farmlands, open space and natural features, while enabling more flexibility for residential developments to design around these natural features and resources." (Scarborough, ME. Comprehensive Plan, Sec. VII (A))

In three zoning districts, (RFM, RF and R-2), conservation subdivision design is required when:

- a. The land to be subdivided contains one acre or more of wetlands.
- b. Twenty percent (20%) or more of the land to be subdivided is wetlands.
- c. Twenty percent (20%) or more of the land to be subdivided is within the Shoreland Zone under the Town of Scarborough Shoreland Zoning Ordinance.
- d. A subdivision will alter (through lot configurations and road, driveway, and utility crossings) 4,300 square feet or more of wetland if designed and developed in a conventional layout.
- e. A subdivision proposes to include two-family and/or multi-family dwellings.

The town has used the ordinance to set back coastal development and preserve vulnerable habitats. One example of implementation of the law was in the high-density storefront community of Pine Point. Through a developer agreement, the town was able to obtain beach land in exchange for higher-density lots.

Flood Ordinance

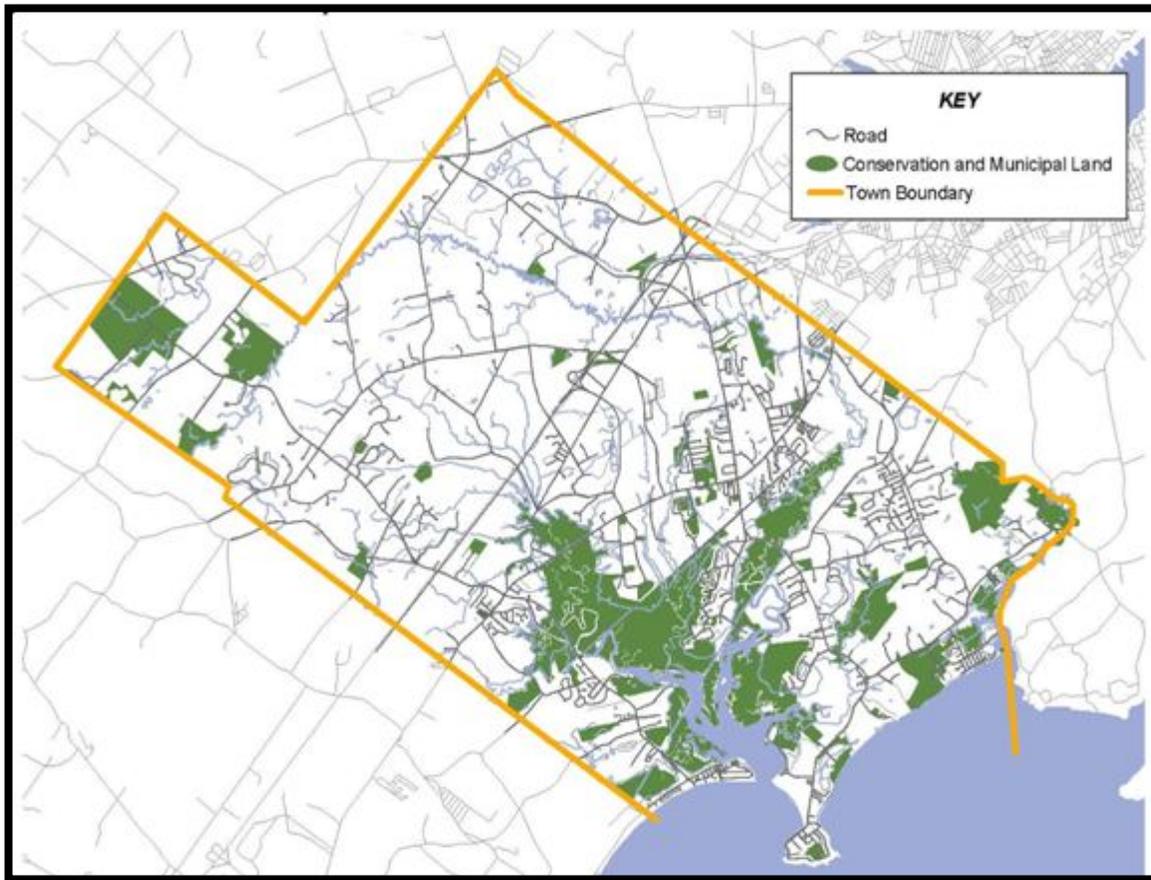


Figure 3.1.2:1 - Map depicting open space and conservation land in Scarborough. The 3,100-acre Scarborough Marsh is the contiguous area south of the town.

The town maintains a unique enforcement mechanism in its flood ordinance. It provides that its code enforcement officer shall, upon determination of a violation of the ordinance, submit a declaration to the Federal Insurance Administration, requesting a denial of flood insurance. (Scarborough, ME. Town Code, Art. XI.)

In addition, the code requires special notification to applicants who obtain a variance for construction in the floodplain. The Chairman of the Board of Appeals must notify in writing that: The issuance of a variance to construct a structure below the base flood level will result in

greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; that such construction below the base flood level increases risks to life and property; and, requires the applicant to agree in writing that he or she is "fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain." (Scarborough, ME Town Code, Art. XI, F.1.)

Growth Management Ordinance

From 1990 until 2002, over 2,000 new housing units were built in Scarborough. Concerned with the town's rapid population growth, the town established a Growth and Services Committee that concluded that a town-wide residential development limit should be enacted. The town subsequently enacted such a limit and an impact fee ordinance as well, which slowed growth to 125–150 units per year. Most of this growth, due to the plan and conservation mechanisms in place, occurred outside the floodplain and the immediate coastal zone of the town.

The most recent update to the Comprehensive Plan, finalized in 2006, continues to attempt to influence the development patterns of the town in the direction of smart growth, "recommending higher density development in some parts of the designated Growth Area and limiting the rate of residential development that will be allowed in the designated Limited Growth Area." (p. 1-2)

This comprehensive planning scheme has helped reduce development in the coastal areas, floodplains, and vulnerable inland wetlands. The plan categorizes the three historic summer colonies of Pine Point, Prouts Neck, and Higgins Beach as part of the "limited growth area," because there is little vacant land, they are already developed at a density consistent with historic communities in Maine, and the town's plan limits enlargement of the residences. Scarborough Marsh as well as other wetlands and floodplains, including the Nonesuch River and Spurwink River, are categorized as no growth areas.

Open Space Acquisition

The Scarborough Parks & Conservation Land Advisory Board is a standing committee and an advisory board to the Town Council. The board drafts the Acquisition Evaluation Process to evaluate potential acquisitions, consistent with the Parks and Land Conservation Bond Taskforce Report and the Land for Scarborough's Future Ordinance and advises the Town Council on land acquisitions.

The town also supports the Scarborough Land Conservation Trust, whose mission is the acquisition, preservation, and management of unique land within Scarborough for the benefit and enjoyment of the public. The trust owns 946 acres of conserved land as well as two conservation easements and one management easement.

The comprehensive plan supports the goal of integrating land conservation objectives with coastal resilience. Action C.1.e. calls for the town to "Target floodplains, riparian corridors, and buffer zones along water bodies in land protection efforts, whether through the Town of

Scarborough Parks and Conservation Land Advisory Board or other local conservation organizations, in order to maintain or restore vegetated buffers along water bodies." (p. 5-7)

Saco Bay Regional SLR Working Group

The Sea Level Adaptation Working Group (SLAWG) is a committee comprised of two members from each town in the Saco Bay region—Saco, Biddeford, Old Orchard Beach, and Scarborough.

The group completed a regional action plan in 2011 and it continues to be actively engaged in adaptation in the region. As stated in the action plan, "The purpose of the Sea Level Adaptation Working Group is to review information from the Coastal Hazard Resiliency Tools Project that has analyzed the problem of sea level rise, to create a Vulnerability Assessment for Saco Bay, and to develop and implement an Action Plan of implementation strategies for regional solutions." (SLAWG Action Plan).

The action plan and vulnerability analysis were funded by the Maine State Planning Office, the Maine Coastal Program, and NOAA. The vulnerability assessment used the best available data from local governments and state and federal agencies to identify buildings, infrastructure, and natural areas vulnerable to storms and sea level rise. Specific goals of the project include providing for public safety, protecting property, protecting the economy, preserving natural features, and promoting efficiency by working together as one region.

Further information about the SLAWG is provided under the Town of Saco.