

CITY OF PORTLAND, MAINE
Standing Committee on Sustainability and Transportation
Councilor Spencer Thibodeau (D2), Chair
Councilor Belinda Ray (D1)
Councilor Jill Duson (D3)

Agenda
May 15, 2019
5:30 PM
Council Chambers

1. Review and approve minutes from April 17
 - a. Draft minutes from April 17, 2019
2. Sustainability Program Updates
 - a. Sustainability Updates May 2019
3. Presentation and Discussion
Public comment may be taken
 - a. Presentation by Maine Rail Transit Coalition regarding possible passenger rail service from Portland to Lewiston
 - b. Presentation by SolaRise Portland regarding installing solar arrays on school rooftops
 - c. Presentation on Water Resources Integrated Plan
 - d. Presentation by Central Maine Power regarding efforts to improve access to whole building energy consumption data to facilitate compliance with Portland's energy benchmarking ordinance.
4. Other Business

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

Draft Minutes April 17, 2019

Members Present: Councilor Thibodeau, Councilor Ray, Councilor Duson

Staff Present: Troy Moon, Ashley Krulik, Councilor Ali, Deb Andrews

Meeting was called to order at 5:33 PM. Councilor Duson moves to approve the minutes from March 20, 2019. Councilor Ray, seconded.

Changes: Change "Sean Thibodeau" to "John Thibodeau"

All those in favor of approving as amended 3-0.

Sustainability Program Updates

Troy Moon reviewed the items on the Sustainability Program Update memo

Councilor Thibodeau:

- LD 1518, section 1471-CC - use of pesticide in political subdivision - possible preemption clause. Hearing is Tuesday, April 23rd and are preparing testimony. Need to make sure we understand the intent of the bill.
 - Councilor Duson: will close loop with Legislative Committee to make it clear that Mr. Moon will testify. New legislation may be different process that requires municipality to gain state approval to ban pesticides.
- Global Partners South Portland issue with EPA - requirement that Global Partners spend no less than \$150,000 to implement a public outreach program for wood burning appliance replacement in Cumberland County. Asked for resolution to be drafted for the next meeting. What, if anything, can we do about it? Mr. Moon - we don't know much more than you do on this issue.
 - We should add to agenda and get an update on the process next meeting.

Councilor Ray:

- South Portland is taking up a fertilizer ban - could we have someone from our City attend those meetings or be kept in the loop on the discussions so that we can work on these bans together? Mr. Moon - yes, we can talk to them about how we can work together.
 - Councilor Thibodeau - agreed, we should work together on this ban.
- Climate Action and Adaptation Plan - when will we have guidance on big items we need to focus on? Mr. Moon - focusing on public engagement this summer. Currently completing risk and vulnerability assessment. Might begin seeing drafts next spring. Report is due from consultants June 2020.

- Councilor Thibodeau: We should invite consultants in to give us an update and presentation on process.
- Benchmarking
 - Has all municipal energy use data been added to Portfolio Manager? Mrs. Krulik - all energy data for the year 2018 has been added.
 - Was CMP able to provide the data in an easier to use format? Mrs. Krulik - yes, they provided Excel spreadsheet with data for each account by calendar month. There is still a lot of manual work involved but that is due to the process.
 - Councilor Thibodeau - is there a way to improve this process for next year? Mrs. Krulik - yes, I've been keeping notes and instructions to reference when we request and input data next year.
 - Councilor Duson: Will schools be included in that data? Mr. Moon - yes.
 - Mr. Moon - we have scheduled a training with CMP and are embarking on reorganizing our accounts in Energy Manager so that we can pull the data ourselves next year.
 - Councilor Duson: Intent is not to pick on schools, we just want to ensure that all City buildings are included in this benchmarking process to measure performance.
- Green Building Ordinance: Do we have an idea of what building codes/performance standards we should use moving forward? Mr. Moon - there are multiple bills at the state level currently being reviewed. Still trying to determine where we could exceed building standards or not.

Martin Luther King Jr. Memorial Selection Committee

Troy Moon reviewed the memo from City Manager Jon Jennings.

Councilor Ray:

- RFP looks good, appreciates that artist that are finalists will be paid during Stage 2.

Councilor Duson:

- Working on securing final member of the Selection Committee.
- Thank you to Councilor Ali for helping to move this forward.

Committee is in general agreement that this Committee and RFQ look good and can move forward.

Solar in Historic Districts

Deb Andrews from Historic Preservation presented on process for implementing solar in historic districts.

- Solar requests are reviewed in the same manner as any other application for changes to a historic property.
- Approach to review is not about whether you can do it, but how, to meet historic standards.

- Understand that solar panels must be applied to a south or west facing roof to work.
- Review roof type, visibility, and roof plane to understand challenges.
- Goal is to have as recessive an impact as possible.
- Most applications are reviewed just at staff level. Challenging or prominent buildings may go to the board for review.
- Generally try to make the design orderly and away from the front of the building.
- Cannot think of an instance when solar panels have been denied.
- Heat pump installations:
 - Building inspections department was not initially forwarding applications to HP so that caused some issues.
 - Work with property owners to find alternative, less visible solutions.

Councilor Ray:

- Energy efficient windows - Deb Andrews - deal with window replacement all the time at a staff level review. Always encourage people to retain existing windows with good fitting storm. Look at 1924 tax photos, encourage people to bring back the original configuration.
- Do you know if there has been a time when the amount of energy that could be produced has been reduced by the solution? Deb Andrews - have not had an instance when a property owner came back with issues around different configuration.
- As we move forward, it's important that our ordinance doesn't sacrifice the energy generation. Please inform the Sustainability and Transportation Committee if there is a case where energy is sacrificed for design.

Councilor Thibodeau:

- How many requests, on average do you get? Deb Andrews - about 8 per year.
- What is the timeline for review? Deb Andrews - 3 weeks or so, solar companies now have a better understanding of what HP needs to see within applications which makes the process faster.
- What is considered a prominent building? Deb Andrews - buildings with roof as a major detail/character.
- Distance from front roofline? Deb Andrews - not a specific distance, setting back a couple of feet. Panels are set as flat to the roof plane as possible. Ask for black frames. Have approved pitched panels.
- What are the possible challenges? Deb Andrews - application to front of a mansard roof, but can be installed on hip behind roof.
- Looking to the future, have you thought about new materials, specifically shingles? Deb Andrews - we have thought about it but we haven't received any applications.
- On an annual basis, get an update on the number of requests and if any are denied.
- Good idea to remind people in historic districts that they can apply solar panels - possibly on annual mailing. Add messaging to HP and Sustainability websites.
- Replacements? Deb Andrews - we have not had a replacement request yet. No review required for replacement in-kind.

Liz Parsons - 44 Winter St.

- Commend conversation - installed solar panels in 2015. Regarding reduction in energy generation - check with Alan Armstrong, as his array may have been changed due to neighbor request. Panel placement conversation delayed project by 6 months. Need to find a balance between aesthetics and urgency of situation.

Councilor Duson:

- Important to educate the public on these opportunities.

Amendment to Chapter 6 - Energy Benchmarking

Troy Moon reviewed amendment to establish a reporting deadline of May 1, 2020 for affected buildings with one primary occupant.

Councilor Thibodeau

- This would cover roughly 25% of affected buildings
- South Portland ordinance only covers Mill Creek neighborhood - about 20 buildings
- Why May 1, 2020? - Mr. Moon: roughly 1 year after Council approval. January 1 doesn't give enough time to get 2019 data.
- Would we run into any issues with personal data with this amendment? Mr. Moon - PUC confirmed that there is no regulatory reason why CMP cannot provide us with this data.
- For the remaining 600 buildings, what is the timeline? Mr. Moon - it depends on how quickly CMP can implement the new software. They currently have an RFP out for the project.
 - We should work with the PUC on this process. Mr. Moon - we spoke with CMP and PUC - CMP does not have a great way to identify meters associated with individual properties. Owners do not have meter information for tenants and would need to ask permission for that information.
 - Councilor Ray: Is the trouble around aggregation? Mr. Moon - yes. They can do it, but without upgraded platform it would be very cumbersome.
 - PUC says there is no issue with providing whole building data.
 - Are meters tied to building address? Can the data not be pulled by address? Mr. Moon - CMP developed a process that could pull the data, but it's very time consuming. If building owner could provide one account for each building, then CMP could run report for all meters close to that account. Plan to run experiment to understand the amount of time needed.
 - Mr. Moon - ordinance requires a convenient digital format to pull data.

Tiqa Douglas - 11 Munjoy Street

- Need to be bold on this issue and pass laws. What can we do to incentivize solar? Small tax break?

Maggie Wolf - 28 St. Lawrence Street

- Do believe that the Armstrong's solar panel energy production was reduced due to HP objections. Have heard about HP asking resident to remove heat pump.
- Who is pushing back on whole building data? Mr. Moon - CMP.
- CMP has known this is coming and it is frustrating that they are only now modifying their software.

Next Steps:

- Understand options for expediting this process and review during the next meeting.
 - Councilor Duson - consider option to file a consumer complaint with PUC - would need 10 consumers to sign letter to file a complaint
 - Councilor Ray - invite member of the PUC to meeting with CMP (or get letter)
- Invite CMP to come back to present updates to Committee.

Motion was made by Councilor Ray to approve amendment, seconded by Councilor Duson. All those in favor of approving 3-0.

May 15 Meeting:

- Invite CMP back to present update on plan and timeline
- SolaRise presentation
- Ask Chris Hoff to present assessment on property tax
- Water Resources integrated plan

Other projects:

- Single use plastics
- Downtown Parking Study - get updates on parking recommendations, including TMA and satellite lots
- Fertilizer ban
- LD 1431 - property tax exemption for solar installations

Motion was made by Councilor Ray to adjourn the meeting at 7:15 pm. Motion was seconded by Councilor Duson. All in favor. 3-0.

Sustainability Updates

May 2019

Climate Action Planning

We've completed the education and outreach materials for the One Climate Future planning process. This includes the "meeting in a box" materials that interested people can use to host their own One Climate Future meeting, the first survey, and the oneclimatefuture.org website. We're hosting a launch event on June 10 at 10:30 at the Gulf of Maine Research Institute.

We're hosting a resilience workshop for City staff from Portland and South Portland as well as our Climate Planning Process Committee members on May 21.

We are wrapping up data collection for the community wide greenhouse gas inventory that will provide a baseline to measure future progress toward our goal to reduce emissions 80% by 2050.

Energy Benchmarking

We've finished benchmarking City buildings for energy and water usage for 2018. We'll post the results on the Sustainability Office web page shortly.

Pesticide Ordinance

We held a Pesticide Management Advisory Committee meeting. Meetings have included focused discussion on ways to manage specific pests. In April we discussed grubs. This month we discussed grassy weeds.

We reviewed the educational brochures we'll be using for public outreach. Committee members assisted in developing and editing the content.

We continue to field questions from the public about the ordinance. Many questions are from applicators or landscaping contractors seeking guidance about how to comply with the ordinance.

Green Building Ordinance

School facilities staff and Sustainability staff met with Northeast Energy Efficiency Partnership (NEEP) to review a building performance standard designed specifically for schools - Collaborative for High Performing Schools.

NEEP is willing to attend a future committee meeting to discuss alternatives to LEED as a standard for our green building ordinance.

Legislative

Troy Moon drafted and provided testimony in opposition to LD 1471 that contained language that would have preempted local pesticide ordinances. During the public hearing the bill sponsor amended the ordinance to remove the preemption language.

Troy Moon drafted and provided testimony in support of bills designed to strengthen the energy provisions of the Maine Uniform Building Code and to allow municipalities to adopt a stretch code that would require energy performance at a higher level than the base code. These were LD 855, LD 921, LD 1509, and LD 1543.

Troy Moon drafted and provided testimony in support of LD 1532, which would ban plastic bags in Maine.

The long anticipated solar bill (LD 1711) was printed on May 9. The bill contains the following provisions:

- Increases the number of accounts a net metered facility can serve from 10 to 200
- Establishes a goal to procure 125 megawatts of distributed generation from commercial and institutional entities and creating a reverse auction system to select projects
- Establishes a goal to procure 250 megawatts for community solar.

While these measures would improve solar policy in Maine, a previous draft of the bill contained a provision for a Distributed Generation Tariff for facilities up to 2 megawatts in size. The DG tariff would have compensated the owner of the facility as a monetary credit for each kW hour of electricity produced at 100% of the retail value of electricity plus 75% of the T&D cost for an SGS-1 account. (Roughly \$0.11 / kWh in total) Such a policy would allow businesses or institutions whose energy costs are largely from demand charges to participate in a program similar to net metering. However, because the credit would be monetary it would allow the facility owner to offset demand charges. (This is not possible with existing net metering rules.) It would make constructing solar arrays up to 2 MWs in size much more realistic for municipalities because it would provide a predictable revenue stream that would be large enough to cover the cost to build and maintain a solar array or power purchase agreement.

Outreach Events

Ashley Krulik staffed a table at the Green Neighbor Family Festival to provide information about the pesticide ordinance.

Troy made a presentation about Portland's efforts to address climate change and describe the One Climate Future planning process at the annual meeting of the Sierra Club's Maine chapter.

Troy made a presentation at Portland High School about climate change and the One Climate Future process. Students in the environmental science class are developing resources we may be able to use as part of our outreach effort to the community.

Troy met with the Public Health Division staff to discuss the City's efforts to address climate change and to invite them to participate in the One Climate Future process. They have many connections in the community that we can leverage to provide outreach and education to parts of the community we may not otherwise be able to reach. They will also be important partners in responding to climate hazards such as more days over 90 degrees and increases in diseases carried by insects..

Troy made a presentation about the pesticide ordinance at the annual meeting of the Invasive Species Network

We continue regular social media posts. Follow us on Facebook and Instagram at @sustainableportlandme



Portland/Lewiston Passenger Train Service: A Different Way of Planning for Traffic and Pollution

The Following Presentation airs a scenario of a system of transportation and personal mobility, using railroad corridors serving the City of Portland, with a modern, sustainable operation of trains, trails, bicycles, buses and ferries. The goal of this presentation is the local, municipal inclusion of train services as a common practice in an analysis of all modes of transportation affected by development projects and a design to ensure that the project does not promote one mode of transportation in a way that negatively impacts another. This proposal seeks to encourage (require) City of Portland planning and land-use permitting departments to include railroad transit corridors within the scope of impact evaluation in any analysis estimating the amount of vehicle, pedestrian, bicycle, train and bus transit and trail use generated by development and other investments impacting traffic and climate.

Regional transportation and land-use initiatives, including the City of Portland's own Comprehensive Plan do not take into consideration the railroad corridors linking Portland to communities that provide housing for commuters, links to jobs centers and alternatives for transportation.

This presentation will consider the route of State of Maine-owned St. Lawrence and Atlantic rail road corridor from Portland at India Street (Portland OceanGate Terminal) to the former Maine Central Train station in downtown Lewiston; a route of 35 miles. Other, future consideration should be given to the Mountain Division railroad corridor west from the Portland Transportation Center serving the cities of Westbrook and Windham, out to the western commuter towns to Sebago Lake.



Maine Rail Transit Coalition: "... to elevate rail transportation to its proper balance in transportation investments, planning and decision-making."

5/10/2019

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