

CITY OF PORTLAND, MAINE
Standing Committee on Sustainability and Transportation
Councilor Andrew Zarro, District 4, Chair
Councilor Roberto Rodriguez, At-Large
Councilor Victoria Pelletier, District 2

Agenda
July 12, 2023
5:00 PM

The Sustainability and Transportation Committee will conduct this meeting remotely via Zoom. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment. To join the meeting, click the link below:

<https://portlandmaine-gov.zoom.us/j/89872683410?pwd=TC9ObWwrYzZMdlA3c2pUemNHWWZoZz09>

1. Review and approve minutes from June 14
 - a. Minutes from June 14, 2023
2. Sustainability Program Updates
 - a. Updates for July 12, 2023
3. Presentation and Discussion
 - a. Update on streetlight repairs
Presenter: Mike Murray, Interim Director of Public Works
No public comment will be taken
 - b. Review and accept easements to facilitate installation of stormwater infrastructure on Herron Road.
Presenters: Jon Giles and Justin Pellerin
Public comment will be taken
 - c. Bird Safe Ordinance
Presenters: Troy Moon, Kevin Kraft, Addy Smith-Reiman, Nicholas Lund,
Public Comment Will Be Taken
 - d. Presentation by Kevin Roche, CEO of ecomaine. He will present an overview of the organization, outline plans for constructing a new, state-of the art recycling facility, and ecomaine's advocacy for policies that help achieve local, state, and national waste reduction goals.
No public comment will be taken
4. Other Business

CITY OF PORTLAND, MAINE
Committee on Sustainability and Transportation
Councilor Andrew Zarro (D4), Chair
Councilor Victoria Pelletier (D2)
Councilor Roberto Rodríguez (At-Large)

Draft Minutes June 14, 2023

Members Present: Councilor Zarro, Councilor Rodríguez, Councilor Pelletier

Staff Present: Troy Moon, Erin Ferrell, John Peverada

Meeting was called to order.

May 24 Minutes

Councilor Zarro makes a motion to approve the May 24, 2023 meeting minutes. Councilor Rodriguez moves the motion. May 24 minutes passed unanimously, 3-0.

Sustainability Update

Presented by Troy Moon

Portland launched a new partnership with [EnergySage](#), a web-based platform that helps homeowners, businesses, and nonprofits research and shop for rooftop solar, community solar subscriptions, and other clean energy solutions. Staff met with system planners from CMP to review preliminary data regarding the feasibility of deploying shore power on the Portland waterfront. This was a high level overview of the work they have completed on their study and will reconvene later this summer as they complete more work on the project.

Using translation services from Language Partners we were able to translate the food scrap drop-site accepted materials sign into 2 additional languages, Somali and Vietnamese, and have posted these resources on our website. We are preparing to launch an outreach campaign to raise awareness around the social and environmental benefits of composting and to encourage Portland residents to take advantage of our free food scrap drop-off program.

Kevin Roche, CEO of ecomaine, was invited to join our meeting in July to provide an overview of the organization and plans to improve recycling and waste reduction efforts in our region.

Staff hosted a Lunch & Learn webinar in our Summer Landcare Webinar Series with experts at the Maine Audubon on June 6. Check out the recording of “Creating Bird-Friendly Habitat in Your Backyard” [here](#).

Portland will be receiving a fully electric waste hauler this fall. (It is currently being built by the manufacturer.) It is a Mack LRE that the Solid Waste team will use for regular trash collection service. The Sustainability Office is working with DPW to build charging infrastructure for it and for electric equipment that will join the fleet in the future. This will be the first heavy duty electric truck deployed in Maine.

Usage of the electric vehicle charging infrastructure we have deployed continues to grow. Usage in the first quarter of this year dramatically outpaced usage during the first quarter of last year, with usage levels approaching last summer's peak months. We are also seeing usage of the EVgo infrastructure, particularly the fast charger at Spring/High.

The Planning Department reports that the bikeshare program is off to a successful start this year. Ridership numbers exceed what we saw last fall. Bruce Hyman will join the Committee's meeting in July to provide a more formal update.

Councilor Comment on Sustainability Update

Councilor Pelletier asks about the outreach plan for the community compost drop-off program. *The office is creating an outreach plan that includes plans to translate flyers and posters.*

Fore Street Time Limited Parking

Presented by John Peverada

Earlier this year the City Manager's Office received a petition to amend the parking schedule to provide for 2 hour parking between 9 AM - 6 PM on both sides of Fore Street between St. Lawrence Street and Atlantic Street.

As required by City policy, more than 60% of the residents on the affected block signed the petition indicating support for changing the parking schedule from unlimited parking to time limited parking. Jeremiah Bartlett, Transportation Systems Engineer for the Department of Public Works, has reviewed this request and finds that it meets the City's criteria and that he supports the requested amendment.

If the Committee wishes to recommend this amendment to the full City Council, staff recommends that it take effect following Labor Day, 2023 in order to provide notice to Island residents and others who currently utilize the parking spaces on this block.

Public Comment on Fore Street Time Limited Parking

Barbara Vestal requests an explanation of parking limits in their area and spoke in support of the limited parking.

Councilor Comment on Fore Street Time Limited Parking

Councilor Zarro asks if signage is posted after Labor Day, this limited parking would not go into effect until after Labor Day. *This would not go into effect until after Labor Day and the Parking Division notes that cars are not allowed to leave their car in a spot for more than 10 days.*

Councilor Rodriguez asks if the Committee votes to move this item to the full Council, when would this go before the full Council? *It would likely be later in July.*

Motion to recommend to full Council

Councilor Zarro motions to recommend the Time Limited Parking request to the full Council. Councilor Rodriguez seconds the motion. Passed 3-0.

Mid-Year Progress Report

Presented by Troy Moon

Status of the Stroudwater Dam project is in progress. The office is working with Corporation Counsel to locate the heirs of the dam. Results of that conversation will come back to the Committee.

The Burlington Carbon Impact Fee was presented to the Committee and the office is working with Corporation Counsel to identify how/if that fee could work in Maine.

The BirdSafe Glass ordinance is very close to completion and will be ready for the July S&T Committee Meeting.

C-PACE Ordinance - the office is convening staff to work on language and will be brought back to the Committee for the September Committee meeting.

Sustainability Fund - this is in progress and will return to Committee in the Fall

Energy Benchmarking Ordinance Proposed Amendments will be presented in September along with a report of 2022 Benchmarking reports.

Councilor Comment on Mid-Year Progress Report

Councilor Pelletier notes the concerns of residents about the Sprague coal pile in the West End.

The City does not currently regulate the coal pile - it is regulated by the Maine DEP. Councilor Zarro is meeting with the Corporation Counsel to identify how the Council can advocate for the health and safety for residents.

Councilor Zarro asks about adding a Streetlight Report. *This has been added to the July meeting agenda with the Public Works Director presenting.* Councilor asks about Sunday on the Boulevard being prioritized and brought to Committee. *This is in the works and it will likely be a "Festival Declaration" and will not be visited by this Committee.*

Motion to Adjournment

Moved by Councilor Rodríguez, all adjourned.

Meeting Adjourned

Sustainability Updates

July 12, 2023

Energy

Sustainability Office staff were pleased to meet with the Department of Energy's Undersecretary for Science and Innovation, Dr. Geri Richmond, during her visit to Portland. Our team met her at ecomaine and participated in a tour of the facilities there.

Staff began using BEAM to implement Portland's Energy and Water Use Benchmarking Ordinance and is excited about the improvement seen in the quality of reports and communication with benchmarking reporters. More complete reports allow us to give accurate feedback to building owners about their energy use compared to buildings of a similar size and use type. A full report on energy benchmarking progress will be made later this year.

Waste Reduction

Using funds awarded by the Maine DEP Waste Reduction Grant, staff designed and acquired ad space in Amjambo Africa and the West End News to promote our community compost sites. This is part of an ongoing outreach campaign to encourage Portland residents to take advantage of the free composting program.

Landcare

The next Summer Landcare webinar will be August 1st focused on building biodiverse yards with the Wild Seed Project. Recordings of past webinars can be found at portlandmaine.gov/landcare.

Staff continue to do outreach for the "Mow Tall Until Fall" campaign by tabling at Deering Oaks Farmers Market and sharing educational resources via social media and portlandmaine.gov/landcare. Free lawn signs can be picked up from Guest Services staff at City Hall.

Electric Vehicles

The Sustainability Office continues to work with DPW to build charging infrastructure for the recently announced electric trash truck. Unfortunately, we recently learned that backlogs in the battery supply chain have caused production delays for the manufacturer. We now anticipate delivery of our truck in June, 2024.

The Facilities Department installed EV chargers at the Homeless Service Center to support City owned EVs as well as vehicles belonging to staff, service providers, and visitors. We now have 19 City owned chargers in the Chargepoint network.

Community Support

Both neighborhoods selected for the Sustainable Neighborhoods program held successful kick-off events in June. Libbytown and Parkside kick-off events invited neighbors to gather and have engaging discussions about what a sustainable neighborhood looks like in their area.

Legislation

This session the Legislative and Nominating Committee took positions on two sustainability related bills. The Sustainability Office offered testimony on them and participated in drafting amendments for one of them.

First, LD 1101 proposed a home energy scoring system in Maine. We worked with the bill sponsor and other stakeholders on amendments to the original bill and are pleased to report its passage. Efficiency Maine will now be required to establish a home energy scoring system based on the Department of Energy's [Home Energy Score](#) platform and have it operational by June 30, 2024.

Second, LD 894 proposed to prohibit municipalities from restricting the use of any type of heating or energy system. If enacted, this bill would have prevented Maine cities and towns from adopting policies to limit the use of fossil fuels to control carbon emissions. This bill failed in the House and the Senate.

Education and Outreach

On June 16th, the One Climate Future Team hosted Coffee & Climate at the Portland Museum of Art for a discussion on gallery emissions rates and what the PMA is doing internally and externally when it comes to sustainability. The event was recorded and will be shared on oneclimatefuture.org when available.

On July 10th, Staff attended the Wayside Community Picnic at Riverton Community Garden to talk with attendees about the free food scrap drop sites located around Portland. Wayside Food Programs hosts these picnics with multiple community partners to engage with community members and share resources.

Join us on Friday, June 14 for our July Coffee and Climate: Plastics and Producer Responsibility, hosted at Little Tandem on Anderson St at 8 AM! OCF will be joined by GoGo ReFill, Natural Resources Council of Maine, and Saltwater Classroom to talk about extended producer responsibility for packaging, how the Greater Portland area is working towards a plastic-free future, and how residents can get involved.

The OCF newsletter is a once-a-month e-newsletter with more than 1,100 subscribers. We share information on upcoming events, programs launching, and educational information. You can sign up for the newsletter at oneclimatefuture.org.

Climate and Coffee events are community conversations that happen on the 2nd Friday of the month at 9 AM. We record sessions with guest speakers and post them on www.oneclimatefuture.org, along with other information about our work. You can also follow us on social media. Instagram @sustainableportlandme / Twitter @SustainPortME / FB @SustainablePortlandME



CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS

6 Jul 23

MEMORANDUM FOR SUSTAINABILITY & TRANSPORTATION COMMITTEE

FROM: DPW DIRECTOR (INTERIM)

SUBJECT: Status Report on City Street lights

1. Prior to 2018, Consolidated Maine Power (CMP) owned and maintained the City of Portland's streetlights and the City paid a monthly fee for each fixture. In 2018, the City negotiated an agreement and took possession of the lights from CMP and began a multi-year conversion project to an LED smart light system. During this transition, the contractor tasked with converting the system also took on the responsibility of maintaining those lights that had been converted. In February 2020, the City of Portland took over that maintenance responsibility and there were 198 requests for service documented in the Cityworks work order system.
2. There are over 6,400 street lights owned by the City of Portland, which are comprised of 20 different fixture varieties; 19 decorative styles and the standard "cobra head" light. The cobra heads are most common; they make up about 76% of the inventory. Due to the design and location of cobra heads, they require certified linemen to work on them. However, Portland does not have any certified linemen, so the City contracts with On Target to service and maintain these City lights.
3. When the transition process for this project began and up until mid-2022, the Traffic Division was severely undermanned and for about 6 months had only one individual qualified to work on decorative street lights. Since the lighting technicians are also responsible for traffic signals as well as street lights, the lone technician's primary responsibility focused on maintaining the City's traffic signals (versus street lights), so street light maintenance was not addressed in an expeditious manner. As a result, requests for service ballooned to 366 outstanding orders in June 2022.
4. Through a focused recruiting effort, the City of Portland now has three technicians that are qualified to work on decorative street lights. With the additional manpower and a consistent workflow agreement with On Target, the list of inoperative lights has dwindled down to 58 service requests. Therefore, in one year, the list size has been reduced by 84%. Of the 58 current requests, 7 are cobra heads and 51 are decorative. In regards to when the service was requested, 79% are less than 6 months old. Of the dozen older requests, most are in well lit areas with significant other lights, thereby eliminating any safety concerns and therefore, were prioritized lower when dispatching crews.

MIKE MURRAY
Director (Interim)

Date

The Department of Public Works is seeking the support of the Sustainability and Transportation Committee for a plan to formalize the City of Portland's right, title, and interest in a strip of land dedicated to the City of Portland in 1912 for a proposed street by the then developer of Portland Gardens, JW Wibur. The proposed street then called Yale Street, but now referred to as Herron Rd, currently has within it:

- a buried storm drain sewer servicing the Barron Center Campus
- a publicly accessible footpath

City staff request that the Sustainability and Transportation Committee recommend to the City Council acceptance of a public access easement and a public utility easement in Herron Rd. based on the original 1912 dedication to the City of the proposed road right of way. This limited form of right, title, and interest will be sufficient to allow the continued use of an approximately 40 ft. by 190 ft. strip of land currently used for public utility purposes and as a neighborhood pathway. We recommend these partial easements rather than a full easement because they would allow the City to use it in the current form without fully building out the road.

Formalizing the City's easement interests is necessary to achieve the City's Water Resources Division planned installation of an underground stormwater sand filtration system which will provide treatment of stormwater runoff primarily generated from the Barron Center property. This work is being proposed to be completed as phase 2 of a larger green stormwater infrastructure project currently underway in the Sagamore Village neighborhood. The proposed underground sand filtration system is being proposed to be installed within the Herron Road paper street right of way adjacent to an existing storm drain line installed by the City in the 1980's.

The first phase of the project, located within established City right of ways throughout Sagamore Village, is currently under construction. The project contractor is in the process of installing 32 rain gardens around the neighborhood which will provide stormwater runoff treatment, neighborhood beautification and some traffic calming within the neighborhood streets.

This project is being completed by the Water Resources Division to ensure compliance with the City's MS4 stormwater permit being administered by the Maine DEP and in coordination with the previously established Capisic Brook Watershed Management Plan. The overall goal of this

project is to improve water quality in Capisic Brook, which is classified as an Urban Impaired Stream by the Maine DEP.

Attached is an exhibit describing the area under discussion and the area around Herron Rd.

Justin Pellerin, Senior Project Manager, and Jon Giles, Survey, GIS, Archives Manager, will be on hand to provide additional information about this project and answer any questions you may have.



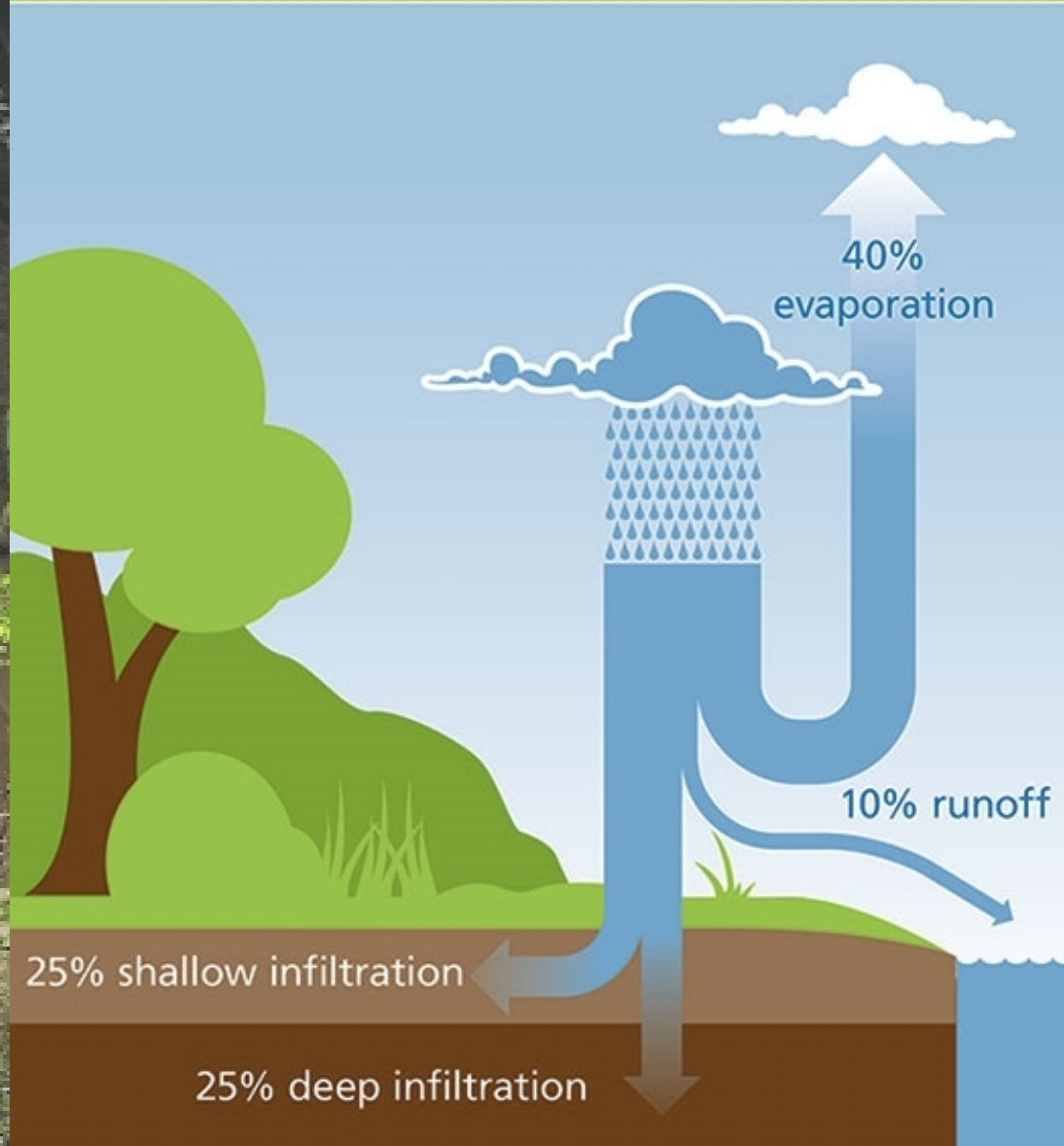
Sagamore Village Green Infrastructure Project Herron Road Public Easement Acceptance

July 12, 2023
S&T Meeting

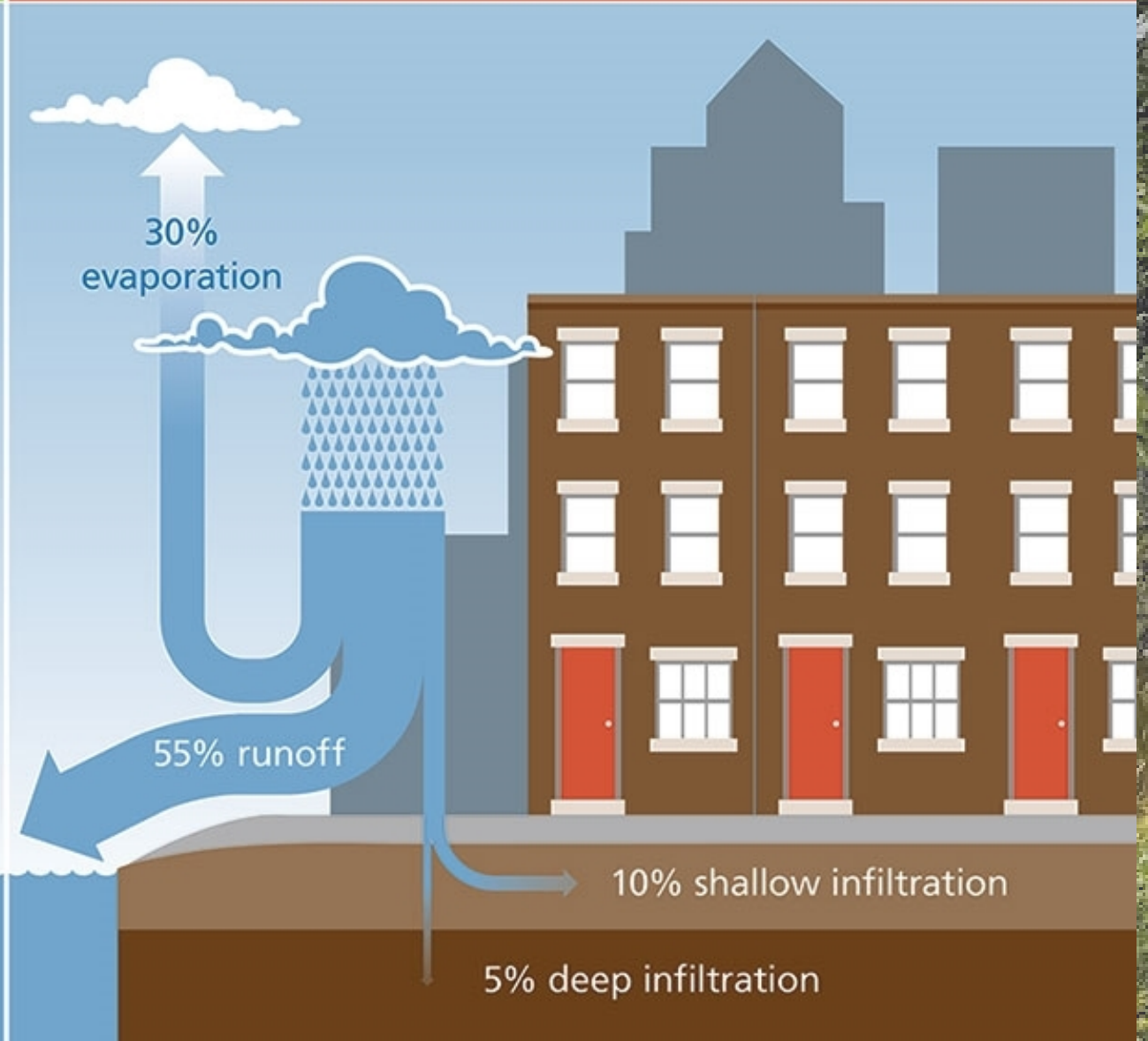
Meeting Agenda

- Green Infrastructure Overview
- Capisic Brook Watershed Overview
- Capisic Brook Watershed Management Plan
- Project Goals/Design
- Herron Road Paper Street Overview
- Public Easement Acceptance
- Herron Road Sand Filter

NATURAL ENVIRONMENT



URBAN ENVIRONMENT

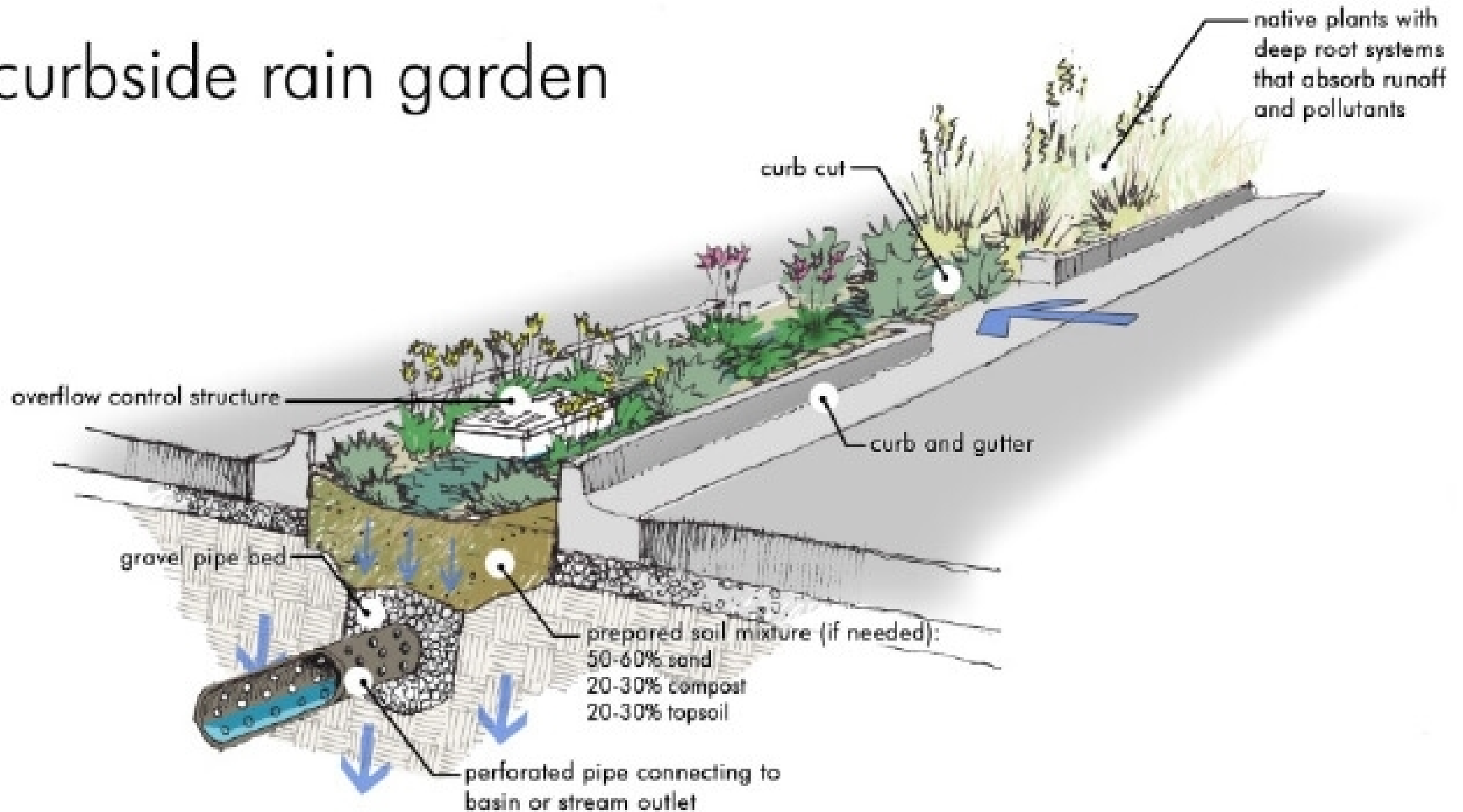


What is Green Infrastructure?

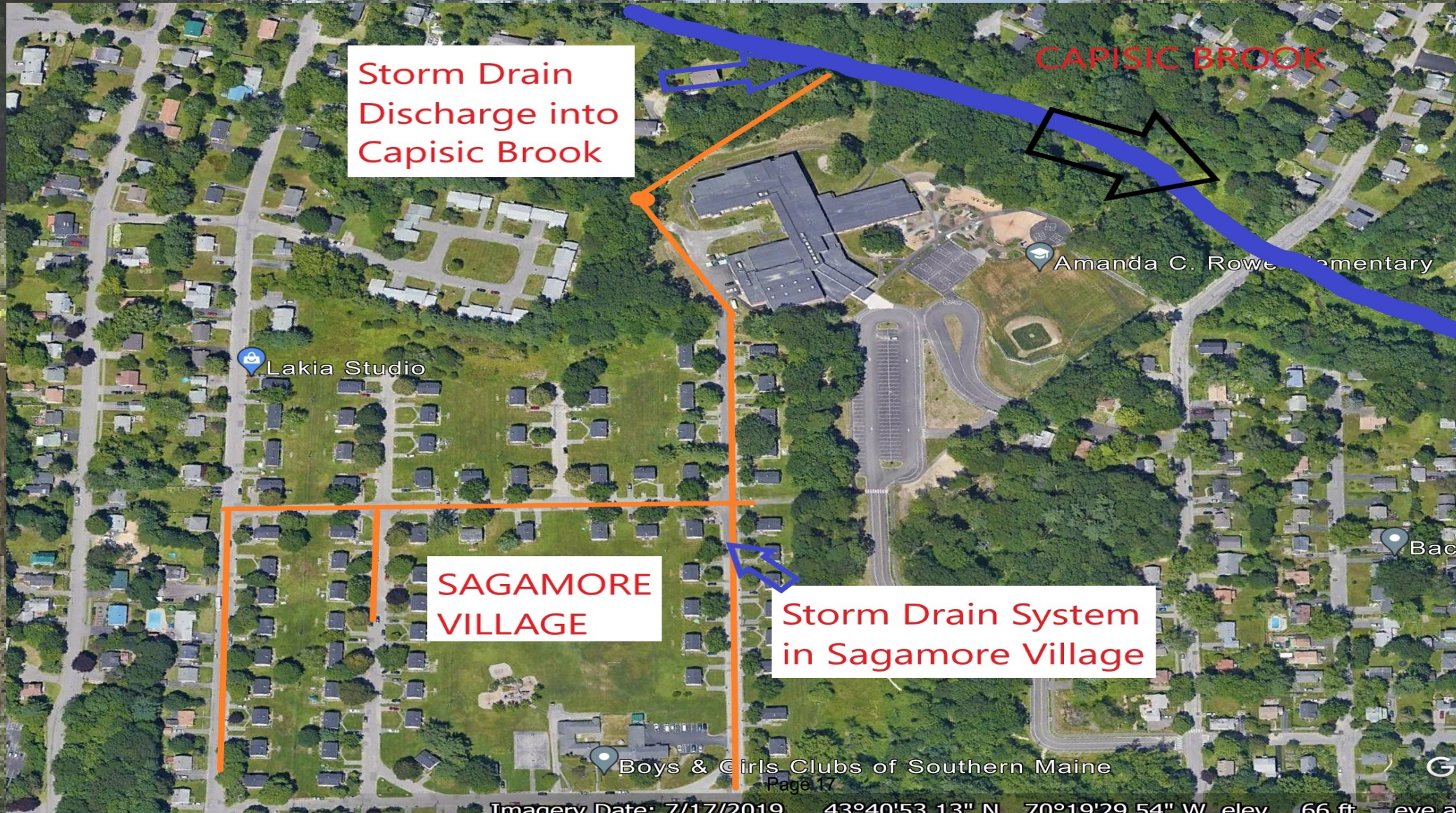
- EPA DEFINITION: "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters."



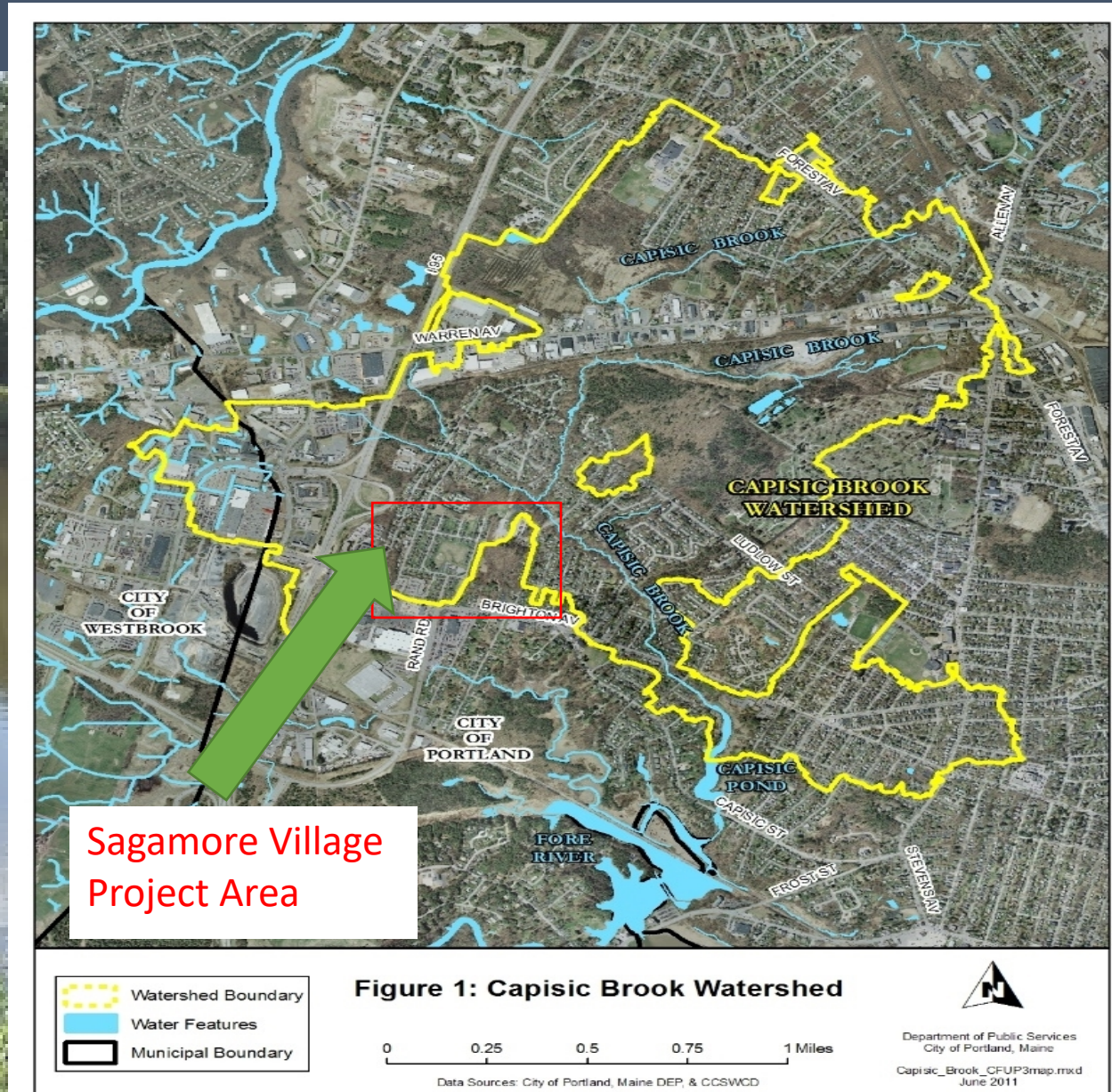
curbside rain garden



Sagamore Village Storm Drain System Overview



Capisic Brook Watershed Overview



Capisic Brook Watershed Overview

- 2.5 miles long
- 1,500 acre watershed drains to the Fore River, which flows to Casco Bay
- 31% of watershed area considered impervious
- Maine DEP: Watersheds with greater than 10% impervious area are considered to be “generally impaired”
- The Brook does not meet Maine water quality standards and is considered impaired by the Maine DEP.
- A mix of residential, commercial & industrial development has greatly altered the watershed.
- The main source of pollution in the brook comes from stormwater runoff. Stormwater washes sediment, petroleum products, excess nutrients (fertilizer, pet waste), metals, salt, bacteria, heat & other pollutants off the landscape and into the brook.

Capisic Brook Watershed Management Plan

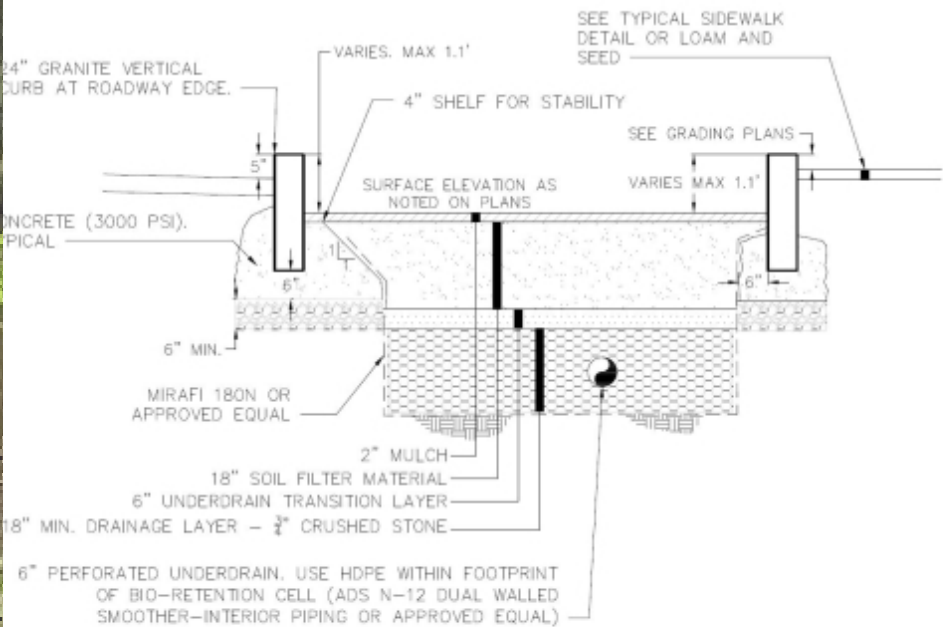
- Adopted by the City in 2012.
- Identified a number of actions and projects that could be completed to reduce the impacts of stormwater pollution within the watershed.
- Examples-
 - Retrofit Existing Streets with Green Infrastructure.
 - Increased street sweeping and catch basin cleaning.
 - Projects to provide treatment for storm water runoff.
 - Protection of existing wetlands within the watershed and stream corridor.
 - Provide outreach and education to residents and students.
- Overall goal is to improve water quality and the overall health of the brook, which will also improve water quality in the Fore River & Casco Bay.
- The City is currently working on an update to the Original Watershed Management Plan in 2023.

Project Design: Overview

- 32 rain gardens built throughout the neighborhood
- Sub surface sand filter in Herron road right of way
- Capture and treat first 1" of rainfall
- Total Drainage Area: 21 Acres
- Almost 9 Acres of Impervious Area Treated



Rain Garden Detail



TYPICAL BIO-RETENTION CELL SECTION
NOT TO SCALE

SOIL FILTERS SHALL BE CONSTRUCTED OF A 18" MIN. DEEP LAYER OF SOIL FILTER MATERIAL SHALL BE A MIXTURE OF FIBER OR BARK MULCH. THE RATIO OF FIBER OR BARK MULCH TO SOIL SHALL BE A UNIT OF 1 TO 1. THE SUBCOMPONENTS SHALL BE:

LOAMY SAND SHALL CONSIST OF 80% SAND (SILICA) AND 20% LOAM (CLAY) AGRICULTURE) THAT CONTAINS NO PHYSICAL CONTAMINANTS, AND SHALL BE DETERMINED THROUGH SOIL SCREENING.

WOOD FIBER MULCH SHALL BE A MIXTURE OF 80% WOOD FIBER MULCH AND 20% PHYSICAL CONTAMINANTS, AND SHALL BE DETERMINED THROUGH SOIL SCREENING.

SOIL FILTER MATERIAL SHALL BE A MIXTURE OF FIBER OR BARK MULCH. THE RATIO OF FIBER OR BARK MULCH TO SOIL SHALL BE A UNIT OF 1 TO 1. THE SUBCOMPONENTS SHALL BE:

THE CONTRACTOR SHALL SUBMIT TO THE CONSTRUCTION OF SOIL FILTER MATERIAL, AND VEGETATION SHALL NOT BE INSTALLED UNTIL THE PAVEMENT, VEGETATION, EROSION CONTROL, AND GEOTEXTILE LINER WHICH CAN BE INSTALLED.

THE AREA THAT DRAINS TO THE BIO-RETENTION CELL SHALL BE REPLACED BY THE CONTRACTOR WITH SOIL FILTER MATERIAL.

ADDITIONAL SURFACE LOAM MAY BE APPLIED TO A DEPTH OF 1/2" MORE THAN 1/2" DEPTH OF NATIVE SOIL.

CAP TO BE INSTALLED ON OUTLET OF BIO-RETENTION CELL. CAP SHALL BE A 6" DIA. STAINLESS STEEL CLAMP. DRILL HOLE IN CAP TO BE 1/2" DIA.



Cabot/Popham Intersection Existing Conditions



Cabot/Popham Intersection Proposed



Purchas/Godfrey Intersection Existing Conditions



Purchas/Godfrey Intersection Proposed



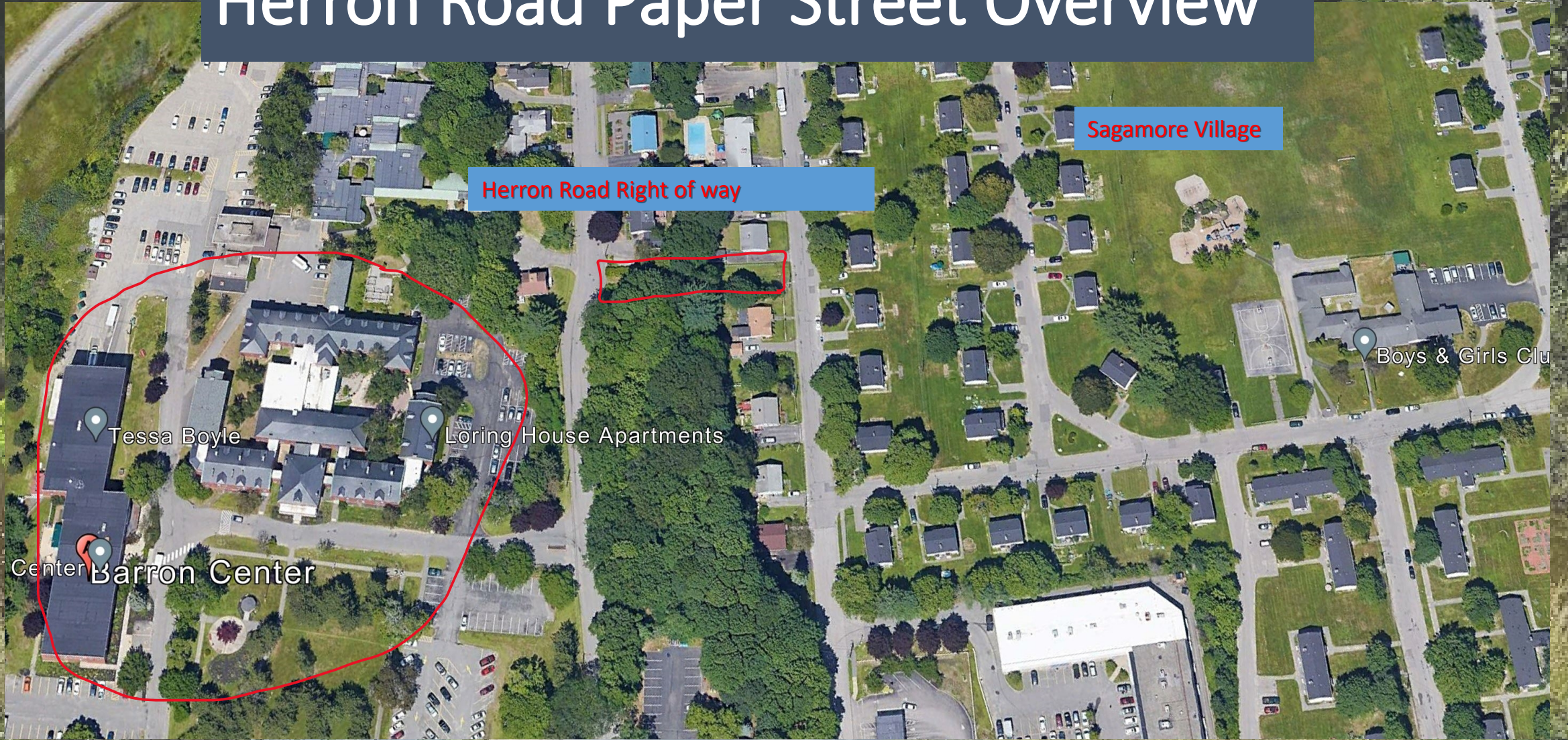
Josslyn Street Existing Conditions

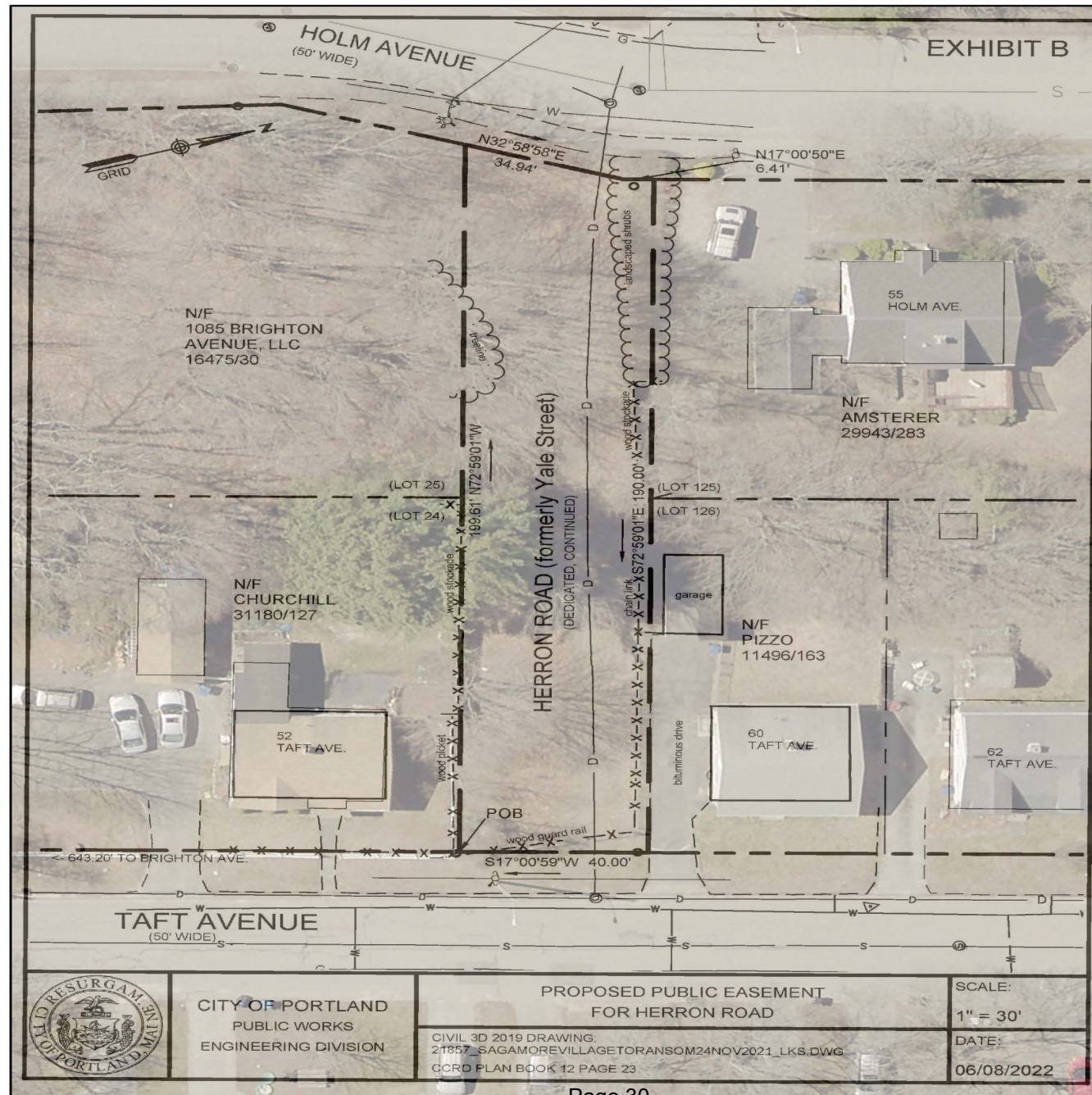


Josslyn Street Proposed



Herron Road Paper Street Overview





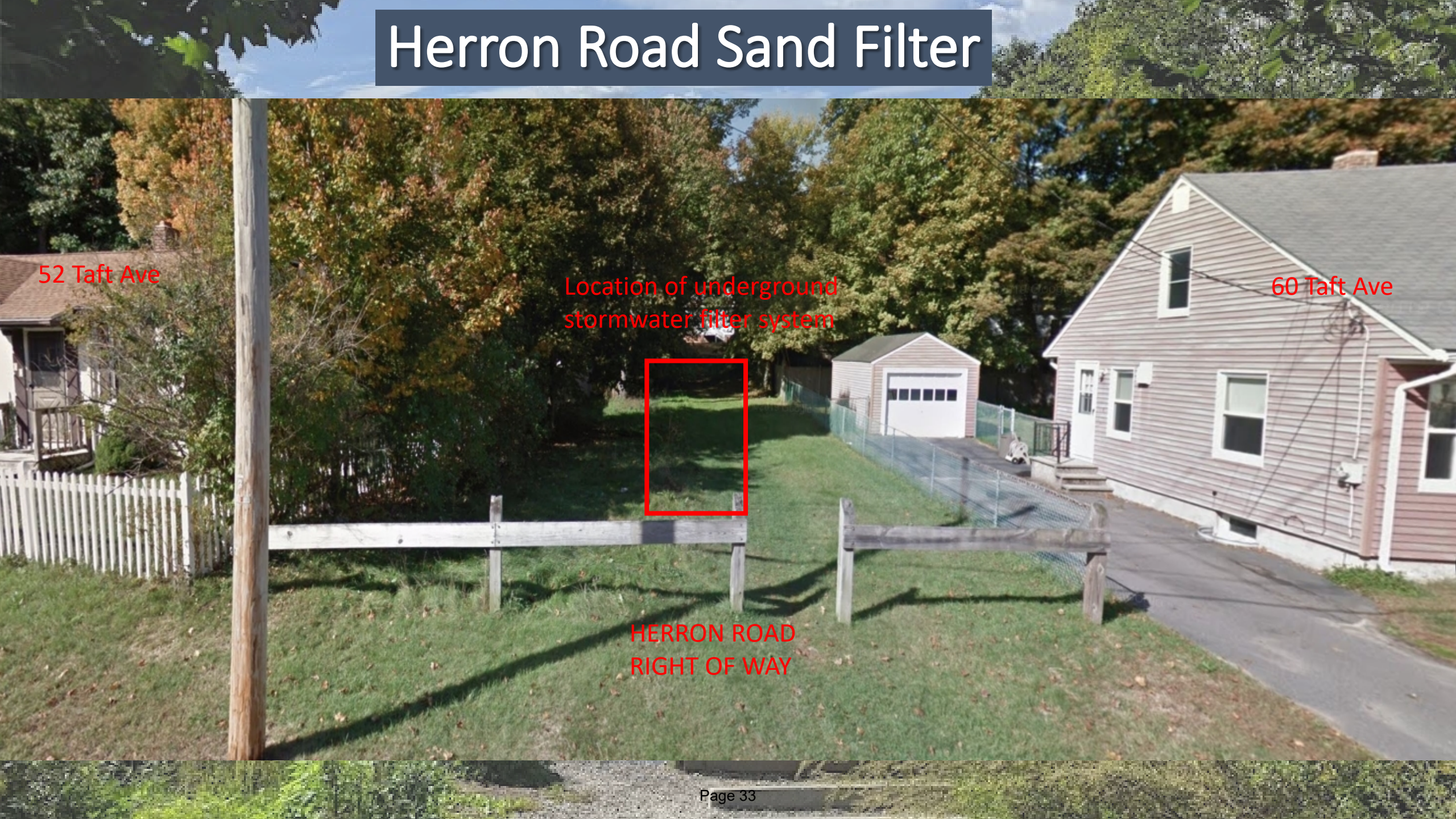
Herron Road Facts

- 40' wide by 190' long strip of land located between Taft Avenue and Holm Avenue.
- Dedicated to the City as a proposed Street in 1912, originally called Yale Street.
- Current Status: Paper Street, Unaccepted, Dedicated and continued as of 2017.
- The City installed a storm drain line in this paper street in the 1980's to primarily provide drainage for Barron Center Facility.
- Publicly accessible footpath located in right of way connecting Holm Avenue to Taft Avenue.

Proposed Strategy to Formalize the City's Right, Title and Interest in the Right of Way

- City Council has the right to legally accept the a public access and utility easement in dedicated paper street right of way.
- Public easement acceptance would formalize City's right, title and interest in the right of way for existing and proposed infrastructure.
- The City installed a storm drain line in this paper street in the 1980's to primarily provide drainage for Barron Center Facility.
- Publicly accessible footpath located in right of way connecting Holm Avenue to Taft Avenue.

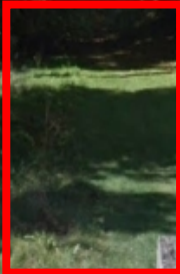
Herron Road Sand Filter



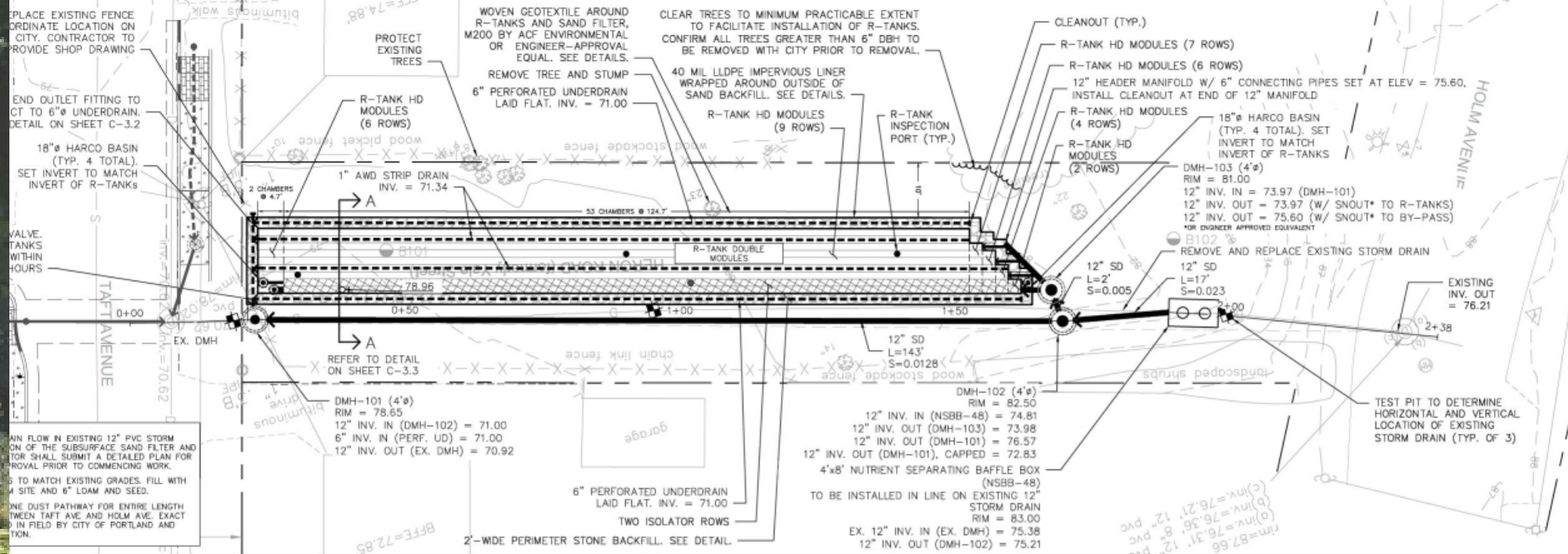
52 Taft Ave

Location of underground
stormwater filter system

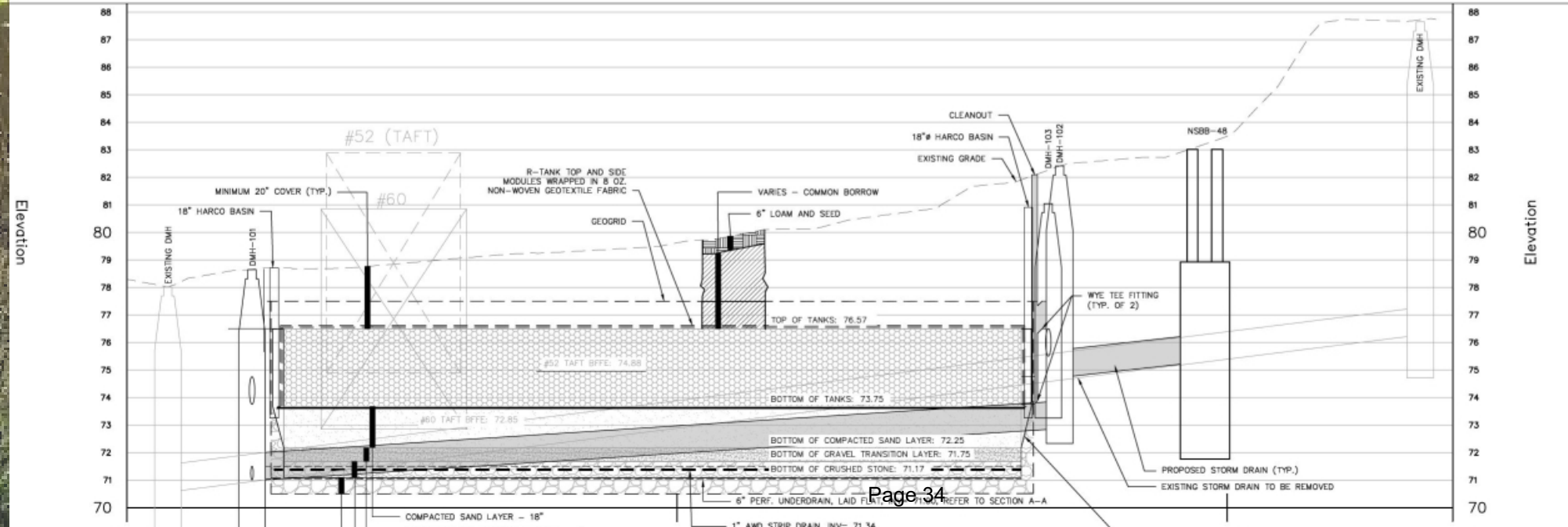
60 Taft Ave



HERRON ROAD
RIGHT OF WAY



PLAN



SAGAMORE VILLAGE GREEN INFRASTRUCTURE

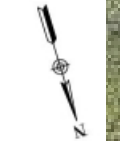
Prepared for:

CITY OF PORTLAND
389 CONGRESS STREET
PORTLAND, MAINE

City Engineer:



MAUREEN P. MCGLONE, P.E.
400 COMMERCIAL STREET
PORTLAND, ME 04101
207-772-2891



SCALE: 1"=10'

RANSO
Consulting, LLC

400 Commercial Street, Suite 200
Portland, ME 04101
Tel: (207) 772-2891
Fax: (207) 772-3248
www.ransoengineers.com

TOOL
DESIGN

8454 Georgia Avenue, Suite 200
Silver Spring, MD 20910
PHONE: 301.927.1900
FAX: 301.927.2800
www.tooldesign.com

HERRON ROSS
SUBSURFACE SAND FILTER - LAYOUT

D	ISSUED FOR BIDDING
C	ISSUED FOR REVIEW
B	80% DESIGN
A	50% DESIGN
No.	Revision/Issue



Troy Moon <thm@portlandmaine.gov>

Sustainability - Public Comment: Housing & Herron Road Easements

2 messages

George Rheault <george.rheault@gmail.com>

Tue, Jul 11, 2023 at 11:59 AM

To: sustainabilityoffice@portlandmaine.gov, Andrew Zarro <Azarro@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Troy Moon <thm@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Anna Trevorow <atrevorow@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>

- 1.) The memo describing the Herron Road project is missing its attachments (which presumably would make it much easier to understand the substance by visually depicting the easements via a map).
- 2.) Completely missing from this discussion is the issue of housing - specifically planning for housing production (and other mixed uses) in this vicinity.
- 3.) It is well known that two of the best ways to STOP HOUSING is for NIMBYs to hide behind historic preservation AND stormwater/sewer infrastructure as excuses to prevent density and affordable housing. THIS IS EXACTLY WHAT IS HAPPENING AT SAGAMORE VILLAGE. The Portland Housing Authority (PHA), desperate for funds to rehabilitate the dilapidated circa 1942-43 housing project, believed it was worthwhile to put Sagamore Village on the National Register of Historic Places back in August, 2020 in order to use historic tax credits as a funding mechanism (because our stingy affordable housing financing system gave them no great other alternative). The PHA did this because they knew it would be impossible to get more density here due to neighborhood objections (most of the single-family homeowners in the area already have a tense relationship with the Sagamore Village tenants and cannot imagine its population growing even further).
- 4.) The City's Water Resources Division (who can boldly claim that its job is not to think about housing) is more than happy to complicate the Sagamore Village situation by insisting on development restrictions due to "water quality" issues. Maine DEP has, for very political reasons, classified Capisic Brook as an "urban impaired water stream" not so much for water quality reasons but as a planning tool to limit housing development in the Capisic Brook watershed.
- 5.) The Sustainability & Transportation Committee should POSTPONE any action on the Herron Road easements until a COMPLETE and HOLISTIC analysis is done by ALL CITY DEPARTMENTS to assess what is going on in this area and how, if things were done RIGHT, this area could help with the housing crisis in Portland (especially being on a major traffic corridor with one of the most effective bus routes in Greater Portland (Husky Line). Such a review should review the development history of this whole vicinity (which includes Rock Row up the road in Westbrook) and involve the public as well so all perspectives get a proper hearing rather than just the "cover your behind" city staff version.

Troy Moon <thm@portlandmaine.gov>

Tue, Jul 11, 2023 at 1:01 PM

To: George Rheault <george.rheault@gmail.com>

George,

Got your message and will update the packet.

Troy

[Quoted text hidden]

On April 12, 2023 Nicholas Lund of Maine Audubon presented the Sustainability and Transportation Committee with information about the threats glass and certain architectural features of buildings present to migrating birds. During his presentation he shared information about bird mortality observed in Portland by Maine Audubon volunteers and noted the areas of the City with the most observed bird strikes against buildings. He described features of buildings, particularly large glass facades, that contribute to high numbers of bird strikes. Finally, he provided information about ordinances adopted in other cities designed to reduce the number of bird strikes. Following the presentation, the Committee requested that City staff work with Maine Audubon and the Portland Society for Architecture work with stakeholders in the building and design community to develop a Bird Safe ordinance for Portland.

During the past year, City staff have collaborated with Maine Audubon and Portland Society for Architecture to analyze ordinances in other cities, convened stakeholder meetings with architects and buildings, and hold public information sessions to review and discuss draft ordinance language. These discussions informed work by a team of City staff from Corporation Counsel, Planning, Permitting and Inspections, and Sustainability to create an ordinance that creates standards that protect for migratory birds but does not unnecessarily burden buildings that pose a low risk to birds or conflict with City design standards that promote active streetscapes.

As drafted, the ordinance applies to all new construction or additions greater than 10,000 square feet in area and to specific architectural features that are particularly hazardous to birds. It exempts locally Designated Historic Landmarks and designated contributing buildings in historic districts as well as certain first floor windows for retail establishments, bars, and restaurants.

We appreciate the participation of the building and design professionals who participated in the stakeholder process. Their input has resulted in a concise, easy to understand ordinance that will make Portland a more friendly environment for migratory birds.

City staff as well as Nicholas Lund from Maine Audubon and Addy Smith-Reiman from Portland Society for Architecture will be present to answer any questions the committee may have.

ARTICLE VII-A. Bird Friendly Building and Design Requirements

Sec. 6-186. Definitions:

The following words and phrases shall be defined as set forth below for use in this article.

- (a) **BIRD FRIENDLY MATERIAL.** A material or assembly that has, or has been treated to have a maximum threat factor of 30 in accordance with:
 - (i) The American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard; or
 - (ii) The American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum's Avian Research Center test protocol; or
 - (iii) With a relevant American Society for Testing and Materials (ASTM) standard.
- (b) **THREAT FACTOR.** Where the threat factor is a measure of a bird's ability to see and avoid a building material. Threat Factor (TF) is determined by a number ranging between 1 and 100 that indicates the relative effectiveness of materials or assemblies typically used in reducing bird collisions. A TF of 1 represents least threatening and a TF of 100 represents most threatening.

Sec. 6-187. Applicability.

The following requirements shall apply to:

- (a) New construction or additions greater than 10,000 SF in floor area; and
- (b) Alterations to buildings greater than 10,000 SF in floor area in which at least 50% of the building's exterior glazing is being replaced within a period of three-years.

Sec. 6-188. Bird Friendly requirements.

- (a) **Building facades up to 75 feet above grade:** Building facades, and any associated openings, shall be constructed with bird friendly materials up to 75 feet above grade. Other materials may be used to the extent that they do not exceed an aggregate of 10 square feet within any 10 feet by 10 feet square area of building facade below 75 feet above grade.
- (b) **Bird Hazard Installations:** Bird hazard installations are architectural features that provide a clear line of sight on the exterior of buildings including but not limited to, skywalks, awnings, glass railings and guards, windbreak/windscreen panels, acoustic barriers, and glass fins greater than 10 inches from the face of the

facade. Bird hazard installations on the exterior of a building shall be constructed of bird friendly materials regardless of their height above grade.

- (c) **Fly-through Conditions:** Fly-through building elements, meaning one or more panels of glass that provide a clear line of sight creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet or less, or all glass within fifteen feet of a building corner shall be constructed with bird friendly materials up to 75 feet above grade.
- (d) **Adjacent to Green Roofs:** Building facades, and any associated openings, adjacent to a green roof on the same building shall be constructed with bird friendly materials up to 12 feet above the horizontal surface of the green roof.

Sec. 6-189. Exemptions:

- (a) Operable sash windows such as single-hung, double-hung, casement, awning, sliders, and tilt turns.
- (b) Locally Designated Historic Landmarks and designated contributing buildings in historic districts. However, additions to locally designated historic landmarks and designated contributing buildings in historic districts are not exempt.
- (c) First floor windows for retail storefronts or food and beverage uses including bars and restaurants where ground floor transparency of .7 VT is required by the City of Portland Design Manual.