

**CITY OF PORTLAND, MAINE**  
Committee on Sustainability and Transportation  
Councilor Regina Phillips (D3), Chair  
Councilor Victoria Pelletier (D2)  
Councilor Anna Bullett (D4)

**Minutes March 13, 2024**

Members Present: Councilor Phillips, Councilor Bullett

Staff Present: Troy Moon, Katie Tims, Kayley Weeks, Alex Marshall, Mark Reiland, Ben Pearson, Nell Donaldson

Meeting was called to order.

**February 14 Minutes**

The February 14, 2024 meeting minutes were approved unanimously.

**Sustainability Update**

Presented by Troy Moon, Katie Tims, and Kayley Weeks

The Office is gearing up to host a Home Energy Expo on March 16 for Portland homeowners to learn how to plan their home energy retrofits. We've also been working to schedule our summer outreach program that will address topics including soil science and tests, permaculture, urban runoff and water quality, healthy lawn building, and winter lawn preparation. Staff recently presented to the Natural Helpers hosted by the Office of Economic Opportunity about sustainability efforts in Portland and current programs. Director Moon also attended the SWANA conference on rulemaking for Maine's EPR legislation.

On March 1st, the Sustainability Office also launched the DIY Electrify program. This program is currently offering eligible Portland homeowners and renters rebates for up to \$250 toward the purchase of DIY products that can be purchased from the local hardware store. Eligible products include: weatherstripping (tapes, sealants, seals, sweeps, caulking), window insulation shrink film kits, pipe and duct insulation, water tank insulation wrap, portable induction cooktop., LED light bulbs, Energy Star-certified refrigerator, Energy Star-certified dishwasher, countertop dishwasher (energy efficient), heat pump clothes dryer, clothes drying rack, outdoor clothesline, power strip, smart thermostats, cellular window shades, and rechargeable batteries.

**Councilor Comment on Sustainability Update**

Councilor Phillips shares her appreciation for the work that went into creating this DIY Electrify! program, as well as all the board and inclusive outreach efforts for all of the office's programs.

Councillor Bullett asks how residents prove eligibility for the DIY Electrify program? *We want there low administrative burden and low barrier to participate, we have an affidavit where people can certify that they qualify.*

Councillor Bullett follows by asking if she can ask further questions about the EPR legislation at a later date, as Bunzl (a multinational distribution company) has a location and is an important employer in District 4 and would presumably be affected by this legislation. *This will be state-wide legislation and there has been significant outreach to groups affected during the rulemaking process, but certainly can follow up.*

### **Update on City Response to the Emerald Ash Borer Infestation**

Presented by Alex Marshall, Parks Director, and Mark Reiland, City Arborist

Starting in 2019, emerald ash borer, an invasive tree pest, has been detected in Portland and poses serious risks to our 600+ inventoried Ash street trees. In 2021, the Forestry team within the Parks, Recreation, and Facilities Department worked with the State of Maine to develop a plan to address the infestation and to preserve as many trees throughout Portland as possible. While some trees can be saved through treatments and organic bio-controls, many trees will succumb to the pest and will have to be removed and replaced over the next 3-5 years.

EAB response and long-term management are now focused on an integrated pest management (IPM) approach with 3 major foci:

- Risk mitigation through host tree removal and replacement with non-host species
- Selective retention of high-value trees through long-term treatment
- Biocontrol of pest populations through parasitic wasp release

It is expected that ~350-400 inventoried ash street trees will be removed over the coming few years while ~150-200 will be preserved through a long-term treatment and monitoring program. Replanting of removed trees will be with non-host species and likely lag at least 1 year behind removal.

### **Councilor Comment on Update on City Response to the Emerald Ash Borer Infestation**

Councilors Phillips and Bullett both shared appreciation for this presentation. Councilor Bullett notes if there is anything the Council can do to help e.g. support for the grant process, public communication, etc, don't hesitate to reach out.

Councilor Phillips asks if there are safety issues if these trees are left untreated. Yes, *the trees will come down and the pest will spread*. How long will replating take? *From removal to replanting depends on the spot, the most difficult being places on the peninsula which can be difficult with the limited-space tree wells, historic/aged infrastructure, stump grinding, coordination with dig-safe. We are working with the Forestry Supervisor to find solutions to avoid leaving streets bare, especially in places where we are removing multiple trees on a street.* Will this affect your overall budget going into 2025? *Grant application is going in soon, and we should hear back this growing season. Treatment and contracting out pesticide treatment is costly, but in the long term we hope to be able to do that in-house.* What has the public engagement looked like? *Especially on the peninsula, we have posted informational signs about each tree. Once we have removed trees, we have signs that go out explaining why we have removed it. Ongoing interviews, notifying neighborhood associations and the Parks Commission, and relaying information via social media.*

Councilor Bullett asks if there is state funding (Maine Forestry) to help. *Yes, there is federal funding that the state is dispersing and we work very closely with them on this effort and with the grant we are applying for.*

### **Councilor Foreward on Proposed Amendments to Chapters 24 and 34 of City Code**

Councilor Phillips notes that there has been correspondence from constituents with comments and concerns regarding these amendments. Director Moon suggests that Ben Pearson should present and if there is a need to come back again to provide more information, then we can allow for that to happen if necessary.

### **Proposed Amendments to Chapters 24 and 34 of City Code addressing stormwater and low-impact development requirements**

Presented by Ben Pearson, PE, Water Resources Compliance Section Coordinator

The Maine Department of Environmental Protection (DEP) issues a stormwater permit, known as the Municipal Separate Stormwater Sewer System (MS4), to the City for the discharge of stormwater to our surface waters. The DEP also issues a Combined Sewer Overflow (CSO) permit for discharges from the combined sanitary and stormwater system during rain events. The Water Resources Division at the Department of Public Works has four groups that help achieve regulatory compliance: Asset Management, Compliance, Engineering, and Operations and Maintenance. We also rely on Ordinances - including Chapter 24, Sewers, and Chapter 32, Stormwater to keep the City compliant from a regulatory mechanism standpoint.

- In order to reduce the amount of combined sanitary and stormwater discharges to our surface waters, Chapter 24 is being revised to allow Public Works better control of any new stormwater connections into the combined sewer.
- The City's MS4 permit requires municipalities to enact a regulatory mechanism for Erosion and Sediment Control by July 1, 2024. A fourth article titled Erosion and Sediment Control is being proposed within Chapter 32 to meet the permit requirement. Erosion and Sediment Controls are employed during construction to prevent dirt from being discharged to surface waters during rain events. Other revisions are being proposed including some updates to match permit language including definitions, deadlines, and references.

These ordinance revisions are being made to strengthen and better align our regulatory mechanisms with our Permit requirements and other initiatives, including an updated Technical Manual, to limit the impact of discharges to the City's brooks, rivers, and harbor.

### **Public Comment on Proposed Amendments to Chapters 24 and 34 of City Code**

Bill Weber asks if there are instances where the Water Resources division may review the sediment and erosion control plans at the Sprague Cassidy Point coal pile? *Unfortunately, the dust is blowing inland. We have been on their terminal site and have met with them with concerns for air quality and water quality. These amendments would give us more regulatory authority to deal with this and similar problems.*

### **Councilor Comment on Proposed Amendments to Chapters 24 and 34 of City Code**

Councilor Bullett notes that we received many emails from contractors about this item. The concerns focus on fines incurred due to the inability to remedy a site immediately after a heavy rainfall event. *Ben notes that the City works with contractors and engineers throughout the site planning, permitting, and construction process. We communicate with contractors to prepare/alert them before storms and try to be reasonable throughout these changes.*

Councilor Phillips is supportive of moving this item to the full Council, knowing there is ample time to communicate with all concerned constituents. Director Moon suggests we should incorporate any last changes to the proposed amendments and vote on it next month, before moving it to the full Council.

### **Presentation and Update regarding ReCode: Climate Resilience Overlay Zones**

Presented by Nell Donaldson, Director of Special Projects

ReCode Portland includes an effort to holistically integrate climate resilience into the land use code. The goal of this effort is to add requirements and guidelines to the code to ensure that Portland is resilient in the face of increasing coastal flooding, stormwater flooding, and high heat. This work involves taking stock of the existing patterns and projections for each of these risk factors, developing a shared understanding of how they map onto the city, and then establishing adaptation standards that will help to limit damage and disruption in the future. This work will eventually come to the Council as a text amendment to the land use code and a map amendment as well.

### **Councilor Comment on Presentation and Update regarding ReCode**

Director Moon asks if there was a building in a zone damaged or destroyed for some reason, would they be able to build it back the same or would they have to comply with new standards? *The regulations are written to require any new construction, any additions or renovations over a certain size to comply. We haven't written any nonconformity provision, and we could add it, but the idea is that we want to keep people out of harm's way - so no.*

Councilors Phillips and Bullett both share appreciation for this work, and engagement around the project.

### **Motion to Adjournment**

Councilor Phillips asks to postpone the presentation of the Landcare Management Advisory Committee Annual Report until the April meeting. Motion to adjourn by Councilor Bullett. Second by Councilor Phillips. All adjourned.

### **Meeting Adjourned**