

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

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.