

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

**Approved Minutes July 12, 2023**

Members Present: Councilor Zarro, Councilor Rodríguez

Staff Present: Troy Moon, Erin Ferrell, Mike Murray, Justin Pellerin, Kevin Kraft, Jon Giles

Guests: Kevin Roche, Addy Smith-Reiman, Nick Lund

Meeting was called to order.

**June 14 Minutes**

Councilor Zarro makes a motion to approve the June 14, 2023 meeting minutes. Councilor Rodriguez moves the motion. June 14 minutes passed unanimously, 2-0.

**Sustainability Update**

Presented by Troy Moon

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.

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.

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](http://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](http://portlandmaine.gov/landcare). Free lawn signs can be picked up from Guest Services staff at City Hall.

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.

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.

### **Councilor Comment on Sustainability Update**

Councilor Rodriguez appreciates the efforts put towards education.

### **Streetlight Inventory Report**

Presented by Mike Murray, Director of Public Works Department

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. When the transition process for the streetlight 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. 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.

### **Councilor Comment on Streetlight Inventory Report**

Councilor Zarro asks if this is a complaint based program? *Yes, but there are other ways to watch the status via an online network.* Has a scheduled system (planning replacements before they are out) been considered? *This could be a consideration but it has not been in the past. The platform tracks the number of hours the lights have been in operation. None of the lights are at their lifespan yet.*

### **Review and Accept Easement to Install Stormwater Infrastructure on Herron Road**

Presented by Jon Giles and Justin Pellerin

The Department of Public Works is seeking 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 path. 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.

### **Public Comment on Stormwater Infrastructure Easement**

George Rheault shares concern for competition between land for conservation and stormwater management purposes vs building affordable housing. Offers alternatives for neighborhood pathway connections and opportunities for more development.

Bill Weber asks if there may be code for rain gardens to be incorporated into new development planning? Councilor Zarro hopes to answer it after public comment. *Justin Pellerin explains that development projects are required to meet ME-DEP DEP and City Technical Manual requirements. Site/project specific. No requirement for green infrastructure, but sometimes existing imperviousness calls for green infrastructure as storm water management.*

### **Councilor Comment on Stormwater Infrastructure Easement**

Councilor Rodríguez asks if approving the easement is a separate decision from the entire project. *Pellerin explains that overall project is funded by City Council by CIP process, so accepting of utility easement will give the City the right title and interest to build the sand filter in that specific strip of land. The rain gardens throughout the neighborhood are currently under construction within accepted street right of ways. Jon Giles adds that this is "phase 2" of the entire project, which is why this question of easement is coming at this time to Council.*

Councilor Zarro asks what the general timeline and speed for this decision to be made and brought to Council? *If the project is to be completed in this construction season, the easement will likely need to be accepted by early September. No foreseeable concerns with the deed description before bringing this to Corporation Counsel, previous collaboration with the City legal staff has been helpful.*

### **Motion to recommend to full Council**

Councilor Zarro notes that full Council Committee is not present, making it difficult sometimes to pass a motion like this, but makes an exception and recommends a motion to move the discussion to a full Council. So moved by Councilor Rodríguez.

### **Bird Safe Ordinance**

Presented by Troy Moon, Kevin Kraft, Addy Smith Reiman, Nicholas Lund

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.

### **Public Comment on Bird Safe Ordinance**

Eamonn Dundon, Portland Regional Chamber Director of Advocacy, shares opposition for this ordinance as it poses additional requirements, delays, and costs on new multifamily housing projects. The represents a direct threat to progress in building affordable housing. Dundon references other examples in which the new, costly bird safe glass buildings saw similar numbers of birdstrikes.

Maggy Wolfe share support for this proposition. Question regarding how much affordable housing will actually be affected by this.

Austin Smith, liscenced architect in Portland, who has clients throughout Portland who have shared this concern and is glad to see this ordinance come to Council. BirdSafe glass, while expensive, solves problems and there are many options to make it more affordable and cost effective. Austin shares support, affirming that this ordinance is fair and flexible.

George Rheault asks for more details on the implementation date of this ordinance. Disparity between local decision making and stakeholder agendas when environmental and conservation projects are considered.

Carol, local resident, shares support for this ordinance and reminds committee of declining bird populations in North America.

Kevin Parker works in signage and vinyl decal design and points out that it adds hundreds of thousands of dollars to a building design.

Chris Meyer shares support for this ordinance and reminds the committee how much science and volunteer work has gone into this. As this becomes more commonly enforced in cities, the costs will likely drive down in this industry.

### **Councilor Comment on Bird Safe Ordinance**

Council Zarro asks if we have data that tells us more about the costs and impact on housing development here. *Glass retrofits are expensive, whereas planning for a bird safe building is typically not more expensive. PSA and the Planning Department have had discussions on the concern for restrictions on housing and aimed to draft this ordinance to separate residential*

*properties, exempt certain housing projects, and make a flexible non-restrictive ordinance that is still effective in its goals.*

Councilor Rodríguez confirms that there is no assurance that it will not affect future affordable housing projects. Goes on to note that the demand is coming from the market and that the ordinance would be helpful for voluntary action/changes but not as a mandate or planning requirement.

### **Motion to recommend to full Council**

Council Zarro and Councilor Rodríguez agree that there is discomfort to refer this to full Council, with a committee member not in attendance and with more questions left from the committee. Council Zarro wants to spend more time looking at the ordinance and feel confident in the decision to move this to full Council. Not postponed but will have further discussion at next committee meeting.

### **Presentation on ecoMaine**

Presented by Kevin Roche

ecoMaine is the regional waste recycling facility for Portland. We are one of twenty municipal owners, and the City is the largest member-owner and has vested stake in how this organization operates. Presentation included an overview of the organization, 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.

### **Councilor Comment on ecoMaine Presentation**

Council Zarro asks what the Council could be doing to support ecoMaine? *Kevin Roche notes that waste diversion efforts (e.g. recycling, composting, reuse) are helpful and good policy to reinforce the waste hierarchy and diversion from landfills and recover more materials. We need policy that supports the higher rungs of the hierarchy and by taxing/putting fees on the cheapest option (landfill) we can support that materials recovery.*

Councilor Rodríguez notes how this is a tangible and relatable topic. Councilor asks if big packaging production companies are responding to these challenges? *Companies will be changing with EPR legislation and will ideally move to packing that is readily recyclable in mature markets.*

### **Motion to Adjournment**

No meeting in August. Motion to adjourn by Councilor Zarro. Second by Councilor Rodríguez. All adjourned.

### **Meeting Adjourned**