City of Biddeford
Sustainability Commission

May 19, 2025 at 5:30 PM

City Hall Second Floor Conference Room & Zoom

Join Zoom Meeting Online
Or call in by phone: +1 312 626 6799
Meeting ID: 924 0273 7841
Passcode: 397008

1. Declaration of Quorum
2. Approval of Minutes
   - 2.a Minutes May 5, 2025
3. Old Business
   - 3.a Review Revised EV Charger Ordinance
4. New Business
   - 4.a Speaker - Roby Fecteau, Code Enforcement Director
5. Adjourn

Sustainability Commission Minutes 5/5/25

Present: Joie Grandbois, Will Kochtitzky, Jeff Goldsmith, Sam Drummey, Bev Thorpe (No quorum)

1. Landscape ordinance is postponed, as Max Zakian isn't present
2. Roby Fecteau will be speaking about the coast and stretch codes next meetings
3. York County Emergency Management Agency presentation follow up/Beach Management plan

Biddeford was awarded $75,000 community resilience partnership (via York County) for initial (30%) design work for an engineered beach. This is required to make us eligible for FEMA Category G funding, if the beech is damaged.

Will says the remaining 70% of design, as well as the construction itself, will cost more per piece of work. The city has applied for more funding from various sources to do this.

Brad will ask Art Cleaves and Chris McCall (York County Energy Management, Director and Emergency Preparedness Coordinator, respetively) about the content of the grant application so we know more about what that 30% involves.*

Will says take-away from presentation is that we need better communication with coastal residents. For example, FEMA will repair infrastructure on private property after damage. Jeff adds that there's conditions to this repair, and those need to be understood and communicated as well. Question for Roby: what happens when you use public money on private land. Does that open up those areas to public access?*

Jeff says that after future storms, city should consider ways to get displaced sand back onto beaches, as in Jan storms it was collected due to toxicity. This shows need for management plan.

Discussion about future storms, and how climate change will affect their qualities, timing, and effects on geography of Bideford Pool. This leads to discussion of why management plan, additional action is necessary. How do we build infrastructure that's prepared to be underwater at times?

What we can do now is communication plan for coastal communities. We'll ask Roby Fecteau about this next meeting.*

Will says Sustainability Commission can't do much in regards to getting beaches to Category G other than grant reports, but we can do community engagement. Hills Beach

Neighborhood Association, BCPC (sp?), people at Granite Point to talk about how we'll address disasters, ensure most of costs covered by FEMA, not community.

Jeff asks if we should have ordinance against rebuilding in vulnerable coastal areas impacted by storms, since they'll keep getting damaged. Bev says that since future is uncertain, hard to make a plan like this. Jeff says it would be good to have outline of a plan for managed retreat, can flesh out some details based on what other areas have done.

Discussion of to what extent Biddeford's beaches are public or private, after questions about use of public money for private land.

Will suggests we create a FAQ sheet for coastal residents. Developing this will allow us to develop plan. A project for this summer so we can talk to different coastal community organizations.*

Before next meeting, we should think of more questions for Roby.* Will's already created 3 questions: 1. Communication with coast, preparing to bill FEMA, and working to private property owners to do so, 2. Can we restrict development, 3. Developing FAQ. Bev edits about communication.

Will suggests we publicize this grant win.*

Kimberly Mathews (Biddeford Coastal Preservation Commission) suggests we find way to fund the 10% that Biddeford will still be required to fill under Category G. She also suggests we look at published risk assessment for areas of coast. Adds that beaches are important part of Biddeford's economy. Also asks for next steps.

Brad says that city hasn't signed MOU with York County for engineered beech, previous city manager was against it for unknown reasons, city probably will once we have new city manager at end of summer.

4. Earth Day Event last Saturday

Joie says the trash pickup went well, around 30 people attended. 10-12 people added to newsletter. One challenge was that it was less affective for letting people know about Commission. Next year we should start planning sooner, and have more groups tabling—Biddeford Community Gardens wasn't able to make it. Bev suggests we add a way to engage too. If it's in a different venue, like Mechanics park, we could for example have music. Brad suggests we combine with city departments like Rec who do Earth Day events. Weather also posed a challenge.

5. Pollinator Fest

We will be tabling.

Patrick, Brad, and the mayor are working on a pop-up bike lane to rotary park.

The fest is on 5/31.

We'll do trash game at pollinator fest, Bev suggests prizes. She says she can do origami with kids. Sam suggests recycling crafts. (Community gardens may already be doing this).

Bev asks about Lit. At Saturday event, Brad had various ones. Bev says we need a poster about what we're doing.* Sam sugests also having QR code to newsletter, Bev adds QR code to website*.

We also need to think about volunteers, tent, and things to hold down paper. It's at Rotary park. Some members are available to volunteer, will discuss more later.

6. Solar ordinance

Brad presented it to Policy Committee on 4/29, they responded well but asked for an economic impact statement. Brad will do so, model it off OOB.

7. EV Ordinance

Brad, Will, and Mayor talked about EV ordinance. Mayor seems fairly positive on broad strokes. Brad has some addition things to discuss with Will, then commission, then it will go to Planning Board.

8. Landscaping Ordinance

We'll discuss on first meeting in June.

Joie wants to hear from people in other towns who've done one. Shares importance of funding and enforcement, especially long-term.

Max and Brad will meet with David Galbraith. David's already worked on this in other towns.

Currently, planning board can recommend a certain amount of landscaping, but they don't have an ordinance to back them up. There is some amount of enforcement of these recommendations already.

9. Bike-Ped Plan

Brad has talked with new director of Bicycle Coalition of Maine, and Dakota at MEDOT, about plan. We're waiting to see if we get a grant to hire someone to do it professionally. If we don't get a grant, then we'll do some of the work ourselves with help from BCM and MEDOT.

Discussion of how recent construction-related traffic makes this especially necessary.

Sam brings up that Traffic Committee wants to be updated when we've made progress.

10. GHG Inventory

Done by UNE Fellow Scott

Will probably use 2024 data.

Will be done by end of summer, can be compared to 2019 data.

11. Biddeford-Saco Climate Action Team Update

Had recent talk about sustainable housing.

12. Possible conservation easement for Clifford Park

Not all of the park is currently protected.

Another committee is discussing this.

We'll look into the status of this for next meeting.*

No quorum, so no adjournment.

* = action item

ELECTRIC VEHICLE INFRASTRUCTURE

1. Purpose

The purpose of this ordinance is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and to establish minimum requirements for such infrastructure to serve both long-term and short-term parking needs. This Ordinance is consistent with the goals of Biddeford's approved Climate Action Plan, including reducing greenhouse gas emissions 62.6% by 2030.

2. Definitions

Accessible electric vehicle charging station means an electric vehicle charging station, that can be readily used by those of all abilities, where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

Battery charging station means an electrical component, assembly or cluster of components assemblies designed specifically to charge batteries within electric vehicles.

Battery electric vehicle means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

Charging levels means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC fast charging are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug. Level 1 is considered as slow charging. Level 1 charging equipment is standard on vehicles and therefore does not require the installation of charging equipment. The most common place for Level 1 charging is at the vehicle owner's home and is typically conducted overnight.
- Level 2 charging is through a 240V, AC plug and requires installation of home charging or public charging equipment. These units require a dedicated 40-amp circuit. Level 2 chargers are commonly found in residential settings, public parking areas, places of employment and commercial settings.
- DC Fast Charging (DCFC) charging is through a 400 to 1000 V, direct-current (DC) plug. Due to their high cost and extremely high-power draw, Level 3 chargers are typically found in commercial or industrial locations rather than residential.

Electric vehicle means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:

- Battery electric vehicle
- Plug-in hybrid electric vehicle

Electric vehicle charging station (EVCS) means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. A charging station must include a port that conforms to EV industry standards and can charge the vehicle, although an adapter may be required.

EVCS-capable means parking spaces with necessary electrical conduit installed but lacking required electrical cable and connection ~~capacity~~ to install EVCS.

EVCS-installed means parking spaces equipped with electrified EVCS.

EVCS-ready means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.

Electric vehicle charging station – private restricted use means an electric vehicle charging station that is:

- Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or
- Publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric vehicle charging station – public use means an electric vehicle charging station that is:

- Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
- Privately owned and available to visitors (e.g., shopping center parking).

Electric vehicle infrastructure means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space means any marked parking space that identifies the use to be exclusively for the ~~parking~~ charging of an electric vehicle.

Electric vehicle supply equipment (EVSE) means any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

Electrical capacity shall mean, at minimum:

- Electric Service Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Plug-in hybrid electric vehicle means an electric vehicle that:

• Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
• Charges its battery primarily by connecting to the grid or other off-board electrical source;
• May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
• Has the ability to travel powered by battery-supplied electricity.

3. Applicability

3.1. This ordinance shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance.
3.2. Electric vehicle infrastructure in place prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless substantial modification to the infrastructure is proposed in accordance with the criteria identified in Section 5.1.

3.3. All electric vehicle infrastructure shall be designed, built, and installed in accordance with applicable local, state, and federal codes, regulations, and standards.

5. Required Facilities

5.1. All new or reconstructed parking structures or lots shall be required to install level-2 or higher EVCSs according to Table 5.1 when one of the following conditions is met:

- The development includes a new off-street parking facility with more than ~~10~~ 5 spaces; or
- The parking capacity of an existing building, site, or parking facility with 10 or more spaces is increased by 30 percent or more (expressed as [number of additional spaces]/[number of existing spaces] x 100).

5.1.1. The number of EV charging stations required to be installed at the time of development is stated as a percentage of the total number of parking spaces in Column A of Table 5.1. Requirements will be rounded up to closest whole number but will always be a value of at least one EVCS to be available at the time of development occupancy.

5.1.2. To meet anticipated demand for EV charging stations as the technology becomes more widespread, Column B and C of Table 5.1 specifies the required increased electrical capacity to enable future EV charging station installations. Electric capacity requirements for EVCS-ready are met by providing a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service for the suitable for the number of charging stations. Capacity requirements will be rounded to the closest whole number. A parking facility will meet the requirement for future capacity if column A, B, and C are less than or equal to the EVCS installation.

- Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to electrical transformer to support the additional potential future electric vehicle charging stations.

Table 5.1
EV Charging Requirements for new and reconstructed parking structures

Land use type	A. EVCS-installed parking spaces required (as % of total parking spaces)	B. EVCS-ready parking spaces required (as % of total parking spaces)	C. EVCS-capable parking spaces required (as % of total parking spaces)
One or two family residential	-	100%	-
Open-lot Multi-~~family~~ unit residential	10%	40%	50%
Multi-unit with dedicated space for each unit	100%	-	-
Lodging	10%	40%	30%
General office, medical	5% (Min. one [1] space)	10%	20%
Industrial	5% (Min. One [1] space)	5%	10%
Institutional, municipality	10% (Min. one [1] space)	10%	20%
Commercial (retail, dining, recreational, entertainment, etc.)	5% (Min. one [1] space)	10%	10%

5.1.3. Multi-family residential units may meet the required number of EVCS-ready parking spaces by installing current and/or future capacity for level-1 EVCS not to exceed one quarter of all parking spaces.

5.1.4. DC Faster Charging equipment may be installed to meet the above requirement at one third the rate prescribed by table 5.1.

5.1.5. These requirements may be revised upward or downward by the Planning Board as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.

5.1.6. When the cost of installing EVSE required by this ordinance would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Zoning Administrator may administratively approve a reduction the required

amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost.

5.1.7. Affordable housing projects (120% AMI in 33% of dwelling units) can reduce requirement in table 5.1 by 50%.

5.2.7. Those who do not wish to meet the EVCS requirements may pay an in-lieu fee to the City of Biddeford at a rate of $10,000 per EVCS-installed parking space, $5,000 per EVCS-ready parking space, and $2,000 per EVCS-capable parking space. EVCS in-lieu fees collected by the City shall be deposited into a specific account, segregated from the City's general revenue, and created for supporting electric vehicle infrastructure in the City of Biddeford. These funds shall be used in accordance with the following:

a. The funds contributed to the specific account, entitled the Electric Vehicle Charging Infrastructure Fund, shall be used to further the electric vehicle infrastructure within the City. More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new City owned parking lots.

b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, permitting, and property acquisition for electric vehicle charging.

c. A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.

d. The Electric Vehicle Charging Infrastructure Fund may be used in combination with other City funds and other private, non-profit, and government funding for expanding electric vehicle charging infrastructure within Biddeford.

e. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum standards described in Table 5.1.

f. The in-lieu fees collected by the City shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required to meet minimum zoning standards.

6. General Requirements for Electric Vehicle Infrastructure

6.1. Electric vehicle charging stations within single-family and two-family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.

6.2. General station requirements

6.2.1. Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

6.2.2. Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 6.2.2 (1) through (4) of this section.

1. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

6.2.3. Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment. Signage for parking of electric vehicles shall include:

- Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
- Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner
- As appropriate, directional signs to effectively guide motorists to the charging station space(s).

6.2.4. Lighting. Site lighting shall be provided where EVCS is installed unless charging is for daytime purposes only. Lighting standards should be met pursuant to the Biddeford’s zoning ordinance.

6.2.5. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting EVCS that are not being used according to posted rules.

6.2.6. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal

business hours of the use(s) it serves. If applicable, warnings shall be posted to alert charging station users about hours of use.

6.2.7. Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

6.3. **Accessible Facilities**

6.3.1. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown in Table 6.2. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

Table 6.2 Minimum Number of Accessible Electric Vehicle (EV) Charging Stations

Number of EV charging stations	Minimum accessible EV charging stations
1-50	1
51-100	2
101-150*	3

*One additional accessible EV charging station for each 50 EVCS

6.3.2. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

6.4. **Charging and Parking**

6.4.1. EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required, as provided by [Chapter and Section number for Parking Requirements].

6.4.2. EVCS parking spaces, where provided for public use, are reserved for charging electric vehicles only.

6.4.3. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

6.5. **Parking Restrictions**

6.5.1. No person shall stop, stand or park any non-electric vehicle in a space designated through signage as an electric vehicle charging station. Any non-electric vehicle is subject to removal by the property owner or the property owner's agent.

6.5.2. Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that is either (1) is not electrically charging or (2) is parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

6.6. **Decommissioning**: Unless otherwise directed by Biddeford, within ninety (90) days of cessation of use of the EVCS, the property owner or operator shall restore the site to its original condition. Should the property owner or operator fail to complete said removal within ninety (90) days, Biddeford shall conduct the removal and disposal of improvements at the property owner or operator's sole cost and expense.

7. **Violations**

7.1. If the owner of an EVCS is found to be in violation of the provisions of this Ordinance, Code Enforcement Officer shall be responsible for administering the violation.

8. **Effectiveness, Interpretation, Severability**

8.1. This ordinance shall become effective immediately upon its adoption.

8.2. All other portions, parts, and provisions of the Zoning Ordinance of Biddeford as heretofore enacted and amended shall remain in force and effect.

8.3. The invalidity of any section or provision of the ordinance shall not be held to invalidate
any other section or provision of this Ordinance.

8.4. If any part of this ordinance conflicts with any other applicable federal, state, or local regulation, the more restrictive regulation shall control.

Questions for Roby Fecteau,
Director of Codes Enforcement and Emergency Management

What is the plan to respond to a storm event?

How do we (commission, city, county) communicate with people on the coast?

How do we prepare to bill everything to FEMA?

Do we/how do we work with private property owners to make that happen?

Can we propose ordinances that restrict development on the coast?

Can we restrict redevelopment when houses are destroyed? (managed retreat)

Should we develop an FAQ for coastal property owners – working with Biddeford and York County EMA?

How do we figure out the 10% local match?