



City of Biddeford Sustainability Commission

June 2, 2025 at 5:30 PM

City Hall Second Floor Conference Room & Zoom

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Or call in by phone: +1 312 626 6799

Meeting ID: 960 0342 8625

Passcode: 404659

1. Declaration of Quorum/Voting Members
2. Approval of Meeting Minutes
 - 2.a Approval of Meeting Minutes from 5-19-25
3. Old Business
 - 3.a Electric Vehicle Infrastructure Ordinance-Discuss proposed edits
 - 3.b Work Plan 2025
4. Adjourn

Sustainability Commission

5/19/25

Present: Brad, Joie, Jeff, Sam, Will, Bev, Max

1. Quorum is present
2. Presentation by Roby Fecteau, Code Enforcement Director and Emergency Manager

How Biddeford prepares for Storms:

Roby sends out daily briefings from national weather service to Department Heads, Council, and some School leadership.

Had been watching Jan 2024 storms for 2 weeks before, working with National Weather Service and County officials.

Biddeford has Emergency Plan that has general information, but not specific instructions, like for police and fire.

Apendix has instructions, like 96 hour rule: Within 96 hours before predicted storm, more frequent briefings.

Within 72 hours before predicted storm, have briefings with depends. Talk about sheltering, food supply, hospital.

Within 48 hours before storm, communicate within emergency operation center (EOC), hospital, airport, harbor to make sure that everything is prepared for storm.

Within 24 hours before storm, they operate EOC (where department heads and some public officials coordinate)

Within 12 hours, finalizing plans.

After, move into recovery.

How Biddeford recovers from storms:

Make an estimate of damages and cost estimates. Have city engineers assess public infrastructure. Cost goes to Maine EMA, then to FEMA.

To get a statewide declaration of emergency from FEMA, must have 2.4M in public infrastructure damages. The cap may soon be increased to 14M.

Two types of funding: 1. traditional dollar, based on replacement in kind of money we already spent, and 2. CAP grant funding/428 project, which happened with the riverwalk repairs. If you go over, you can't get additional money, but if you go under you can apply it to other infrastructure projects. It's not money from the city, it's money drawn from a bank in Augusta from FEMA.

Then, more assessments from FEMA, third party engineers to find true cost of damages. That true cost goes to FEMA, are validated, and the president will declare a declaration. If the damage is super widespread and the state has obviously hit the threshold, then that process is skipped.

City meets FEMA representative, different costs are categorized into different types of damages (ex. playgrounds).

FEMA then sends that information to a consolidated resource center to validate those numbers.

Now in obligation stage, where FEMA must pay at least 75% of costs. FEMA can request they pay a higher %, like during the Pandemic FEMA's paid 90%. The State paid 6% and local paid 4%.

During validation, city must submit in kind cost statement, which says what was there before the damage.

Money used for replacement in kind is marked as CIP in city budget.

How do we prepare to bill everything to FEMA:

For river wall, used 428 grant. Is a standard grant, which also includes mitigation measures.

Goal is to be category-G eligible. Half Million is lower estimate, \$750,000 is upper

Goal is to engineer dune system and create dune management plans to become Category G. This is a top priority.

Art Cleaves is looking into more grants to fund beaches.

FEMA is now more hesitant to fund snowstorms and beaches.

State law says that if you use state money for private property for dunes, must be easement for public access. FEMA doesn't require this.

If FEMA money is used to assist individual property, many regulations—must be year-round housing, uninsured, etc.

Still a lot more to learn about if dunes are eligible project.

Will says it would be good to present property owners with two choices: either fund their property damages on their own, or fulfill x requirements to get funding help.

City doesn't own much of the in terms of property abutting coast, only small sections of various beaches. Hills beach is not a public beach at all.

Max asks how city gets public beach access from private property owners. Roby says that eminent domain has been used, but negotiations are outside his purview.

Currently a court case about ownership of beaches in Scarborough? Important to know the outcome of this case when it's decided.

This area, of beach ownership, and consequences of using public funds for private property, is generally murky. It makes sense to focus on the decidedly public areas first.

Suggests that private property owners should be able to build infrastructure underneath their dunes to protect them. State law currently restricts this. Will mention that a special permit was done for it on Drake's Island in Wells, will share it with the group.

How do we communicate during emergencies:

Before storms, would share updates with public about what city was doing. Generally didn't include recommendations on what to do, other than to consider going elsewhere. These communications were through email. Had 732 people on the mailing list. City doesn't have a system to automatically message all residents.

The city can't declare evacuations, only the governor can. The City can highly recommend it though, and state that they won't send rescuers to certain places because it would endanger them.

County has communication system called Code-Red, people have to sign up for it.

Also had mass meetings following storms.

Work with realtors and organizations to be communicators.

Restricting development after housing is destroyed

There are already state and federal regulations about this, saying that you can't rebuild in a floodplain or dune after 1/2 of your house was damaged. Shoreline zoning has separate regulations. Biddeford specifically doesn't have stricter regulations yet, but we could implement them.

Reusing Toxic Sand

Sand was contaminated by ruptured oil tanks. Policy was to assume that sand on roads was contaminated, much of it was taken to hazardous waste site in Portland. Whereas in another instance, where city knew the sand wasn't contaminated, much of the sand was put back.

Plan for water contamination

Water is handled by private entities. KKW handles most of coastal area, Maine Water handles portions of Hills Beach and UNE. KKW probably has their own plans, unknown if they'll share them publicly. If there was a disruption to clean water, city will assist with KKW's plans. It's not the city's job to develop the plans.

Stuff the Commission can do to be helpful

Research how we can make beaches accessible, without compromising accessibility of the dune.

In messaging, share information about status of state and federal policy, and opportunities for public input in that, i.e. public hearings.

The city still needs more information before it make decisions, and so we're limited in what we can communicate.

We can make an FAQ that the Commission, residents, and the County has, and get those answered.

Restrictions on coastal development

Biddeford has sand dune, floodplain, and shore land zoning. Development also restricted on Resource Protection (RP) zones, which is along shoreline.

3. Approval of May 5th minutes

Max moves, Jeff seconds, unanimous approval.

4. EV charger

Moved to next meeting. A resident suggested some changes, and we'll review them.

5. Pollinator Festival

On May 31st.

Bev, Sam, Joie, Brad plan on tabling.

Jeff Demers, Chief Fisk, and Mayor have approved pop-up bike lane to rotary on Main, probably starting at St. Mary's St.

Brad will write a paragraph about it for the newsletter.

It runs 12-4, we should arrive at 11.

6. Art Walk

We can set up in front of City Hall with information, like recycling and compost handout. We also have swag to handout, a newsletter sign up, garbage to garden QR. We can also do an activity.

June 20th, July 18th, August 15th.

Sam and Brad will table on 20th, Joie will be available for the rest of them.

7. Historic Preservation Talk

Joie and Elizabeth Paglia from Historic New England will give a talk about sustainable historic preservation in New England, in Council Chambers on Wednesday at 4pm.

8. Bike-ped audit

Will, Brad, and Patrick met with Andrew from BCM. They'll walk around the downtown and do a bike-ped audit from 1-5 on Wednesday the 28th. Commission members can join.

9. Landscape Ordinance

Max will schedule meeting with David Galbraith and Kittery planning director to discuss his draft of the landscaping ordinance, he'll share it at our second meeting in June.

10. Adjourn

Bev motions, Max seconds, unanimous

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 $[\text{number of additional spaces}]/[\text{number of existing spaces}] \times 100$).
- 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%	-
<u>Open-lot Multi-family unit</u> residential	10%	40%	50%
<u>Multi-unit with dedicated space for each unit</u>	<u>100%</u>	<u>-</u>	<u>-</u>
Lodging	10%	40%	30%
General office, medical	5% <u>(Min. one [1] space)</u>	10%	20%
Industrial	5% <u>(Min. One [1] space)</u>	5%	10%
Institutional, municipality	10% <u>(Min. one [1] space)</u>	10%	20%
Commercial (retail, dining, recreational, entertainment, etc.)	5% <u>(Min. one [1] space)</u>	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.

Sustainability Commission

Work Plan 2025

Buildings and Energy

Action	Outcome	Timeline	Responsible Party
Energy Audit of Municipal Buildings	Information to increase energy efficiency for city buildings	9 to 12 months	Planning & Development Dept
Adoption of Stretch Codes	Stricter energy efficiency code requirements	1 year	Commission/Code Enforcement
Solar on Andrews Road	Renewable energy production in Biddeford	1 – 2 years	Commission/Planning/Solar Developer

Transportation and Infrastructure

Action	Outcome	Timeline	Responsible Party
Bike/Ped Plan	Council Adoption of Plan	18 months	Commission/Planning/Consultant
EV Charging Port Ordinance	Council Adoption of Ordinance	1 year	Commission/Planning
Transit Oriented Development	Council Adoption of Policy	1 2 years	Commission/Planning

Land Use and Natural Resources

Action	Outcome	Timeline	Responsible Party
Beach Management Plan	Council Adoption of Plan	1 – 2 years	Commission/Planning
Landscape Ordinance	Council Adoption of Ordinance	9 to 12 months	Commission/Planning
Local Food Production	Increased food production	Ongoing	Commission/BCG

Health and Wellbeing

Action	Outcome	Timeline	Responsible Party
Shade structure Ordinance	Council Adoption of Ordinance	1 year	Commission/Planning
Tree Ordinance	Council Adoption of Ordinance	1 year	Commission/Planning

Leadership and Support

Action	Outcome	Timeline	Responsible Party
Climate Action in School Curricula	Relationship between Commission and School	1 year	Commission/School Faculty/Admin
Engagement of Community and City Staff	Ongoing conversation with community and city staff	Ongoing	Commission