City of Biddeford
Sustainability Commission

June 16, 2025 at 5:30 PM

City Hall Second Floor Conference Room & Zoom

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Meeting ID: 924 0273 7841
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1. Declaration of Quorum/Voting Members
2. Approval of Meeting Minutes
   - 2.a Approval of Meeting Minutes from 6-2-25
3. Old Business
   - 3.a Approval of DRAFT of EV Charging Ordinance
4. New Business
   - 4.a DRAFT Landscape Ordinance
5. Adjourn

Sustainability Commission Minutes

5:30 at 06-02-25

1. Present: Brad, Jeff, Sam, Joie, Max, and Wendy. Fred Olson is here as community member. Quorum is not present.
2. Discussion of proposed edits to electric vehicle infrastructure ordinance

Fred has suggested these changes, he also originally suggested the ordinance. He explains them below. Members are in favor of a change unless noted.

One overall goal was making it more easily understandable to the average reader.

Change to purpose: makes it clear to the council that the ordinance is in line with what they've already agreed on.

Change to definition of accessible EVCS: makes it more inclusive.

Change to definition of EVCS-capable: clarifies what infrastructure is being referred to.

Change to EV parking space: proposed change is from space for EV parking to space for EV charging. Max says that this change doesn't make sense, as it means that in a space where there is exactly the right number of parking spaces for the number of users of a building, then there's no where for EV users to park when they're not charging. Brad says that the change makes sense so that EV users have access to charging. Joie suggests changing it to circumvent the issue Max raises. Max suggests leaving it with parking, and leaving it to property owners to police use. Members discuss further options, and Max points out that line 6.2.5 on time limits give property owners the tools to make parking spaces EV charging only. Members discuss possibility of internal combustion engines parking in EV parking spaces, but the ordinance already prevents this. Present members are in favor of keeping it saying "parking"

Change to electrical capacity definition: clarifies meaning

Change to definition of plug in hybrid electric: clarifies meaning

Change to 5.1: makes more developments build EVCS—those with 5 parking spaces, rather than 10. Max says that this was already discussed at length by the committee, and 10 was decided because this number is meant to capture the larger parking lots. It can also be revised later. Members are in favor of keeping "10"

Change to 5.1.2: clarifies meaning of infrastructure. Sam asks to ensure that this change doesn't exclude any other forms of transformers. Max sttes that developers just say transformer, but Fred says this change makes it more accessible to regular people.

Changes to multi-family residential in table 5.1: Would make it applicable to more types of households, like townhouses. Also clarifies difference between this and the one below. Jeff suggests changing the title to multi-family residential without dedicated parking space for clarity.

Changes to multi unit with dedicated space for each unit in table 5.1: max suggests moving the 100% to column B, so it's not prohibitive. Column A would be replaced by 10%. Sam suggests multi-family residential with dedicated space to reflect change above. Fred notes the assumptions that comes with multi-family, but Max says multi-family is common language.

Changes to have minimum one charger in bottom 4 rows: These types of developments already have a lot of parking spaces, so members agree this change makes sense.

Change to 6.5.2: Makes it easier to read, if the 2 "is"s after the numbers are taken out.

Brad will make the changes we talked about. The changes will be voted on by the Sustainability Commission once there's quorum. The ordinance will go to planning board, then policy committee, then the council. Members are welcome to come to planning board, and are usually allowed to comment.

Fred notes that he still feels this ordinance is too limited in scope. He also notes that he believes there should be additional requirements in new housing construction: there must be sidewalks built, they must have an EVCS, and some appliances that use fossil fuel should have an associated fee. The fee could go to a sustainability fund. This is standard in England. Brad says that we'll be addressing these topics as we implement the climate action plan. Max says that incentives can be more effective than disincentives, since penalties drive development to municipalities that don't care about sustainability, is also unsure about the legality of fees.

3. Checking in on 2025 Work Plan

Buildings and Energy:

Robby will talk to us about stretch codes, and current changes in state codes that we can take advantage of and go beyond.

Brad will find a consultant for an energy audit of city hall. The new budget allocates money to the sustainability commission, could be used for this.

Transportation and Infrastructure:

Brad recently met with Andrew from Bicycle Coalition of Mine to do pedestrian audit, will do bike audit with him, so we can make bike/ped plan. Are waiting on $150,000 grant from Environmental Justice for New England. If we don't get the grant, we'll do it with BCM and MEDOT.

We're working on EVCS ordinance.

Land use and natural resources

Jeff says there's a preliminary draft of a beach management plan.

Max is working on landscaping ordinance. He's met with David Galbraith, learned about existing ordinance and what would be most helpful for planning staff. Has found multiple example ordinances. It'll include incentives for planting native plants. He'll hopefully have something for next meeting—June 16th. It will also touch on our goal of a tree ordinance.

Wendy on local food production—Biddeford Community Gardens has started it season, planting on Mission Hill, done work on dear control, and their greenhouses are being purchased. They have funding for the city to do some work on the greenhouses before the sale. Got permission from the city for fruit trees and bushes at Williams Court Park, has ordered them and is waiting for them to arrive. Has gotten city vacant lot information for new garden locations, will talk to Brad to search for good locations. Has also discussed changing the plants in the planters to include food—would need to go through city for that, Brad will talk to Nancy about this for next year. Has sent the commission a video, stresses importance and potential of permaculture. Max adds that the landscaping ordinance could include food plots. Wendy also adds that it's important to have food for animals, as well.

Health and wellbeing

Nothing on shade structures yet.

Some work on tree ordinance in landscaping ordinance.

Leadership and support

Climate action in school curricula: Brad is waiting on a grant—Climate Smart Communities. We have to partner with an approved organization, in this case Gulf of Maine

Research Institute. We'll find out about the grant in August or September. Fred asks if there's spaces in city government for school classes to be involved. Sam says that there are ways high schoolers can contribute, and first step is identifying where. Wendy notes that the new culinary program doesn't have gardens. It takes about 2 years to change curriculum.

Engagement of community and city staff is ongoing: for ex. pollinator fest, tabling, earth day, newsletters, Joie's historic preservation work, 3rd Friday Artwalks.

UNE fellow started today on GHG inventory.

4. Public outreach events—Joie

Artwalk this month is on the 20th. We should table with information and newsletter signup. Joie isn't available for most of it, may be able to be there at the tail end. Brad will be at city hall for the display downstairs. We can table on the corner, also so we can direct people into city hall. Sam can do it, Max and Kiara are probably unavailable, Wendy may be available. Joie will send email to check with non-present members.

New pollinator fest date will be decided Wednesday evening, date will be late June will be scaled back. Wendy will email new date. We'll need volunteers for that too.

Joie is working on next newsletter, will share data on readership soon.

5. No need for motion to adjourn, as we have no quorum.

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

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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 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 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:

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• 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 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.

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- 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%	-
Multi-family residential w/o dedicated spaces	10%	40%	50%
Multi-family residential w/ dedicated spaces	10%	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

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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.

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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

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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.

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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) not electrically charging or (2) 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.

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Draft landscaping ordinance

To do:

- Find or create a list of preferred plantings
    - Check Maine Urban & Community Forestry Council
- Find or create a list of discouraged plantings (Bradford pear trees, kentucky bluegrass, etc.)
- Amend parts of site plan and subdivision plan ordinance to reference landscaping ordinance (need code blocks from city planner)
- Incorporate any existing landscaping standards elsewhere in the code (need code blocks from city planner)
- Create specific regulations for each district (needs input from city planner)
- Tweak landscaping per district table (with input from city planner)

Purpose

A. The intent of this ordinance is to provide minimum requirements for landscaping of future development to maintain a base standard of quality of life and general appearance for private and public properties in the City. It is also the purpose of this ordinance to encourage the use of landscaped areas to promote low impact development (LID) stormwater management systems and to reduce the amount of impervious surface heat islands in urban areas, both of which are recommended strategies in the Biddeford Climate Action Plan.

B. Landscaping shall be designed as an integral part of an overall site or subdivision plan with the purpose of enhancing building design, public views, and spaces, while also providing buffers, transitions, and screening.

Landscaping plan

A. For any proposed development that requires a landscaping plan and has not had such requirement waived, a landscaping plan must be presented and approved prior to issuance of a building permit. Additionally, any Planning Board projects with

landscaping requirements must include a landscaping plan with their plan submission prior to final approval.

B. Unless otherwise waived or modified, a landscaping plan must be included for:

1. The construction or replacement of structures large enough to trigger site plan review per this Title
2. Any residential development large enough to trigger subdivision review per this Title
3. An expansion or addition to an existing structure large enough to trigger site or subdivision plan review per this Title
4. A change of use in an existing site or structure large enough to trigger site plan or subdivision review per this Title
5. The creation of 15 or more parking spaces, or 20,000 square feet of impervious surface
6. The expansion of an existing parking space by more than 50% of total spaces (unless the proposal is for less than 5 spaces)
7. The expansion of an existing impervious surface area, such as gravel or pavement, by more than 50% of the total square footage (unless the proposal is for less than 2,000 square feet or impervious surface)

C. For projects that require landscaping, this ordinance grants the authorized reviewing body (Planning Board or Planning Director) the authority to waive specific requirements or impose additional requirements in special circumstances to ensure the fulfillment of the stated purposes of this chapter and to allow for flexibility and innovation of design. Said special circumstances or a reasoning for a modification should be documented in writing with the full plan application. Examples of what might constitute special circumstances may include but are not limited to:

1. The preservation of unique wildlife habitat
2. The preservation of mature vegetation or natural areas
3. Compliance with easements such as those providing public access, conservation, or utility maintenance.

4. Redevelopment of existing properties where the requirements in this title are impossible to meet
5. Insufficient distance between an existing structure and a property line for required landscaping
6. Unique site uses

D. The Planning Board or Planning Director may grant modifications to minimum landscaping requirements or open space minimums if the applicant proposes to do at least one of the following:

1. Plant primarily native and drought-resistant species, excluding lawn grass and any plantings in the prohibited planting list
2. Provide a plan for the removal and prevention of any invasive plant species on the site
3. Provide a conservation easement for any critical habitat currently on the site
4. Donate a portion of the site as conserved open space to the City or a land holder
5. Provide public amenities such as a park as part of the development
6. Provide an easement for public access on the site, primarily via a park or trail
7. Provide significant improvements to stormwater management on the site

Enforcement

A. For any building permit issued, occupancy will be withheld until all required plantings on a landscaping plan are added, unless requirements are modified by the relevant reviewing authority.
B. Code Enforcement and Planning staff may issue temporary occupancy prior to installation of required plantings. Failure to install required plantings within 6 months of occupancy will constitute a code violation

a. If temporary occupancy is granted, it shall be the responsibility of the project manager or business owner to contact planning or code enforcement staff upon completion of the landscaping work and request an inspection. Staff may inspect landscaping upon request by the developer or property owner.

C. Modifications to originally approved landscaping plans must be made as a written request to planning staff.

1. Changes to landscaping plan that do not reduce the number of originally approved plantings may be considered a field change and reviewed by the City Planner.
2. Changes to a landscaping plan that would reduce the number of originally approved plantings are considered a modification to an approved plan, which will require approval from the Planning Director or Planning Board.

General requirements

A. Landscaping development requirements

1. All portions of a lot undergoing development review not devoted to buildings, future buildings, parking, storage, or accessory uses shall be landscaped in a manner appropriate to the stated purposes of this chapter.
2. All ingress or egress easements that provide corridors to a subject lot, and are not adjacent to a public right-of-way, shall be considered the same as a public right-of-way. Landscape requirements for easement corridors shall be the same as those required for areas adjacent to public rights-of-way.
3. When landscaping is required along the frontage of a right-of-way, landscaped areas shall extend to the curbline or to the street edge.

4. If a landscape plan includes plantings located within a public right-of-way, said plan must clearly notate that maintenance of plantings remains the responsibility of the property owner in perpetuity.
5. Pedestrian infrastructure (including but not limited to sidewalks, walkways, trails, bike lanes, multi-use paths, pocket parks, and seating areas) may be included when calculating the required dimensions for landscaped areas, such as width of landscaped area along the frontage of a road.
6. Landscaped areas required to front inappropriate features (such as railways) may be relocated to other portions of the site, to the satisfaction of the reviewing authority.
7. Required landscaping may be integrated with LID stormwater management facilities, where feasible. LID facilities shall not compromise the purpose or intent of required landscaping, and landscaping shall not result in the disruption of the function of the LID facilities.
8. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of stormwater systems.

B. Buffering and Screening Requirements
    1. For the purposes of screening and buffering, existing mature vegetation can be used to meet the standard, so long as the existing vegetation is determined to not be an invasive species
    2. All parking, maneuvering, and loading areas of over twenty thousand (20,000) square feet shall have a minimum of ten (10) percent of the parking area, maneuvering area, and loading space landscaped with Type 5 landscaping as a means to reduce the amount of stormwater runoff and uninterrupted impervious surface area. Perimeter

landscaping, such as screening along property lines, shall not be included as part of the ten (10) percent figure.

3. The perimeter of all parking lots that abut residential zones or uses shall be landscaped in a manner that shields residential zones or uses from lights and provides aesthetic separation between uses. This shall include at minimum a depth of five (5) feet of Type 2 landscaping, unless otherwise provided by this chapter, or otherwise approved by the planning director.
4. All property abutting Interstate 295 shall be landscaped with Type 3 landscaping to a minimum depth of ten (10) feet unless otherwise modified by the Planning Director or Planning Board
5. All property abutting the portion of Alfred Road west of Route 1, and the portion of Route 1 south of Alfred Road, shall be landscaped with Type 3 landscaping to a minimum depth of ten (10) feet unless otherwise modified by the Planning Director or Planning Board
6. All dumpsters or outside storage areas shall be screened by fencing and landscaping a minimum of five (5) feet in depth unless it is determined by development plan review that such screening is not necessary, due to storage area location, existing fencing or landscaping, or because stored materials are not visually obtrusive.
7. Landscaping shall be placed outside of sight-obscuring fences, unless it is determined by the Planning Director or Planning Board that such arrangement would be detrimental to the stated purposes of this chapter or would compromise site safety.
8. The perimeter of all stormwater detention ponds shall be landscaped to a minimum depth of ten (10) feet of Type 2 landscaping. If perimeter fencing is required based on public works department standards, it shall be constructed of vinyl-coated chain link or solid screen fencing. The fencing shall be located between the pond and the landscape area.

C. Planting requirements

1. Bark mulch, gravel, or other non vegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Non vegetative material is not a substitute for plant material.
2. Required landscape areas shall be provided with adequate drainage. All new landscape areas shall incorporate soil amendments as follows: the uppermost twelve (12) inches of soil shall be tilled and two (2) inches of composted material shall be fully incorporated into the tilled soil; or to specifications proposed by a landscape architect that meet the satisfaction of the relevant reviewing authority.
3. Slopes shall not exceed a three (3) to one (1) ratio (width to height), in order to decrease erosion potential and assist in ease of maintenance.
4. Landscape plans shall include a diversity of native and drought tolerant, low water use plant species, and shall promote native wildlife habitat where feasible.
5. Irrigation systems incorporated into a landscaping area shall include rain sensors to promote water conservation.
6. Trees planted along rights-of-way or driveways should be ornamental or “medium” sized trees to avoid future degradation of overhead or underground utilities

Incentives

A. To help facilitate the goal of the Climate Action Plan, development review applications may receive modifications to density, setback, open space and height requirements if the development provides one of the following additional benefits as part of their landscaping plan:

a. Adherence to only native and climate-resistant plants from the City's preferred planting list, with a condition of approval that discouraged plantings will not be added as part of future landscaping

b. Utilization of open space areas for food production such as greenhouses, community gardens, or food plots

c. Provision of public access easements, conservation easements, or public access trails on the site.

d. Donation of a portion of the land to be conserved open space or a public amenity, such as a park.

e. Landscaping proposed beyond the scope of what is required by this title, to the satisfaction of the Planning Board or Planning Director

Types of Landscaping

Category	Type 1 Solid Screen	Type 2 Visual Screen	Type 3 Visual Buffer	Type 4 Low Cover	Type 5 Open Area
Purpose	Intended to provide a solid sight barrier to totally separate incompatible uses.	Intended to create a visual separation that is not necessarily one hundred (100) percent sight-obscuring between incompatible	Intended to provide visual separation of uses from streets and main arterials and between compatible uses so as to soften the	Intended to provide visual relief where clear sight is desired or as a complement to larger, more	Intended to visually interrupt large open spaces of parking areas.

		uses.	appearance of streets, parking lots, and building facades.	predominant planting materials.	
Description	Shall consist of evergreen trees or tall shrubs with a minimum height of six (6) feet at planting, which will provide a one hundred (100) percent sight-obscuring screen within three (3) years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by one hundred (100) percent sight-obscuring fence	Shall be evergreen or a mixture of evergreen and deciduous trees with large shrubs and ground cover interspersed with the trees. A sight-obscuring fence may be required if determined by development plan review that such a fence is necessary.	Shall be evergreen and deciduous trees planted not more than thirty (30) feet on center interspersed with large shrubs and ground cover. Where used to separate parking from streets, plantings must create a visual barrier of at least forty-two (42) inches in height at time of planting and form a solid screen three (3) years after planting.	Shall consist of a mixture of evergreen and deciduous shrubs and ground cover, to provide solid covering of the entire landscaping area within three (3) years of planting and to be held to a maximum height of three and one-half (3 1/2) feet.	Shall consist of trees planted with supporting shrubs or ground cover. Each landscape area shall be of sufficient size to promote and protect growth of plantings, with a one hundred (100) square foot minimum area and no dimension less than five (5) feet.

Planting requirements

A. Deciduous trees shall be a minimum of one and one-half (1 1/2) inch caliper at the time of planting. Evergreen trees shall be six (6) feet high at planting. Tree spacing shall be as appropriate for the species.

B. *Ground cover* means low-growing vegetative materials with a mound or spreading manner of growth. Spacing is dependent on the type and size of the plant material and must be adequate to provide total coverage of the landscape area within three (3) years. Ground cover plants, other than grasses, must be at least the four (4) inch pot size at time of planting.

C. Shrubs shall be a minimum of eighteen (18) inches in height, or two (2) gallon container size, at the time of planting.

D. The plantings and fence must not violate the sight area safety requirements at street intersections.

E. Exclusive of the B-1 District, commercial and industrial uses shall maintain the first 25 feet from the edge of the right-of-way (excluding driveways) in front of all buildings, structures and impervious areas as a green strip. The green strip shall consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery), with a two-and-one-half-inch diameter or larger deciduous shade tree, spaced every 25 feet, or a shrub, two to three feet in height, minimum, placed the equivalent of one per 10 feet, along the green strip and parallel to the right-of-way. In order to ensure proper visibility for entering and departing vehicles, all driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines.

F. All uses in the Institutional Zone shall maintain a landscaped green strip in front of all buildings, structures, and parking lots adjacent to any public street. The width of the green strip as measured from the

edge of the right-of-way shall be 40 feet for the Pool Road (Route 9) and the new Hills Beach bypass road if such a road is constructed and 25 feet for all other public streets. This green strip shall be treated and maintained as set forth in the approved institutional master plan and may include pedestrian facilities and amenities such as walkways, plazas, sitting areas, fountains, bus stops, passenger loading and unloading areas, porticos information kiosks, and similar improvements.

Regulations for specific districts:

Zone(s)	Abutting street (front yard)	Side yard	Rear yard	Abutting residential district or use	Zone specific requirements
R1a - R1b	NA	NA	NA	NA	NA
R2 - R3	Five feet Type 4	NA	NA	NA	NA
SR	NA	NA	NA	NA	NA
CR	NA	NA	NA	NA	NA
B1	Five feet Type 4	NA	NA	NA	NA
B2	Ten feet Type 3	Five feet type 3	Five feet type 3	Ten feet type 2	Parking areas that front the road require Five feet of Type 5

					landscaping
I1 - I3	Fifteen feet type 1	Five feet type 2	Five feet typ 2	Fifteen feet type 1	
W1 - W3	NA	NA	NA	NA	NA
R-F	NA	NA	NA	NA	NA
LR-F	NA	NA	NA	NA	NA
M	Ten feet Type 3	Five feet type 2	Five feet type 2	Ten feet Type 3	
CZ					Determined by Council and Planning Board
IN					See note below
OR	Five feet type 4	NA	NA	Five feet type 4	
MSRD1 - MSRD 3					

Maintenance of Landscaping

A. Whenever landscaping is or has been required in accordance with the provisions of this title or any addition or amendments to this title, or in accordance with the provisions of any previous code or ordinance of the city, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required. All landscaping which, due to accident, damage, disease, lack of maintenance, or other cause, fails to show a healthy appearance and growth shall be restored, or replaced with the same type of landscaping elements and in the same location as required in the approved landscape plan. These requirements also apply to

landscaping for LID stormwater management systems, such as bioretention swales. Failure to restore or re-plant landscaping within one year of removal or damage will result in a code violation against the property.

B. *Maintenance assurance*. To ensure the maintenance of new landscaping, the planning director may require a performance and maintenance bond or other acceptable maintenance assurance device, such as an irrevocable letter of credit, set-aside letter, assignment of funds, or certificate of deposit, prior to permit issuance. In determining whether to require an assurance device, the planning director may consider elements such as the size and complexity of the project, the likelihood of plant survival, and the likelihood of adequate maintenance. The value of the maintenance assurance device shall equal at least one hundred ten (110) percent of the total landscape materials plus installation. If a maintenance assurance device is required, the property owner shall comply with the following provisions:

    1. If the landscaping is not being properly maintained, the planning director shall notify the property owner that the owner must restore the landscaping to its required condition, to the satisfaction of the director, within thirty (30) days. If the property owner does not restore the landscaping to the satisfaction of the director within thirty (30) days of the notification, then the city may use the proceeds of the assurance device to perform any type of maintenance or replacement necessary to ensure compliance with this ordinance.
    2. The maintenance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform any necessary work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees.
    3. Upon completion of the development, and inspection by the city to determine that the landscaping has been maintained to the satisfaction of the planning director, the city shall release the

maintenance assurance device, less any proceeds previously used by the city pursuant to this section.

4. The property owner is responsible for all costs incurred by the city in doing any work covered by the assurance device. The property owner shall reimburse the city for any amount expended by the city that exceeds any proceeds of the assurance device actually used by the city. The city shall have a lien against the subject property for the amount of any excess.