



City of Biddeford Sustainability Commission

June 30, 2025 at 5:30 PM

City Hall Second Floor Conference Room & Zoom

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Meeting ID: 952 8759 8290

Passcode: 917145

1. Declaration of Quorum/Voting Members
2. Approval of Meeting Minutes
 - 2.a Approval of Meeting Minutes from June 16, 2025
3. Old Business
 - 3.a Discussing Draft Landscaping Ordinance
4. New Business-Updates?
5. Adjourn

Biddeford Sustainability Commission

6-16-25 at 5:30

1. Present: Joie, Patrick, Jeff, Sam, Wendy, Will, Max, Bev. Quorum is present
2. Approval of minutes

For 6-2-25. Max moves to approve, Jef seconds, passes unanimously.

3. Draft of EV Charging Station Ordinance

Will explains his changes. The committee accepted all changes.

Change to definition of EVCS: clarifies the definition.

EVCS-Installed: clarifies the definition.

Definition of EVCS-Ready: clarifies the definition.

Change to multi-family residential with dedicated spaces: If you have 100% ready, then an EV owner can just use their own plug.

Addition of 5.1.4: Because there are some circumstances where a development has two parking spaces that someone might want to access an EVCS from either one, but this doesn't require having chargers for each.

John Luke, a community member, introduces himself and expresses his interest in the ordinance.

Ordinance will go to planning board, then policy committee, then city council.

Joie motions to approve the draft ordinance, Jeff seconds, passes unanimously.

4. Draft Landscaping ordinance

Max introduces the ordinance, he's talked to some city planners, including Biddeford's, and looked at several model ordinances. He also explains each section.

He suggests adding re-pavement or resurfacing of parking lots as a time when the landscaping plan must be followed under Landscaping board A.

Jeff suggests tying enforcement to performance guarantee. Max has already added this in the maintenance section, though he may remove this if it's already mentioned in performance guarantee ordinance.

Max notes that incentives will make this easier to pass, as well as create more of those features in developments.

Brad suggest the University of Maine's list for lists of suggested plants.

Bev notes that the best plants are site-specific, and it may cause developers to use plants not ideal for the site. Brad says that the list would be used as a starting point. Max also says that citing an outside list is important because it'll be updated regularly. Also, landscape architects that developers are often required to hire know what plants work well for sites. Brad also states that UMaine has a list of plants to avoid.

Jeff asks whether the ordinance would require developers to hire a landscaping architect. Brad says that another part of city code recommends it, but doesn't require it. Max plans to add requirement for a landscape architect, or equivalent professional.

Brad and Max state that this plan would be provided during the conceptual or preliminary steps, not the final.

Members discuss whether tilling is best practice.

Joie asks whether coasts or banks are buffered in this, but there's existing requirements on this.

Max summarizes that this ordinance gives teeth to planning board and staff, financial assurances, requirements for landscaping plans, flexibility to these requirements, and zone-specific requirements.

Brad suggests section at the beginning for applicability. Max says that this is already in landscaping plan-B, and it can be renamed.

Members discuss landscaping plan B6 and 7, and whether 50% is appropriate. Will suggests defining small, medium, and large parking lots.

Members discuss more incentives for planting edible plants or plants that produce edible plants, or multi-purpose plants, even when those plants aren't native. It's important that these plants don't quickly die, and aren't in places where chemicals will make them unsafe to eat.

Joie notes that incentives for edible plants are also important.

Will suggests minor issue in language regarding interstates mentioned in General Requirement B4.

Bev suggests getting feedback from Jake Pierson, a nursery who knows developers well.

Unclear whether the committee can actually prohibit the planting of certain plants on private property, though we can on city property.

Will suggests asking a developer for feedback. Brad says that Fathom Companies and Westbrook Development Corporation, who both have active developments in the city, would have valuable feedback.

Patrick suggests mentioning specific numbered strategies of the Climate Action Plan. Brad suggests not naming the numbers since they may change, but Brad says they can still be named, which they already are.

Joie clarifies whether this applies to public development, as well as private. It doesn't apply to public development. A potential future project could be getting the city to commit to stop using grass lawns.

Members discuss having bike/ped infrastructure as one of the features that can earn incentives.

Joie suggests incentives when public access is added. Draft says planning board has flexibility for this, incentives should be granted.

Brad says if one part contradicts another, more restrictive takes aback.

Sam suggests merging Landscaping Plan part C and D, Max clarifies that C is about waiving requirements, D is about modifying them, but he may merge the sections because this can be confusing.

5. Art Walk

This Friday, 5-8 in front of city hall. Sam and Bev will table. Brad will be in city hall, table, lit, and banner can be picked up from him at 4:30. Jeff will join later in the night.

6. Bike/Ped Plan

We weren't awarded the Environmental Justice for New England Grant. We have done ped audit with Andrew from BCM and Dakota from MEDOT. Will do bike audit on 26th at 2:30, meeting at city hall, members are invited. Brad and Patrick will connect about route. Joie may know a possible grant to apply to. Some small MEDOT money for it as well. The audit will be very high level. Mostly for benefit of Andrew and Dakota. Jeff says that coastal communities should be included, members agree.

Will mentioned that the state has some GIS data on roads, says that it can be drawn on, and that Will can help with it.

7. Other

Brad will add Community Resilience Grant (due August) for agenda for next meeting.

8. Adjourn

Jeff motions, Max seconds, unanimous.

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 of 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 curblineline 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.	
Descripti on	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 type 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.