



City of Biddeford Sustainability Commission

November 3, 2025 at 5:30 PM

City Hall Second Floor Conference Room & Zoom

<https://biddeford.zoom.us/j/97270104748?pwd=xEvkos4dnJaLLlx7TYBGvAntBcQ1Jy.1>

Or call in by phone: +1 312 626 6799

Meeting ID: 972 7010 4748

Passcode: 564164

1. Declaration of Quorum
2. Old Business
 - 2.a Landscape Ordinance
[Bulletin #2500, Gardening to Conserve Maine's Native Landscape: Plants to Use and Plants to Avoid - Cooperative Extension Publications - University of Maine Cooperative Extension](#)
 - 2.b EV Charging Ordinance
3. Discussion
 - 3.a Dune grass project for spring?
 - 3.b Adopt a Park (315 Main Street)
 - 3.c November 18 Council Presentation
4. Adjourn

01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
DIVISION OF ANIMAL AND PLANT HEALTH

Chapter 273: CRITERIA FOR LISTING INVASIVE TERRESTRIAL PLANTS

SUMMARY: This chapter establishes criteria to be used in evaluating non-native terrestrial invasive plants which are offered for sale or import in Maine that could have adverse economic and/or ecological impacts in Maine. This chapter also establishes the list of evaluated plants that meet the criteria and prescribes the restrictions on the distribution and sale of those plants.

I. Definitions

- A. **Biological potential** - The ability of a species to increase its numbers, either sexually and/or asexually, and occupy more space.
- B. **Ecoregion** – An ecoregion is a geographic area where ecosystems are generally similar. Ecoregion maps are published by the US Environmental Protection Agency.
- C. **Invasive plant** - A non-native species that has spread into native or minimally managed plant communities (habitats) in Maine that causes economic or environmental harm by developing self-sustaining populations that become dominant and/or disruptive to native species.
- D. **Minimally managed habitats** - Minimally managed habitats are habitats where management efforts and investments of time, money and labor are infrequent or nonexistent. These habitats may at one time have been intensively managed. Minimally managed habitats may include, but are not limited to forests, woodlots, rights-of-way, riverbanks, coastal plains, pastures, meadows and vacant lots.
- E. **Native plant** - A species that has evolved over hundreds or thousands of years in a particular ecoregion. Generally, only plants found in this country before European settlement are considered native to the United States.
- F. **Naturalized plant** - A non-native plant that does not need human help to reproduce and maintain itself over time in an area where it is not native.
- G. **Non-native plant** - A species that is not native or naturally occurring (based on its distribution and current knowledge of the species) within Maine. A species may be native to North America, but non-native in Maine.
- H. **Spatial gaps** - This term is used in reference to the ability of a species to disperse away from existing occurrences. It is a distance from the location of the original introduction of a plant which exceeds the average distance a propagule (seed or other viable plant part) from that plant would normally establish. The longer distance movement (over a spatial gap) and establishment is facilitated by wind, water, animals or some other reason. This

type of growth contrasts with a plant that spreads contiguously and undispersed within a habitat.

- I. **Species** - As utilized in this chapter, "species" includes all synonyms, subspecies, hybrids, varieties, forms and cultivars of that species.
- J. **Invasive terrestrial plant species of special concern** - A non-native plant species that has spread into native or minimally managed plant habitats in Maine that may cause economic or environmental harm. Species of special concern may be effectively contained through alternative regulatory measures instead of prohibiting sale or import.
- K. **Terrestrial plant** – As utilized in this chapter, “terrestrial plant” includes plants that grow in upland habitats but may also include plants that are able to grow in wetlands or as emergent aquatic plants. Terrestrial plants may grow in agricultural fields, rangelands, forests, urban landscapes, wildlands, and along waterways. Terrestrial plants include trees, shrubs, vines, grasses and herbaceous plants.

II. Criteria for Evaluating Terrestrial Plant Species

In order to include a plant on a list of invasive terrestrial plant species administered by the Maine Department of Agriculture, Conservation and Forestry the following criteria must be met:

- A. Be non-native to Maine, and
- B. Have the potential for rapid growth, dissemination and establishment in minimally managed habitats, and
- C. Have the biological potential for widespread dispersion and for dispersing over spatial gaps, and
- D. Have the biological potential for existing in high numbers or large colonies in minimally managed habitats, and
- E. Have the potential to displace native species in minimally managed habitats.

III. Prohibitions and restrictions

No person shall import, export, buy, sell, or intentionally propagate for sale or distribution any living and viable portion of any plant species, which includes all of their cultivars, varieties and hybrids, listed in Section V.

IV. Transition

The effective date for prohibition or restriction of the plants listed in Section V that are already growing in Maine or in the channels of trade in Maine at the time this rule is adopted are indicated in the Section V list of regulated invasive terrestrial plant species.

V. List of Regulated Invasive Terrestrial Plant Species

Evaluated plant species that meet the criteria for all of the categories listed in section II.

Scientific name	Common name	Effective Date
<i>Acer ginnala</i>	Amur maple	1/1/2018
<i>Acer platanoides</i>	Norway maple	1/1/2018
<i>Aegopodium podagraria</i>	Bishop's weed, goutweed	1/1/2018
<i>Ailanthus altissima</i>	Tree of heaven	1/1/2018
<i>Alliaria petiolata</i>	Garlic mustard	1/1/2018
<i>Amorpha fruticosa</i>	False indigo bush	1/1/2018
<i>Ampelopsis glandulosa</i>	Porcelain berry	1/1/2018
<i>Artemisia vulgaris</i>	Common mugwort	1/1/2018
<i>Berberis thunbergii</i>	Japanese barberry	1/1/2018
<i>Berberis vulgaris</i>	Common barberry	1/1/2018
<i>Celastrus orbiculatus</i>	Asiatic bittersweet	1/1/2018
<i>Elaeagnus umbellata</i>	Autumn olive	1/1/2018
<i>Euonymus alatus</i>	Winged euonymus, burning bush	1/1/2018
<i>Euphorbia cyparissias</i>	Cypress spurge	1/1/2018
<i>Fallopia baldschuanica</i>	Chinese bindweed, silver lace vine	1/1/2018
<i>Fallopia japonica</i>	Japanese knotweed	1/1/2018
<i>Frangula alnus</i>	Glossy buckthorn	1/1/2018
<i>Hesperius matronalis</i>	Dame's rocket	1/1/2018
<i>Impatiens glandulifera</i>	Ornamental jewelweed	1/1/2018
<i>Iris pseudacorus</i>	Yellow iris	1/1/2018
<i>Ligustrum vulgare</i>	Common privet	1/1/2018
<i>Lonicera japonica</i>	Japanese honeysuckle	1/1/2018
<i>Lonicera maackii</i>	Amur or bush honeysuckle	1/1/2018
<i>Lonicera morrowii</i>	Morrow's honeysuckle	1/1/2018
<i>Lonicera tatarica</i>	Tartarian honeysuckle	1/1/2018
<i>Lythrum salicaria</i>	Purple loosestrife	1/1/2018
<i>Microstegium vimineum</i>	Stilt grass	1/1/2018
<i>Paulownia tomentosa</i>	Paulownia, princess tree	1/1/2018
<i>Persicaria perfoliata</i>	Mile a minute weed	1/1/2018
<i>Phellodendron amurense</i>	Amur cork tree	1/1/2018
<i>Populus alba</i>	White cottonwood	1/1/2018
<i>Robinia pseudoacacia</i>	Black locust	1/1/2018
<i>Rosa multiflora</i>	Multiflora rose	1/1/2018
<i>Alnus glutinosa</i>	European alder	1/1/2024
<i>Angelica sylvestris</i>	Woodland angelica	1/1/2024
<i>Anthriscus sylvestris</i>	Wild chervil, raven's wing	1/1/2024
<i>Aralia elata</i>	Japanese angelica tree	1/1/2024
<i>Butomus umbellatus</i>	Flowering rush	1/1/2024

<i>Elaeagnus angustifolia</i>	Russian olive	1/1/2024
<i>Euonymus fortunei</i>	Wintercreeper, climbing spindle tree	1/1/2024
<i>Festuca filiformis</i>	Fine-leaved sheep fescue	1/1/2024
<i>Ficaria verna</i>	Lesser celandine	1/1/2024
<i>Glaucium flavum</i>	Yellow hornpoppy	1/1/2024
<i>Glechoma hederacea</i>	Ground ivy, creeping charlie	1/1/2024
<i>Glyceria maxima</i>	Great mannagrass, reed mannagrass	1/1/2024
<i>Hippophae rhamnoides</i>	Sea buckthorn	1/1/2024
<i>Ligustrum obtusifolium</i>	Border privet	1/1/2024
<i>Lonicera xylosteum</i>	Dwarf honeysuckle	1/1/2024
<i>Lythrum virgatum</i>	European wand loosestrife	1/1/2024
<i>Miscanthus sacchariflorus</i>	Amur silvergrass	1/1/2024
<i>Petasites japonicus</i>	Fuki, butterbur, giant butterbur	1/1/2024
<i>Phalaris arundinacea</i>	Reed canary grass, variegated ribbon grass	1/1/2024
<i>Photinia villosa</i>	Photinia, christmas berry	1/1/2024
<i>Phragmites australis</i>	Common reed	1/1/2024
<i>Phyllostachys aurea</i>	Golden bamboo	1/1/2024
<i>Phyllostachys aureosulcata</i>	Yellow groove bamboo	1/1/2024
<i>Pyrus calleryana</i>	Callery ("Bradford") pear	1/1/2024
<i>Ranunculus repens</i>	Creeping buttercup	1/1/2024
<i>Rubus phoenicolasius</i>	Wineberry	1/1/2024
<i>Silphium perfoliatum</i>	Cup plant	1/1/2024
<i>Sorbus aucuparia</i>	European mountain-ash	1/1/2024
<i>Tussilago farfara</i>	Coltsfoot	1/1/2024
<i>Valeriana officinalis</i>	Common valerian	1/1/2024

VI. Variances

- A. A variance may be granted by the State Horticulturist to allow for importation and field experimentation of invasive plants listed in Section V for scientific, educational, or other purposes under conditions prescribed by the State Horticulturist. Any variance(s) shall be in the form of a permit issued by the State Horticulturist.
- B. Preserved specimens in the form of herbaria or other preservation means are exempt from this rule.
- C. Varieties, cultivars, hybrids and/or subspecies that have been shown not to be invasive through scientific research and analysis may be considered exempt from this rule after review by a committee established by the Department.
 1. Data submitted must include sources with no financial interest in the species, such as universities, agricultural experiment stations, cooperative extension, USDA or botanical gardens; and
 2. Regulatory status in nearby states shall also be considered.

VII. Species Watch List

Evaluated plant species that do not currently meet all the criteria contained in section II but may meet those criteria within the next five years. These species are not subject to the prohibitions in Section III.

Scientific Name	Common Name
<i>Actinidia arguta</i>	Hardy kiwi
<i>Akebia quinata</i>	Chocolate vine; five-leaf akebia
<i>Arum italicum</i>	Italian arum
<i>Broussonetia papyrifera</i>	Paper mulberry
<i>Buddleja davidii</i>	Butterfly bush
<i>Clematis terniflora</i>	Yam-leaved virgin's bower, sweet autumn
<i>Dioscorea oppositifolia</i>	Indian yam
<i>Dioscorea polystachya</i>	Chinese yam
<i>Eragrostis curvula</i>	Weeping lovegrass
<i>Filipendula ulmaria</i>	Queen of the meadow
<i>Lespedeza bicolor</i>	Bicolor lespedeza, two-colored bush-clover
<i>Ligustrum ovalifolium</i>	California privet
<i>Lonicera caerulea</i>	Honeyberry, haskap
<i>Lychnis flos-cuculi</i> or <i>Silene flos-cuculi</i>	Ragged robin
<i>Morus alba</i>	White mulberry
<i>Quercus acutissima</i>	Sawtooth oak
<i>Rosa rugosa</i>	Rugosa rose, beach rose
<i>Saccharum ravennae</i> or <i>Tripsidium ravennae</i>	Ravenna grass, hardy pampas grass
<i>Salvia glutinosa</i>	Sticky sage
<i>Silybum marianum</i>	Milk thistle
<i>Spiraea japonica</i>	Japanese spiraea
<i>Symplocos paniculata</i>	Sapphire-berry
<i>Syringa reticulata</i>	Japanese tree lilac
<i>Toona sinensis</i>	Chinese cedar
<i>Ulmus pumila</i>	Siberian elm
<i>Viburnum dilatatum</i>	Linden arrowwood
<i>Viburnum sieboldii</i>	Siebold viburnum
<i>Wisteria floribunda</i>	Japanese wisteria
<i>Wisteria sinensis</i>	Chinese wisteria

VIII. Invasive Terrestrial Plant Species of Special Concern

Scientific Name	Common Name
<i>Rosa rugosa</i>	Rugosa rose, beach rose

IX. Invasive Terrestrial Plant Species of Special Concern – Conditions governing sale or display of species of special concern.

- A. An invasive terrestrial plant species of special concern that is sold or offered for sale in Maine shall have attached in a conspicuous place on the container used to hold the invasive terrestrial species of special concern, and where no container is used on the plant itself, a label with the words Invasive Species-Harmful to the Environment in at least 14-point bold type. Where it is impracticable to display a label, written notice shall be provided upon sale to the purchaser. The label or written notice shall be of a design approved by the Department of Agriculture, Conservation and Forestry and shall offer alternative non-invasive species and provide instructions for the care or tending of the invasive species to prevent their spread in the State.
- B. In lieu of the label required under Chapter 273, Section IX. A., above, the retail outlet may post a sign or signs identifying the plants as invasive terrestrial species of special concern. The sign or signs must be conspicuous and unobstructed and appear at no less than six-foot intervals around the listed plants. The sign specifications include:
 - 1. The sign must be 8.5inches tall and 11 inches wide;
 - 2. The sign must be made of rigid, weather resistant material and be maintained to last during the entire time that species of special concern are offered for sale;
 - 3. The sign must have lettering in at least 40-point type in the Arial font or similar sans serif font;
 - 4. The sign must be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue or green); and
 - 5. The sign must include the following wording, “Invasive Plant – May be Harmful to the Environment”, “Ask About Alternative Plants”, and “Follow Species Specific Instructions Provided by the Vendor”.
- C. The plant vendor must provide species specific guidance at the time of sale to notify the purchaser about the invasive potential of the species and what habitat types to avoid when installing the plant.
- D. No person selling or offering for sale an invasive terrestrial plant species of special concern shall conceal, detach, alter, deface, or destroy any label, sign, or notice required under this section.
- E. The effective date for plants listed in Section IX that are already growing in Maine or in the channels of trade in Maine at the time this rule is adopted shall be 1/1/2024.

X. Periodic Review

The plant lists in Section V, VII and VIII may be reviewed and amended on a five-year basis unless a person petitions the Department with significant scientific research and analysis that, in the Department’s determination, warrants review for possible amendment to the list at an earlier date.

STATUTORY AUTHORITY:

7 M.R.S.A. Chapter 405-A Section 2211

EFFECTIVE DATE:

December 25, 2011 – filing 2011-469

CORRECTIONS:

February, 2014 – agency names, formatting

AMENDED:

January 14, 2017 – filing 2017-003

May 24, 2022 – filing 2022-092 (reordered and posted 10-13-2022)

Article VI Performance Standards

Section 12.1 Landscape Standards

A. Purpose

The purpose of this ordinance is to provide minimum requirements for landscaping of proposed development to maintain a base standard of quality of life and general appearance for private and public properties in the City.

It is the intent 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. Applicability

All landscaping approved after the effective date of this Ordinance shall comply with these requirements. This includes, but is not limited to, new landscape, replacement planting, or any other landscaping proposed through the Site Plan Review or Subdivision Review process.

C. Definitions

Balled-and-Burlapped Plants: Balled-and-burlapped (or B&B) trees and shrubs are grown in nursery rows.

Bare-Root Plants: Bare-root plants are grown in the field, then harvested. The soil is washed or shaken from their roots after digging. Nearly all are dormant.

Buffer: A combination of physical space and vertical elements, such as but not limited to plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Container Grown Plants: Container-grown refers to a plant that has been grown in a container or one that has been transplanted into a container from the field.

Diameter at Breast Height (DBH): DBH is the diameter of a tree measured 4.5 feet above the ground.

Greenspace: Greenspaces are pervious areas of grass, trees or other vegetation, for recreation or aesthetic purposes.

Groundcover: Low-growing, spreading vegetation.

Impervious surface: The total area of a parcel that consists of buildings and any associated structures as well as roads, driveways, and parking areas, whether paved or unpaved and any additional area that is covered with a low-permeability material such as asphalt, stone or concrete or compacted through design or use to reduce permeability

Invasive Species: an organism not native to the region and one that is likely to cause harm to the environment, infrastructure, or public health. For the purposes of this ordinance, invasive species are those enumerated in the Advisory List of Invasive Plants by the Maine Department of Agriculture, Conservation & Forestry.

Landscape Plan: A component of a development plan which shows the quantity, species, and size of all proposed vegetation.

Landscape Planter strip: A vegetated area (naturally vegetated and/or landscaped) located adjacent and parallel to a road or street and designed to visually and functionally separate the roadway from the abutting property upon which it is located.

Native Plants: A native or indigenous plant species is one that occurs in a particular place without the aid of humans. They are well adapted to the climate, light, and soil conditions that characterize their ecosystem. Species native to North America are generally recognized as those occurring on the continent prior to European settlement.

Open space: All dedicated portions of a parcel that has vegetated surfaces or is in an undisturbed natural state, such as a wetland or forested area. Vegetated rooftops or portions of a parking area that are landscaped are considered open space per this definition. Areas designated as outdoor storage are not considered open space.

Outdoor Storage Area: a designated space outside of a building for the storage of commercial inventory including but not limited to equipment, vehicles, construction materials, or packaged goods.

Rain Garden: a depressed area in the landscape, planted with grasses and or flowering perennials, that collects rain water from a roof, driveway or street and allows it to soak into the ground alleviating storm water runoff.

Screening: A method of significantly reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof. This is accomplished either by a strip of dense existing or planted vegetation at least four feet in height, an opaque wall of at least six feet in height, or a uniformly covered fence at least six feet in height

Street Tree: A tree that grows within a right-of-way or twenty-five feet from the edge of a right-of-way, intended to provide shade for pedestrians and a separation between the property and abutting streets and structures.

D. General Landscaping Requirements

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 buffering and screening to abutting properties and roads when appropriate.

Native species should be selected for their benefits of conserving water, protecting soil from erosion, creating habitat and providing food for many different animals including birds, pollinators, and small mammals, thereby generally promoting plant and animal biodiversity. Invasive species are prohibited. Lists of recommended and prohibited species are maintained by the Planning & Development Department.

Invasive species, as enumerated by the Maine Department of Agriculture, Conservation, and Forestry, shall not be considered in landscape plans and explicitly avoided.

E. Landscaping Plan Required

1. Unless otherwise directed by the Approval Authority (Planning Board, Staff Review Committee, or City Planner) a landscaping plan prepared by a licensed landscape architect is required for the following proposed projects. At the City Planner's discretion, a qualified professional other than a licensed landscape architect may create such plan:
 - a. Projects requiring Site Plan review per Part III, Article XI, Site Plan Review;
 - b. Projects requiring Subdivision review per Part II, Chapter 66, Subdivisions;
 - c. The construction of 20,000 or more square feet of outdoor storage area;
 - d. The expansion of an existing parking lot by greater than 20% of total spaces measured over a five-year period, unless the number of existing spaces is fewer than 10 spaces;
 - e. The expansion of an existing impervious surface area by greater than 20% of the total area, measured over a 5-year period, unless the area of impervious surface is fewer than 4,000 square feet;
 - f. The expansion of an existing outdoor storage area by greater than 20% of the total area, as measured over a 5-year period.
2. The required landscape plan may be waived or modified by the Approval Authority (Planning Board, City Planner or Staff Review Committee) under special circumstances:
 - a. The preservation of unique wildlife habitat
 - b. The preservation of mature vegetation or natural areas
 - c. Compliance with easements such as providing public access, conservation, or utility maintenance.
 - d. Redevelopment of existing properties where the requirements in this title are impossible to meet; however, new construction on previously developed sites must comply with all standards herein.
 - e. Insufficient distance between an existing structure and a property line for required landscaping
 - f. Unique sites such as including vegetation that provides food or medicinal properties.
3. At the discretion of the Approval Authority (Planning Board, Staff Review Committee or City Planner), a landscape plan may be waived with the provision by owner or developer

of a fee deposited into a city fund dedicated to tree planting, care, and maintenance on city-owned property.

F. Minimum Landscaping Required

1. A minimum percentage of the total area being developed shall be landscaped in accordance with the following percentages, except where pre-existing impervious surface prevents:

Multifamily dwellings (5 or more units):	15%
Mixed-use buildings, commercial, retail and lodging use:	10%
Office and professional uses:	15%
Institutional and civic uses:	15%
Industrial and manufacturing uses:	10%

The total area of landscaping as defined above will be considered toward open space minimum requirements.

Species planted in accordance with this ordinance should adhere to the preferred planting list maintained by the University of Maine Cooperative Extension.

2. Tree and shrub requirements for multi-family, commercial, institutional and civic uses:
 - a. For every 500 square feet of landscaping required, or portion thereof, at least two (2) large trees and two (2) shrubs are required.
 - b. Four (4) small ornamental trees may be substituted for two (2) required large trees, not to exceed 50% of the required large trees.
3. Tree and shrub requirements for industrial and manufacturing uses:
 - a. For every 1,000 square feet of landscaping required, or portion thereof, at least one (1) large tree and two (2) shrubs are required.
 - b. Two (2) small ornamental trees may be substituted for one (1) required large tree, not to exceed 50% of the required large trees.
4. Each development shall provide at least two (2) different species. No more than 50% of all trees, per development, shall be of the same species. This standard applies only to trees being planted to meet requirements, not to existing trees.
5. Ground cover is required. Landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses and lawn areas. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.
6. The retention of existing and healthy shade trees or plantings, not identified by the State of Maine as an invasive species, shall be permitted to achieve this requirement.

7. 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 minimum six (6) feet high at planting. Tree spacing shall be as appropriate for the species.
8. Ground covers are 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.
9. Shrubs shall be a minimum of eighteen (18) inches in height, or two (2) gallon container size, at the time of planting.
10. Stormwater treatment areas including retention and detention areas shall not be counted toward the required minimum landscaped area, unless significant landscape elements are incorporated into the design of such areas.
11. If a development proposes stormwater treatment systems within or near landscaped areas, they must show that said treatment system will not pose a risk to the effectiveness of the landscaped area, and vice versa. Low-impact design and vegetated treatment systems are encouraged whenever possible.

G. Buffers and Screening

1. Parking Lot Screening along Public Right-of-Way. Where all or a portion of a surface parking area is located within 30 feet of a public right-of-way, and is not separated from the public right-of-way by a structure, the parking area shall include a buffer area five feet in width comprising a continuous line of shrubs that achieves 80% opaque screening 30-48" in height during summer months.
2. Buffer Standards.
 - a. General. Where required, buffer areas shall comprise existing trees and vegetation, new landscaping or a combination thereof to create a dense, mixed buffer incorporating both understory and tree canopy layers. Such screening should also effectively provide screening when viewed from upper floors of surrounding properties, where applicable.
 - b. Vegetative buffers. New shrubs shall be spaced six (6) to eight (8) feet apart. Buffers between contrasting land uses may incorporate earthen berms not exceeding 4:1 slope, opaque fencing of high architectural quality, masonry wall or a combination thereof, in addition to landscape plantings. Where fencing or masonry wall is proposed as part of a buffer, less landscaping density is acceptable; however, buffers shall still include trees, shrubs and other vegetation.

Category	Industrial and Manufacturing Uses	Office and Professional Uses	Mixed-Use Buildings, Commercial Retail, and Lodging Use	Institutional and Civic Uses Low Cover	Multi-family Dwellings (5 units or more) Open Area
Buffer Depth or Width	15 feet wide along frontage of public and/or private rights-of way. 15 feet wide along property lines abutting residential uses, 10 feet wide along property lines abutting non industrial or manufacturing uses	10 feet wide along private and public rights-of-way, 10 feet wide along property lines when abutting a residential use, 5 feet wide when abutting a non-office use	10 feet wide along public or private right of way, 10 feet wide along property lines abutting residential use	15 feet wide along public and private rights-of-way, 10 feet wide along property lines abutting a residential use	5 feet wide along a public or private right of way, 5 feet wide along property lines abutting a residential use, 10 feet wide along property lines abutting a non-residential use.
Description	Shall consist of evergreen trees or tall shrubs with a minimum height of six 6 feet at planting, which will provide a 100% sight-obscuring screen within 3 years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by 100% sight-obscuring fence	Shall consist of 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 during plan review that such a fence is necessary.	Shall consist of evergreen or a mixture of evergreen and deciduous trees with large shrubs and ground cover interspersed with the trees. Where used to separate parking from streets, plantings must create a visual barrier of at least 12 inches in height at time of planting and form a solid screen 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 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 5 feet.

- c. Parking areas. Landscaping shall be incorporated into the development of surface parking to reduce adverse environmental and aesthetic impacts, to shade pavement to reduce heat island effect and to screen parking areas from public view. Plant materials shall be selected for appearance, durability, and tolerance to salt.
- i. Landscaping that abuts areas of vehicular use shall be adequately protected and separated from vehicles. Protection should take the form of physical or visual separation, such as curb stops, bollards, or continuous curbing. Protection shall be designed with adequate visibility and durability in order to withstand normal snow plowing operations.
- ii. Landscaped islands shall be curbed and a minimum of eight (8) feet in width, not including curbing. The incorporation of bio-retention into landscaped islands is strongly encouraged.
- d. Snow storage. Snow storage areas may be located in landscaped areas provided that appropriate landscape materials are selected which can withstand such snow storage. Snow storage shall not be located in a stormwater treatment measure, shoreland zoning setback buffers, or where it would adversely impact the functionality of bioretention or other stormwater management measures.

3. Installation and Maintenance of Plantings.

- a. No plant shall be moved after the bud break. Planting periods are between April 1st and July 1st and/or September 1st and November 1st.
- b. Tree planting and other landscaping for subdivisions that cannot be installed prior to the release of the performance guarantee must be insured by a defect bond as described in [Article 13 of the City Land Use Code](#).
- c. All bare soil areas shall be vegetated and/or mulched prior to the issuance of a Certificate of Occupancy.
- d. New vegetation that shows signs of construction damage within a one-year period following construction, including but not limited to bark damage or excessive root damage, grade changes other than those originally indicated in the approved grading plan, soil compaction due to heavy equipment traversing closely, or general decline due to mechanical or natural conditions shall be rejected and must be replaced prior to the release of any defect guarantee.
- e. Landscaping required in accordance with the provisions of this ordinance or any addition or amendments to this ordinance, 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, within one year of initial installation, with the same type of landscaping elements and in the same location as required in the approved landscape plan.

- f. Slopes with between a 5% and 50% grade change shall incorporate installation of a mixture of vegetation, organic mulch and/or erosion control seed mix. Stabilization of slopes greater than 50% must incorporate biotechnical and/or structural methods including but not limited to terracing rip rap or retaining walls in addition to vegetation.

H. Incentives

To help facilitate the goals of the 2023 Biddeford Climate Action Plan, development review applications may receive modifications to density, setback, lot size, and/or height requirements if the development meets all requirements of the landscaping plan as well as one or more the following additional benefits:

1. Ensure at minimum 50% of the plantings are pollinator friendly, drought resistant and/or invasive pest tolerant.
2. Use open space areas for food production such as greenhouses, community gardens, or food plots.
3. Provide public access easements, conservation easements, or public access trails on the site.
4. Provide landscaping beyond the requirements of this ordinance, to the satisfaction of the Approval Authority.

I. Violations / Enforcement [Roby Fecteau to advise.]

To ensure all new landscaping meets the standards set herein, 125% of the cost of landscaping will be held in escrow for one year as a performance guarantee to ensure plantings are healthy and thriving.

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) is battery charging 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 that are operational.

EVCS-ready means parking spaces with necessary conduit installed and electrical capacity available to plug in an EVCS to charge an electrical vehicle (either plug or hardwired).

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:

- 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 2540 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 or 25 spaces, whichever is smaller (expressed as $\frac{[\text{number of additional spaces}]}{[\text{number of existing spaces}] \times 100}$), resulting in 25 or more total spaces after expansion.

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. The wire may end in either a junction box, hardwired EVCS, or plug at the parking space. ~~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.

5.1.3

- 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)
One or two family residential	-	100% <u>1 per unit</u>
Multi-family residential w/o dedicated spaces	5 <u>10%</u>	40%
Multi-family residential w/ dedicated spaces	-	100% <u>1 per unit</u>
Lodging	10%	40%
General office, medical, Non-residential	5% (Min. one [1] space)	10%
Industrial	5% (Min. One [1] space)	5%
Institutional, municipality	10% (Min. one [1] space)	10%
Commercial (retail, dining, recreational, entertainment, etc.)	5% (Min. one [1] space)	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. For only one or two family residential and multi-family residential with dedicated parking spaces, a parking spot shall be considered EVCS-ready if a level-2 EVCS is able to reach that parking spot in such a way that makes safe charging possible (i.e. slack in the cable). Therefore, the number of parking spots does not need to match the number of EVCS units. Level-1 EVCS-ready spaces installed per 5.1.3 must be dedicated for only a single parking spot.

5.1.~~35~~. DC Fast~~er~~ Charging equipment may be installed to partially or fully meet the above requirement at one third the rate prescribed by table 5.1. One or two family residential buildings may not install DC fast charging to meet the requirements in table 5.1.

5.1.~~46~~. 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.~~57~~. 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.~~68~~. Affordable housing projects (120% AMI in 33% of dwelling units) can reduce requirement in table 5.1 by 50% or two total EVCS-installed spaces, whichever is less.-

5.1.~~79~~. 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 ~~\$510,000~~ per EVCS-installed parking space and, \$51,000 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~~ used 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~~ shall be used for eElectric vVehicle cCharging iInfrastructure Fund, shall be used to further the electric vehicle infrastructure within the City. ~~More specifically, t~~ 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. These ~~se Electric Vehicle Charging Infrastructure fFunds~~ 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 5 or more electric vehicle charging stations EVCS-installed spaces are provided required, in parking lots or parking garages, excluding garages in single-family or two-family residential units, at least one space must be 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) 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~~ January 1 after its adoption. Applications already in review at time of adoption shall not be subjected to the above requirements.

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.

After conversations with the City of South Portland Sustainability Office, we have significantly reduced the requirements for EV infrastructure. They found that EVCS-capable infrastructure (conduit in the ground) was an unnecessary requirement that was only driving up costs. The focus of this ordinance is to ensure we are increasing EV charging capacity immediately upon construction. EVCS-ready infrastructure is critical in residential units as costs can double or more for installation after construction.

Concern: required infrastructure for single family homes

Response: We have reduced the in-lieu fee to \$1,000.

Concern: \$5000 was excessive for in-lieu fee for EVCS-ready spaces

Response: We reduced all in-lieu fees, now only \$1,000 for EVCS-ready spaces.

Concern: 5.1.5 – explicitly add that it does not apply to residential buildings

Response: added so that DC fast charging does not apply to residential buildings

Concern: 5.1.9 a – dedicated revenue was done away with, example of ambulance fund in the past

Response: We have allowed the funds to go to the general fund now, but are saying the money will be used for EV infrastructure

Concern: 8.1 – should say that previous applicants do not apply

Response: We edited this so that now it will only apply to new applicants after January 1 after the ordinance is adopted

Concern: What happens if the use changes? What can the planning board do?

Response: This is only for new parking infrastructure or if 30% or more of the parking area is expanded. If the use of the building changes, it would not have any impacts on the parking, so the owner would not have any requirements to update the EV charging.

Concern: Violations – What happens at codes if there is a violation?

Response: WAITING ON ROBBIE

Concern: Want to know if Waterville or Augusta have similar ordinances

Response: To our knowledge, Waterville and Augusta do not have EV charging ordinances. The cities we are aware of that do have such ordinances are Scarborough, Portland, and South Portland.