

City of Biddeford
City Council
December 19, 2023 5:15 PM Council Chambers & Zoom

Please click this URL to join:

<https://biddeford.zoom.us/j/92933606715>

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Webinar ID: 929 3360 6715

International numbers available: <https://biddeford.zoom.us/j/92933606715>

Status:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Appointments:**
 - 4.a. 2023.152) Nomination and Election of Council President
[12-19-2023 Nomination of Council President](#)
 - 4.b. 2023.153) Approval/Confirmation of Mayor's Appointment to the Finance Committee
[20231219 Finance Committee Appointment- Mayor -ORDER](#)
 - 4.c. 2023.154) Approval/Confirmation of Council President's Appointment to the Finance Committee
[20231219 Council President's Finance Committee Nomination - ORDER](#)
 - 4.d. COUNCIL WILL NOW GO INTO RECESS.
THE FINANCE COMMITTEE WILL NOW BEGIN.
COUNCIL WILL RECONVENE AT 6:00 PM AND BEGIN WITH AGENDA ITEM 4.e.
 - 4.e. 2023.155) Approval/Confirmation of City Solicitor
[20231219 Confirmation of City Solicitor - ORDER](#)
 - 4.f. Approval/Confirmation of Councilor Appointments to the Council Standing Committees
[20231219 Mayors Appointments to Standing Committees-ORDER 2023.156](#)
[20231219 Social Services Committee Appointment-ORDER 2023.157](#)

- 4.g. Approval/Appointments of Citizens to Committees
 - 20231219 Airport Commission Appointment -ORDER
 - 20231219 Airport Commission Applications
 - 20231219 Biddeford Fire Advisory Committee Appointment -ORDER
 - 20231219 Biddeford Fire Advisory Application
 - 20231219 Biddeford Police Advisory Committee Appointment -ORDER
 - 20231219 Biddeford Police Advisory Committee Application
 - 20231219 Board of Assessment Review Appointment -ORDER
 - 20231219 Board of Assessment Review Application
 - 20231219 Biddeford Housing Authority Appointment -ORDER
 - 20231219 Biddeford Housing Authority Application
 - 20231219 Historic Preservation Committee Appointment -ORDER
 - 20231219 Historic Preservation Commission Application
 - 20231219 Planning Board Appointment -ORDER
 - 20231219 Planning Board Application
 - 20231219 Recreation Commission Appointment -ORDER
 - 20231219 Recreation Commission Application
 - 20231219 Wastewater Management Commission Appointment-ORDER
 - 20231219 Wastewater Management Commission Application
 - 20231219 Recycling and Waste Management Commission Appointment-ORDER
 - 20231219 Recycling and Waste Management Commission Application
 - 20231219 Zoning Board of Appeals Appointment-ORDER
 - 20231219 Zoning Board of Appeals Application
 - 20231219 Policy Committee-ORDER
 - 20231219 Policy Committee Application
5. **Liquor License Consideration**
 - 5.a. 2023.159) Approval/HOB Winterfest Special Events Permit and Liquor License
 - HOB winterfest 2024 - ORDER
 - HOB Winterfest - APPLICANT MEMO
 - Winterfest February 8-11, 2024 - APPLICATION
6. **Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
7. **Consideration of Minutes:**
 - 7.a. Approval of Minutes 11-21-2023
 - City Council Minutes 11-21-23
8. **Second Reading:**
 - 8.a. 2023.136 Approval/Mooring Fee Increase
 - 20231121 Mooring Fee Increase - ORDER 2
 - 20231121 Mooring Fee Increase - BRIEF
 - 8.b. 2023.142) Approval/Amendment Street Reduction Ordinance Table B
 - 20231121 Street Frontage Reduction Ordinance - ORDER
 - 20231121 Street Frontage Reduction Ordinance - BRIEF
 - 20231101 Memo to Planning Board - Street Reduction Ordinance w Attachment - REFERENCE
 - 8.c. 2023.143) Approval/Amendment Zoning Ordinance Article VI - Performance Standards, Section 78 - Accessory Dwelling Units, Section B.1.a.

- 20231121 Amend Sec 78 Accessory Dwelling Units - ORDER
- 20231121 Amend Sec 78 Accessory Dwelling Unit - BRIEF
- 20231121 Section 78 Accessory Dwelling Units Full Text - REFERENCE
- 20231115 Planning Board Memo - ADU Ordinance Amendment - REFERENCE
- 8.d. 2023.144) Approval/Amendments Zoning Ordinance Table A, Accessory Dwelling Units (ADU)
 - 20231121 ADU Table A Amendment - ORDER
 - 20231121 ADU Table A Amendment - BRIEF
 - 20231115 ADU Article V, Table A Amended - REFERENCE
 - 20231115 Planning Board Memo - Accessory Dwelling Unit Amend Table A - REFERENCE
- 8.e. 2023.145) Approval/Amendment to Zoning Ordinance Table A Marijuana Adult Use Sales
 - 20231121 Amend Marijuana Adult Use Sales - Table A - ORDER
 - 20231121 Marijuana Adult Use Sales - Amend Table A - BRIEF
 - 20231115 Planning Board Memo - Marijuana Amendments - REFERENCE
 - 20231121 Marijuana Adult Use Sales - Amend Table A - REFERENCE
- 8.f. 2023.146) Approval/Amendment to Zoning Ordinance Article VI - Performance Standards, Section 77 Marijuana Establishments
 - 20231121 Amend Performance Standards for Marijuana Odor Control - ORDER
 - 20231121 Amend Performance Standards for Marijuana Odor Control - BRIEF
 - 20231115 Planning Board Memo - Marijuana Amendments Odor Control - REFERENCE.
 - 20231121 Marijuana Establishments Sec 77, Full Text w Amendments - REFERENCE
- 8.g. 2023.147) Approval/Amendment Table B Dimensional Requirements Density Bonus Ordinance
 - 20231121 Amend Land Use Regulation - Density Bonus - ORDER
 - 20231121 Amend Land Use Regulation - Density Bonus - BRIEF
 - 20231115 Planning Board Memo - Land Use Table B Density Bonus - REFERENCE
 - Density Bonus Ordinance BIDDEFORD CODE NOTES for Table B PlanningBoard Public Hearing AMENDED.docx
 - 20231115 Plannig Board - Public Hearing Recommendation - Table B Amendment - Full Text - REFERENCE UPDATE
- 8.h. 2023.148) Approval/Amendment Code of Ordinances, Part III: Land Development Regulations, Article VI - Performance Standards, Section 40 (New Chapter) - Inclusionary Zoning (IZ)
 - 20231121 Inclusionary Zoning IZ Amendment - ORDER
 - 20231121 Inclusionary Zoning IZ Amendment - BRIEF
 - 20230620 2023.25 Inclusionary Zoning Order Housing Task Force - REFERENCE
 - 20231101 Planning Board Memo - Inclusionary Zoning Ordinance - REFERENCE
 - 20231102 Planning Board Public Hearing - IZ Amendment - Full Text - REFERENCE
- 8.i. 2023.149) Approval/Amendment Code of Ordinances, Part III: Land Use Development Regulations, Article II - Definitions
 - 20231121 Ordinance Amendment for Definition of Affordable Housing Development (Inclusionary Zoning) - ORDER 2nd

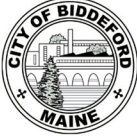
[20231121 Affordable Housing Development Definitions Amendment - BRIEF](#)
[20231101 Planning Board IZ Ordinance and Density Bonus Definitions - REFERENCE](#)

9. Orders of the Day:

- 9.a. 2023.160) Approval/Adoption of Roberts Rules of Order
[20231219 Adoption of Roberts Rules Order - ORDER](#)
- 9.b. 2023.161) Approval/Adoption/Code of Ordinance - Appendix A - Rules of the Council
[20231219 Adoption of Rules of the Council Order - ORDER](#)
[20231219 Rules of City Council Redlined - REFERENCE](#)
- 9.c. 2023.162) Approval/Purchase Trackless Tractor and Associated Equipment for Public Works
[20231019 Approval Trackless Tractor and Associated Equipment - ORDER](#)
[20231219 Approval Trackless Tractor and Assoc Equipment - BRIEF](#)
[20231113 HP Fairfield Trackless Tractor - QUOTE](#)
[20231219 Trackless Vehicles Sole Source Provider - LETTER](#)
- 9.d. Approval/Purchase Plow Equipment Front Plow, Wing, Box, Salt Spreader, Viking Inc. for Public Works
[20231019 Approval Purchase of Plow Equipment - ORDER](#)
[20231219 Approval Purchase of Plow Equipment - BRIEF](#)
[20231112 Viking Cives - QUOTE](#)
[20231112 Viking Cives Specifications - REFERENCE](#)
[20230911 HP Fairfield Sales - QUOTE](#)
- 9.e. REMOVE FROM TABLE - Approval/York-Laonia Riverwalk Sidewalk Improvements Award Contract
[20231121 York-Laonia Riverwalk - ORDER](#)
[20231219 Update - York-Laonia Project - MEMO](#)
[20230719 FY24 CIP Allocation - REFERENCE](#)
[20230905 FY24 CIP Funding Analysis, 5 Boxes - REFERENCE.pdf](#)
[20231121 York-Laonia Riverwalk - BRIEF](#)
[1 - Overall Riverwalk Connections Site Plan - REFERENCE](#)
[2 - Shaw Brothers Bid Tab - REFERENCE](#)
[3 - 2018 Joint Developer Agreement - REFERENCE](#)
[4 - Various Stakeholders Design Approval - REFERENCE](#)
[5 - Detailed Grading Plan Sample - REFERENCE](#)
- 9.f. Approval/Police Department Asset Forfeiture
[20231219 Acceptance of Asset Forfeiture Funds - ORDER](#)
[20231219 Acceptance of Asset Forfeiture Funds - BRIEF](#)
- 9.g. Authorization/3 Year Retroactive Sewer Billing for 17 Yates Street, Map 59 Lot 115
[20231219 Retroactive Sewer Billing for 17 Yates Street - ORDER](#)
[20231219 Retroactive Sewer Billing for 17 Yates Street - BRIEF](#)
- 9.h. Authorization/3-Year Retroactive Sewer Billing for 15 Beaudoin Ave, Map 18 Lot 61-2
[20231219 Retroactive Sewer Billing for 15 Beaudoin Avenue - ORDER](#)
[20231219 Retroactive Sewer Billing for 15 Beaudoin Ave - BRIEF](#)
- 9.i. Approval/Abatement 0 Jabez Lane
[20231219 Approval Tax Abatement 0 Jabez Lane - ORDER](#)
[20231219 Approval Tax Abatement 0 Jabez Lane - BRIEF](#)

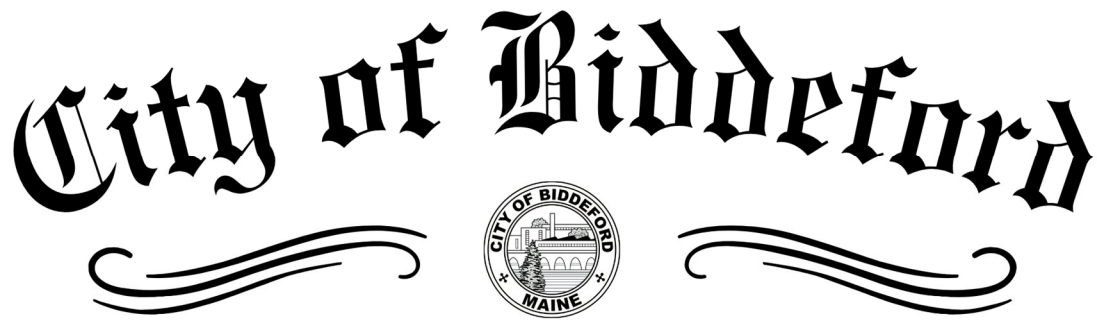
- 9.j. Approval/Updates JDA 3 Lincoln St. LLC
[20231219 3 Lincoln LLC MPDA Amendments - ORDER](#)
[20201117 Master Plan Development Agreement - 3 Lincoln LLC - REFERENCE](#)
[20231219 Original 3 Lincoln LLC JDA Principles - REFERENCE.docx](#)
- 9.k. 2023.169) Approval/Authorization to Amend and Clarify Eon Entities JDA dated September 21, 2021
[20231219 Eon Entities JDA Amendment and Clarification - ORDER](#)
[20231219 Eon Entities JDA Amendment and Clarification - MEMO](#)
[20231211 Letter from Mike Eon with Support Documents - REFERENCE](#)
[20230424 400 unit Subdivision Barra Rd, Ability to Serve Letter - REFERENCE](#)
- 9.l. Approval/Purchase 2024 Public Works Ford 2500 Pickup
[20231019 Approval Purchase Ford F-2500 Pickup - ORDER](#)
[20231219 Approval Purchase Ford F-2500 Pickup - BRIEF](#)
[20231219 Ford F-2500 Bid Tabulation - REFERENCE](#)
- 10. Public Addressing the Council..(5 minute limit per speaker)**
- 11. City Manager Report**
- 12. Other Business**
- 13. Council President Addressing the Council**
- 14. Mayor Addressing the Council**
- Executive Session**
 - Executive Session 405 (6) a personnel matters
- 15. Adjourn**

City of Biddeford



2023.152 IN BOARD OF CITY COUNCIL... December 19, 2023
BE IT ORDERED, that the City Council of the City of Biddeford nominate and elect a
Council President.

Attest by: _____
Robin Patterson, City Clerk



2023.153 **IN BOARD OF CITY COUNCIL... December 19, 2023**
BE IT ORDERED, that the City Council does hereby accept and confirm the Mayor,s
nomination of the following City Councilor to the Finance Committee:

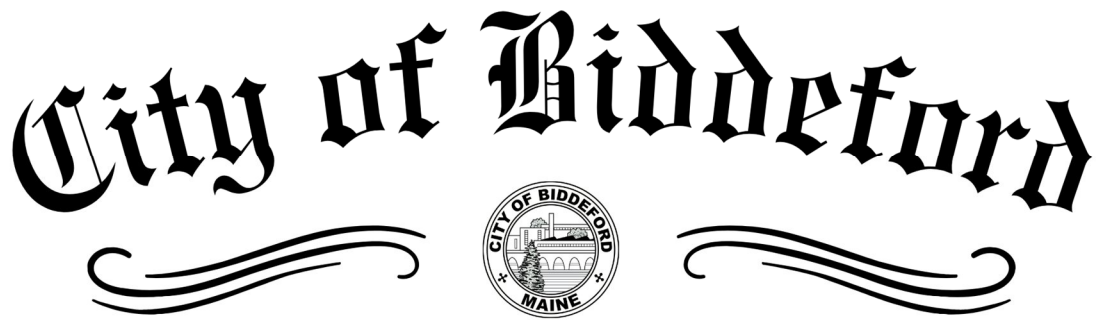
Marc Lessard

NOTE: As per City Charter, Article XI, Section 1, the Mayor and the Council President
nominate 1 council member each to serve on the Finance Committee.

Attest by: _____
Robin Patterson, City Clerk

IN BOARD OF CITY COUNCIL... December 19, 2023

Attest by: _____
Robin Patterson, City Clerk



2023.156 IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that I, Martin Grohman, Mayor of the City of Biddeford, do hereby appoint the following Councilors to the **PERSONNEL COMMITTEE**:

William Emhiser, Chair
Norman Belanger
Doris Ortiz
Scott Whiting

BE IT FURTHER ORDERED, that the following Councilors are appointed to the **POLICY COMMITTEE**:

Norman Belanger, Chair
Liam LaFountain
Roger Beaupre

BE IT FURTHER ORDERED, that the following Councilors are appointed to the **CAPITAL PROJECTS COMMITTEE**:

Liam LaFountain, Chair
Marc Lessard
Doris Ortiz

BE IT FURTHER ORDERED, that the following Councilors are appointed to the **DOWNTOWN COMMITTEE**:

Julian Schlaver
Scott Whiting
Roger Beaupre
Doris Ortiz

BE IT FURTHER ORDERED, that the following Councilors are appointed to the following City Committees/Commission:

RECYCLING & WASTE MANAGEMENT COMMISSION:

Doris Ortiz
Liam LaFountain

WASTEWATER MANAGEMENT COMMISSION:
William Emhiser

JOINT BIDDEFORD-SACO COMMITTEE:
Roger Beaupre

MAINE WATER CITIZENS ADVISORY COMMITTEE:
Bobby Mills

BIDDEFORD ARENA BOARD:
Marc Lessard

DOWNTOWN DEVELOPMENT COMMISSION:
Liam LaFountain

TRI-CITY TRANSIT (SHUTTLEBUS):
Doris Ortiz

CABLE T.V. COMMITTEE:
Bobby Mills

BIDDEFORD HOUSING AUTHORITY:
Doris Ortiz

GENERAL ASSISTANCE FAIR HEARING BOARD:
Liam LaFountain
Doris Ortiz

BIDDEFORD EDUCATIONAL FOUNDATION:
Scott Whiting

CHAMBER OF COMMERCE LIAISON
Julian Schlaver

Attest by: _____
Robin Patterson, City Clerk

City of Biddeford



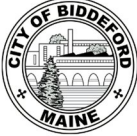
2023.157 IN BOARD OF CITY COUNCIL... December 19, 2023
BE IT ORDERED, that I, Martin Grohman, Mayor of the City of Biddeford, do hereby
appoint the following City Councilors to the Social Service Budget Committee, to
determine the allocation of FY24 Social Service Funds:

Liam LaFountain
Doris Ortiz
Scott Whiting

NOTE: Mayor Grohman also serves on this Committee

Attest by: _____
Robin Patterson, City Clerk

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on an island, with a ship in the water. The words "CITY OF BIDDEFORD" are written around the top inner edge, and "MAINE" is at the bottom.

2023. 170

IN BOARD OF CITY COUNCIL... December 19, 2023

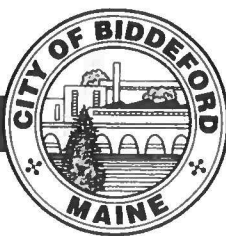
BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's nominations:

Frederick Oliver
Ward 7

Parker Montano
Ward 6

to the Airport Commission with a term to expire December 2026.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: _____

Name: FREDERICK A. OLIVER

Street Address: _____

Mailing Address: SAME
(if different)

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☒ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I have severed on the Airport commission for several years and would like to continue.

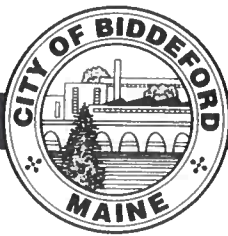
| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I am a prior city employee (Parks Supervisor)

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I have enjoyed being involved with the airport it's in my back yard and again I would like to continue.

Attach any additional information to this application and return it to the City Clerk's Office.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12/11/2023

Name: Parker Montano

Street Address:

Mailing Address: - SAME AS ABOVE -
(if different)

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☒ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

- 1. Maine Aeronautical Advisory Board (MAAB) 2021 to present
- 2. B19 Airport Commission 2023 to present

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

- 1. Maine ACE camp Seacoast Director 2023
- 2. Owner - Pine Tree Helicopters (flight school, tour operator, FAA approved 135 air taxi operator) KSEFM

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I have lived in Biddeford now for just over three years and I am a firm believer that when citizens of local communities take an active interest in the airports in their communities is benefits the communities themselves as well as the aviation system as a whole. I have been involved in aviation nearly my whole life and I believe I have a duty to give back into the industry and communities which have done so much for myself.

Attach any additional information to this application and return it to the City Clerk’s Office.

City of Biddeford

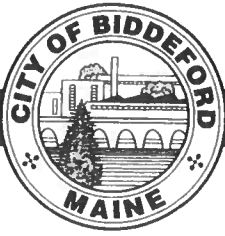
The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2023.171 IN BOARD OF CITY COUNCIL... December 19, 2023
BE IT ORDERED, the City Council does hereby confirm Mayor Martin Grohman's,
nomination:

Kenneth Pendleton
Ward 4

to the Biddeford Fire Advisory Committee with a term to expire December 2028.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12-12-23

Name: Kenneth T. Pendleton

Street Address: Biddeford ME 04005

Mailing Address:
(if different) _____

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☒ • Biddeford Fire Advisory Committee ✓ | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

This is a RENEWAL for the Fire Advisory
Committee.

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

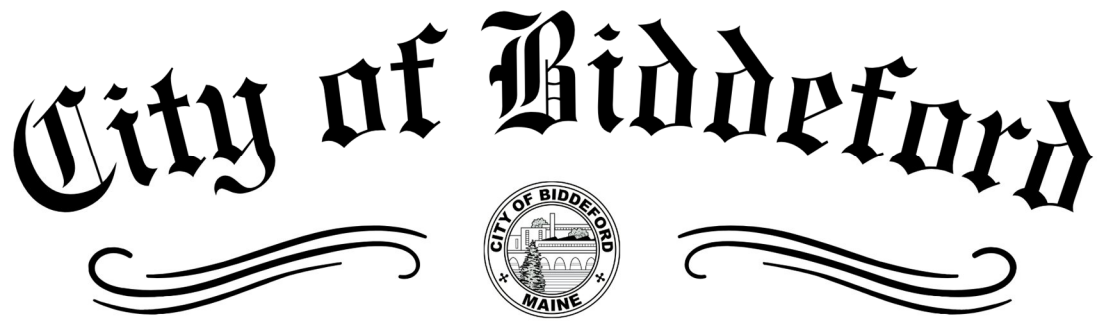
I was a Saco Firefighter for 46 years -
4 years on the call force at Camp Ellis and 42 years
Fulltime 1975-2017

Please provide a brief statement describing your interest in serving the City of Biddeford.

I ENJOY serving on the Fire Committee and
would like to continue.

I would also like to TALK to the Mayor
because this committee has little power to do
anything and maybe should be abolished or
given a mission. THANK YOU.

Attach any additional information to this application and return it to the City Clerk's Office.



2023.172

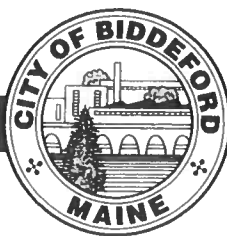
IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's appoint:

Kelly Seiler
Ward 6

to the Biddeford Police Advisory Committee with a term to expire December 2028.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12/6/23

Name: Kelly Seiler

Street Address:

Mailing Address:
(if different)

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☒ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☒ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I have served on the Biddeford Policy Advistory Committee since January 2021.

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

This is a request to continue serving on the Biddeford Policy Advisory Committee (the fillable form seems to be also including the Capital Projects committee, I cannot seem to deselect that). I served in the US Marine Corps as a Military Policy Officer and have worked as a licensed Social Worker, and I believe those experiences provide a unique background that informs my participation on this committee.

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I am interested in continuing to serve on the commity until such time that other, move diverse citizens which to particpate.

Attach any additional information to this application and return it to the City Clerk's Office.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on an island, with a ship in the water. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2023.173

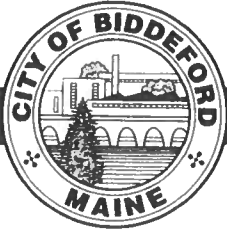
IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's nomination:

Brian Fleurant
Ward 4

to the Board of Assessment Review with a term to expire December 2028.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date:

11-13-23

Name:

Brian L. Fleurant

Street Address:

Biddeford

Mailing Address:
(if different)

N/A

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| ☐ | • Airport Commission | ☐ | • Harbor Commission |
| ☐ | • Biddeford Citizens Advisory Committee | ☐ | • Historic Preservation Commission |
| ☐ | • Biddeford Fire Advisory Committee | ☐ | • Planning Board |
| ☐ | • Biddeford Housing Authority | ☐ | • Policy Committee |
| ☐ | • Biddeford Police Advisory Committee | ☐ | • Project Canopy Committee |
| ☒ | • Board of Assessment Review | ☐ | • Recreation Commission |
| ☐ | • Cable T.V. Committee | ☐ | • Recycling & Solid Waste Management Commission |
| ☐ | • Capital Projects Committee | ☐ | • Shellfish Conservation Committee |
| ☐ | • Conservation Commission | ☒ | • Wastewater Management Commission |
| ☐ | • Diversity, Equity and Inclusion Committee | ☐ | • Zoning Board of Appeals |
| ☐ | • Downtown Development Commission | ☐ | • Other: |
| ☐ | • Economic Improvement Commission | | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

- WASTEWATER COMMISSION - APRIL, 2006 TO PRESENT
- BOARD OF ASSESSMENT REVIEW - 2018 TO PRESENT
- LA KENNESSE BOARD OF DIRECTORS - 1998 - 2002

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

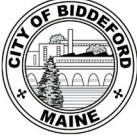
With nearly 18 years serving on the WASTEWATER COMMISSION, I would certainly continue using my EXPERIENCE TO SERVE.

Please provide a brief statement describing your interest in serving the City of Biddeford.

Biddeford has come a long ways in recent years and I would like to continue to be part of that forward progress (positive) well into the City's future to benefit our generations to come.

Attach any additional information to this application and return it to the City Clerk's Office.

City of Biddeford



2023.174 **IN BOARD OF CITY COUNCIL... December 19, 2023**
BE IT ORDERED, that that City Council does hereby confirm Mayor Martin
Grohman's nominations:

Dominic Deschambault
Ward 5

Carolyn Schmidtke
Ward 7

as Tenant Representatives to the Biddeford Housing Authority with a term to expire
December 2028.

Attest by: _____
Robin Patterson, City Clerk

CITY OF BIDDEFORD

Application for City & School Committees, Commissions and Boards

Date:

9 November 2023

Name:

Carolyn Schmidtke

Street Address:

Biddeford, ME 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

Please indicate whether you would like your contact information posted on the City's website:

☐ YES

☒ NO

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|---|
| ☒ Ad Hoc Comprehensive Plan Comm. | ☐ Harbor Commission |
| ☒ Biddeford Housing Authority | ☐ Historical Preservation Commission |
| ☐ Board of Assessment Review | ☐ Planning Board |
| ☐ Cable T. V. Committee | ☐ Police Commission |
| ☐ Capital Projects/Operations Committee | ☐ Policy Committee |
| ☐ Coastal Area Commission | ☐ Project Canopy |
| ☐ Conservation Commission | ☐ Recreation Commission |
| ☐ Downtown Development Commission | ☐ Saco River Corridor Commission |
| ☐ Economic Improvement Committee | ☐ Shellfish Conservation Committee |
| ☐ Environmental Board | ☐ Solid Waste Management Commission |
| ☐ Fire Commission | ☐ Wastewater Management Commission |
| ☐ General Assistance Board of Review | ☐ Zoning Board of Appeals |
| ☐ | ☐ Other |
| ☐ | ☐ |
| ☐ | ☐ |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

2023 - Biddeford Zoning Board of Appeals

2011-2012 - Board of Pit Stop (Music Venue)

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

Please provide a brief statement describing your interest in serving the City of Biddeford.

I am passionate about housing + helping people.

ENVIRONMENTAL BOARD only:

This board will consist of seven voting members: one shall represent business, one shall represent the engineering profession, one shall represent the environmental community and one shall be a member (through education or by employment) of the legal profession.

List Professional Qualifications:

Attach any additional information to this application and return it to the City Clerk's Office.

CITY OF BIDDEFORD

Application for City & School Committees, Commissions and Boards

Date:

12/1/23

Name:

Dominic Deschambault

Street Address:

[Redacted]

Mailing Address:
(if different)

[Redacted]

Phone Number(s):

[Redacted]

Email Address:

[Redacted]

Please indicate whether you would like your contact information posted on the City's website

☐ YES

☒ NO

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|---|
| ☒ Ad Hoc Comprehensive Plan Comm. | ☐ Harbor Commission |
| ☐ Biddeford Housing Authority | ☐ Historical Preservation Commission |
| ☐ Board of Assessment Review | ☐ Planning Board |
| ☐ Cable T. V. Committee | ☐ Police Commission |
| ☐ Capital Projects/Operations Committee | ☐ Policy Committee |
| ☐ Coastal Area Commission | ☐ Project Canopy |
| ☐ Conservation Commission | ☐ Recreation Commission |
| ☐ Downtown Development Commission | ☐ Saco River Corridor Commission |
| ☐ Economic Improvement Committee | ☐ Shellfish Conservation Committee |
| ☐ Environmental Board | ☐ Solid Waste Management Commission |
| ☐ Fire Commission | ☐ Wastewater Management Commission |
| ☐ General Assistance Board of Review | ☐ Zoning Board of Appeals |
| ☐ | ☐ Other _____ |
| ☐ | ☐ |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Biddeford Charter Revision Commission 2016
Biddeford School Committee '17-'20
Biddeford Housing Authority '18-'23
Mayor's Affordable Housing Task Force 2022

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

As a lifelong Biddeford resident, I am very familiar with the area and am keenly aware of the need and purpose of the BHA. Having served a full 5 yr term, I am currently serving as the Authority chairperson and in close communication w/ Guy Gagnon, the BHA director

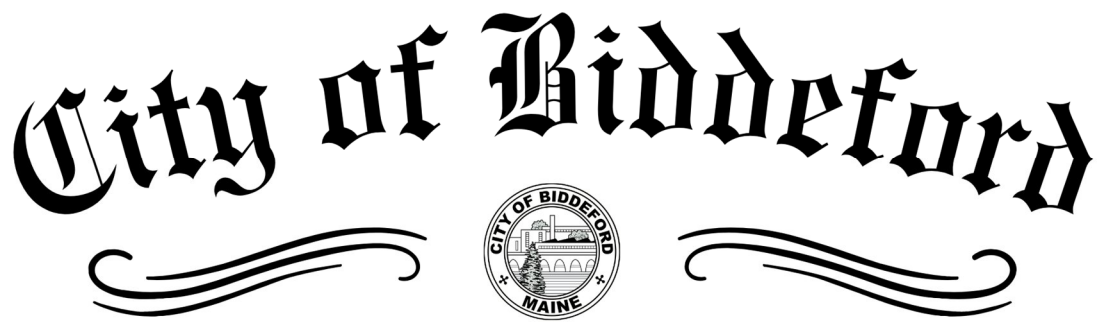
Please provide a brief statement describing your interest in serving the City of Biddeford.

Biddeford is my home. I am connected to my community and committed to the betterment of Biddeford. Housing is one of the basic human needs. Being able to contribute through involvement in the BHA is extremely rewarding to me. I have enjoyed my experience thus far on the BHA. We are accomplishing much and focused toward the future endeavors.

ENVIRONMENTAL BOARD only:

This board will consist of seven voting members: one shall represent business, one shall represent the engineering profession, one shall represent the environmental community and one shall be a member (through education or by employment) of the legal profession.

List Professional Qualifications: _____



2023.175

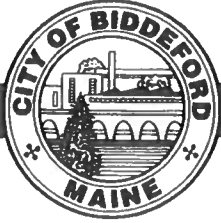
IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's nominations:

Shannon Chisholm
Ward 3

to the Historic Preservation Commission with a term to expire December 2026.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: September 25th, 2023

Name: Shannon Chisholm

Street Address: _____
Biddeford, ME 04005

Mailing Address: _____
(if different) _____

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☒ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I served as the Treasurer of the Feeney Players for two years, during my undergraduate years at Saint Joseph's College of Maine. The approximate dates of my service were Fall 2012 through Spring 2014. Currently, I work as the Assistant City Planner for the City of Saco and I have been the staff liason to the Historic Preservation Commission, Conservation Commission, and the Bicycle & Pedestrian Advisory Commission for the past year.

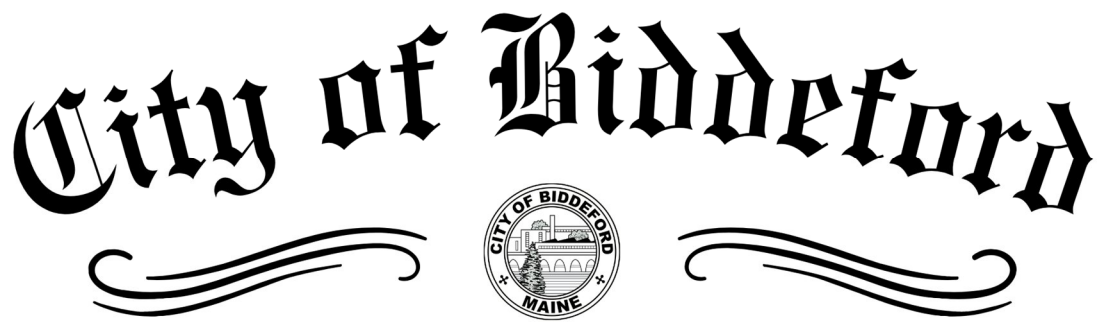
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I have been the staff liason for the Saco Historic Preservation Commission for over a year. I write the Findings of Fact for the Certificate of Appropriateness Applications for the Saco HPC, so I am familiar with reviewing these types of applications. I have successful applied for Certified Local Government Grants on the Saco HPC's behalf. I've also attended CAMP and have familiarized myself with many of the Department of the Interior Standards for preservation.

Please provide a brief statement describing your interest in serving the City of Biddeford.

I've lived and owned a home in Biddeford since 2016. I love this City and would like to get involved more in my community. I love Biddeford Downtown and history so I believe the Biddeford Historic Preservation Commission would be an enjoyable group to join. I have a passion for old buildings and architecture and I hope to learn a lot from my participation with this group.

Attach any additional information to this application and return it to the City Clerk's Office.



2023.176

IN BOARD OF CITY COUNCIL... December 19, 2023

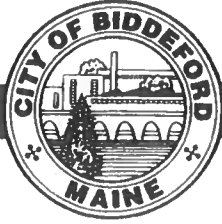
BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's nominations:

Roch Angers
Voting Member
Ward 6

Dylan Doughty
Associate Member
Ward 4

to the Planning Board each with a term to expire December 2026.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

November 13, 2023

Date: _____

Name: _____ Roch A Angers

Street Address: _____

Biddeford Maine, 04005

Mailing Address:
(if different) _____

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☒ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

~~Former member of the Biddeford City Council, former member of the school board, former member of the Biddeford housing authority, former member of the Economic Development Commission, former member of many other committees over the years with to many to list~~

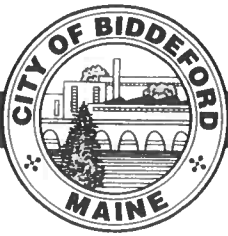
| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

~~I have served the city in different capacity during my years in office. I bring to you my knowledge and experience and skills to many different situations.~~

| Please provide a brief statement describing your interest in serving the City of Biddeford.

~~I have always served our great city in many different ways. I have always believed that you give back what you have been given. The complex situations and the time on the planning board is of utmost importance to me. The board requires many volunteer hours and I am willing to give that time to my city. I enjoy serving the citizen of the City of Biddeford. Thank You for this great honor as I will serve honestly and diligently if my nomination is accepted.~~

Attach any additional information to this application and return it to the City Clerk's Office.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 09/27/23

Name: Dylan Doughty

Street Address: _____
Biddeford, ME 04005

Mailing Address:
(if different) _____

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☒ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Zoning Board of Appeals -2023

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

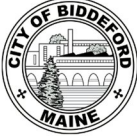
The Planning Board is something I've been eager to participate in since I first moved here. I've read the minutes, followed all of the plans and projects that have passed through the Board, and have eagerly waited to see if a spot would open up. I have lived in many states over the course of my life and have witnessed incredible growth, development, and planning in states like Arkansas, Tennessee, Arizona, Colorado, and now here in Maine. I would love to take the experience I've gained from seeing things work and not work elsewhere and apply that perspective and insight to the Board.

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I am a young professional who moved to Biddeford last year, and I've been excited to witness the incredible growth and development happening here in just the past year. I grew up in the South where I graduated college and began my career, and then moved out West where I earned my MBA and transitioned into my current field of supply chain management. I previously worked as a Supply Chain Manager for Wayfair in the Brunswick office, before transitioning to my current role at General Dynamics in Saco as a Senior Buyer. Since settling in to Biddeford, I have been eager to find ways to further integrate into the community and volunteer my time to serve the city. I've had the chance to meet other community leaders, including planning board members to understand the role and responsibilities on this board, and I look forward to helping further the progress we continue to make here. Thank you for your consideration.

Attach any additional information to this application and return it to the City Clerk's Office.

City of Biddeford



2023.177

IN BOARD OF CITY COUNCIL... December 19, 2023

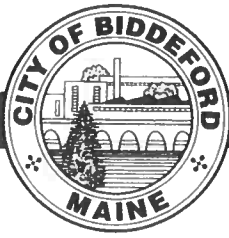
BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's appointments:

Joe McKenney
Ward 3

Lauren Schuyler Giddings
Ward 7

to the Recreation Commission each with a term to expire December 2028.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12/13/2023

Name: Joseph McKenney

Street Address:

Biddeford, Maine 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☒ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I have served as Chair of the Recreation Commission for the past 10 years
I am also involved with Heart of Biddeford, Adopt a Park, Biddeford Dog Park, was on the Community Center
ad hoc committee, and much more I am probably forgetting!

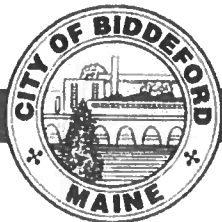
| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I have served in multiple roles at the Heart of Biddeford since 2008, Currently serving at President of the
Board.

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I love Biddeford, and have a strong passion for helping to give back to my community to make in a better
place to live, work and play. Excited to work towards Mayor Grohman's vision of excellence for Biddeford. I
am excited to continue in my role on the Commission, working with the new Director and Commission
members to continue to improve recreational opportunities in Biddeford. Lot's of work still to be done, and
ready to dig in!

Attach any additional information to this application and return it to the City Clerk's Office.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 11/28/23

Name: Lauren Schuyler Giddings

Street Address:

Biddeford, ME 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| ☐ | • Airport Commission | ☐ | • Harbor Commission |
| ☒ | • Biddeford Citizens Advisory Committee | ☐ | • Historic Preservation Commission |
| ☐ | • Biddeford Fire Advisory Committee | ☐ | • Planning Board |
| ☐ | • Biddeford Housing Authority | ☐ | • Policy Committee |
| ☐ | • Biddeford Police Advisory Committee | ☐ | • Project Canopy Committee |
| ☐ | • Board of Assessment Review | ☒ | • Recreation Commission |
| ☐ | • Cable T.V. Committee | ☐ | • Recycling & Solid Waste Management Commission |
| ☐ | • Capital Projects Committee | ☐ | • Shellfish Conservation Committee |
| ☐ | • Conservation Commission | ☐ | • Wastewater Management Commission |
| ☒ | • Diversity, Equity and Inclusion Committee | ☐ | • Zoning Board of Appeals |
| ☐ | • Downtown Development Commission | ☐ | • Other: |
| ☐ | • Economic Improvement Commission | | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I was appointed to and served on the Biddeford School Committee for 15 months between September 2022 and November 2023.

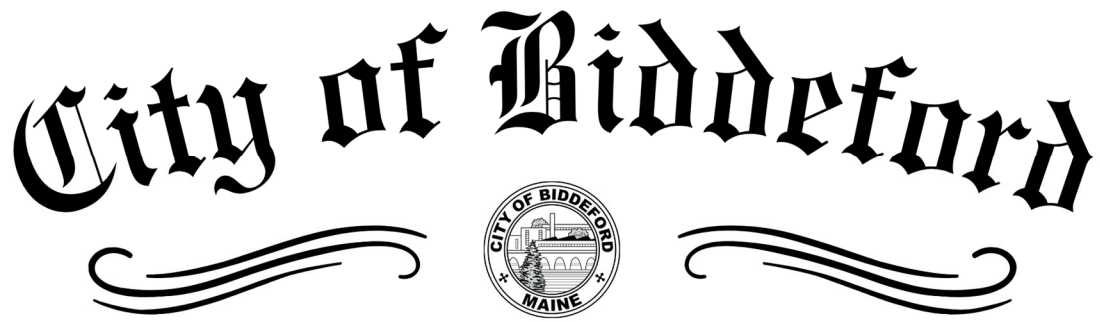
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I have worked in the main office of Saco Parks and Recreation as a generalist since February 2018. In this role, I provide assistance for all SPR programs, our indoor and outdoor facilities, and participants of all ages. I frequently work in the after school program, senior activities and events, and productions in the youth theater program. In college, I took several women's and gender studies courses as a part of my Communication major. I am a life-long resident of Biddeford and pay close attention to the community. I am therefore well acquainted with Biddeford's history and spirit, its recent evolution, and the areas in which we may need help.

Please provide a brief statement describing your interest in serving the City of Biddeford.

My family has had the privilege to call Biddeford home for more than 180 years. I was raised in a home dedicated to community service and I feel called to give back to Biddeford for all that the city has done for our family. I was honored to be appointed to the School Committee in 2022 and truly enjoyed serving our community in that way. Unfortunately, I was not elected to return to the School Committee and I am determined to serve in another way. Working at Saco Parks and Recreation has been a pleasure - giving recreation opportunities to people of all ages and becoming an adopted member of our sister community has been extremely rewarding. I have learned so much about the many facets of parks and recreation and believe I have a lot to contribute for my own hometown through the Recreation Commission. I have strong concerns for members of our community who may feel like outsiders - I wish to give them voices and help to provide them with a welcoming home through the city's DEI Committee. Knowing Biddeford like I do, I am sure that I could provide exceptional support to the Biddeford Citizen's Advisory Committee.

Attach any additional information to this application and return it to the City Clerk's Office.



2023.178

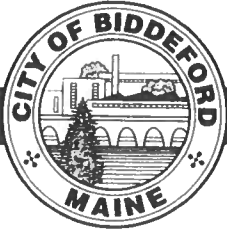
IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's appoint:

Brian Fleurant
Ward 4

to the Wastewater Management Commission with a term to expire December 2026.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date:

11-13-23

Name:

Brian L. Fleurant

Street Address:

Biddeford

Mailing Address:
(if different)

N/A

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| ☐ | • Airport Commission | ☐ | • Harbor Commission |
| ☐ | • Biddeford Citizens Advisory Committee | ☐ | • Historic Preservation Commission |
| ☐ | • Biddeford Fire Advisory Committee | ☐ | • Planning Board |
| ☐ | • Biddeford Housing Authority | ☐ | • Policy Committee |
| ☐ | • Biddeford Police Advisory Committee | ☐ | • Project Canopy Committee |
| ☒ | • Board of Assessment Review | ☐ | • Recreation Commission |
| ☐ | • Cable T.V. Committee | ☐ | • Recycling & Solid Waste Management Commission |
| ☐ | • Capital Projects Committee | ☐ | • Shellfish Conservation Committee |
| ☐ | • Conservation Commission | ☒ | • Wastewater Management Commission |
| ☐ | • Diversity, Equity and Inclusion Committee | ☐ | • Zoning Board of Appeals |
| ☐ | • Downtown Development Commission | ☐ | • Other: |
| ☐ | • Economic Improvement Commission | | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

- WASTEWATER COMMISSION - APRIL, 2006 TO PRESENT
- BOARD OF ASSESSMENT REVIEW - 2018 TO PRESENT
- LA KENNESSE BOARD OF DIRECTORS - 1998 - 2002

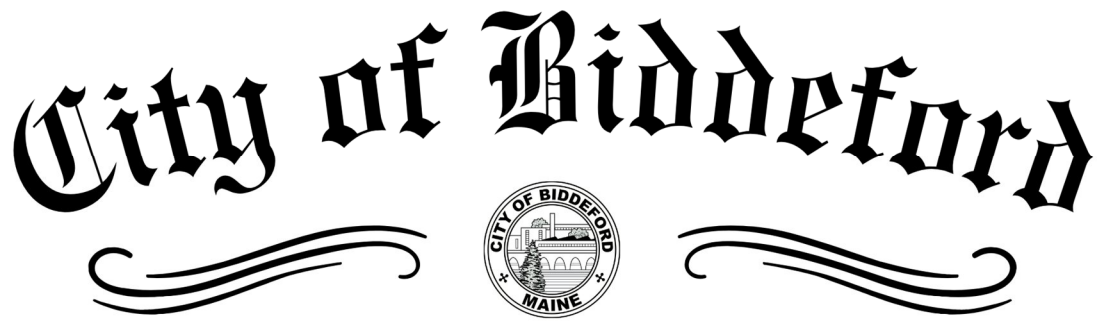
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

With nearly 18 years serving on the WASTEWATER COMMISSION, I would certainly continue using my EXPERIENCE TO SERVE.

Please provide a brief statement describing your interest in serving the City of Biddeford.

Biddeford has come a long ways in recent years and I would like to continue to be part of that forward progress (positive) well into the City's future to benefit our generations to come.

Attach any additional information to this application and return it to the City Clerk's Office.

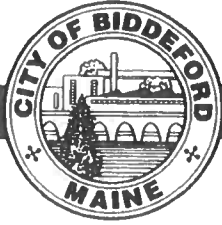


2023.179 IN BOARD OF CITY COUNCIL... December 19, 2023
BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's
nominations:

Christopher McCabe
Ward 4

to the Recycling and Waste Management Commission with a term to expire December
2026.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 10/18/23

Name: Christopher McCabe

Street Address: _____

Mailing Address: (same)
(if different) _____

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☒ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Energy and Recycling Committee, South Portland, ME; approx. 2009-11

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

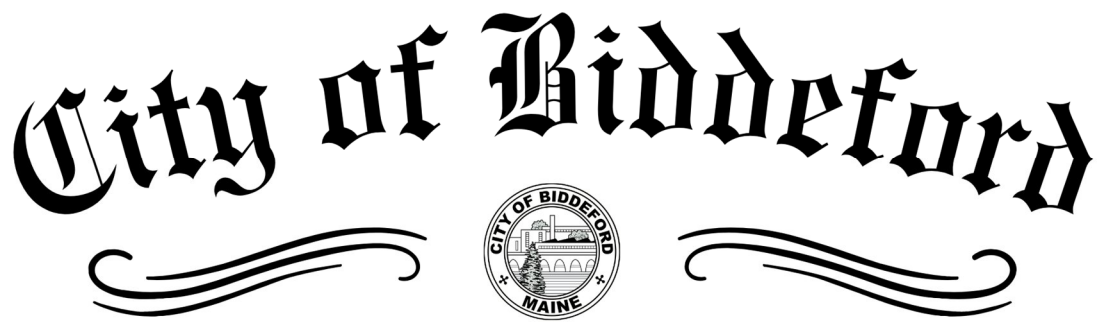
Attorney, 2012-present: (1) In private solo practice (2014 to June 2023), I gained experience in municipal law, real estate law, business law, administrative law, regulatory/licensing compliance. I worked primarily with clients involved in the cannabis industry (growers, retailers, manufacturers, investors, etc.). (2) Since June 2023, I have worked as in-house counsel at ReVision Energy, gaining experience in renewable energy/solar law, electricity regulation, construction law, and complex contracts; (3) I'm a near-life long Mainer (raised in Winslow, undergrad at Bowdoin, law school at Maine Law) and love my State; and (4) I'm a newshound/policy nerd

Please provide a brief statement describing your interest in serving the City of Biddeford.

Biddeford is my new home and I want it to thrive on a number of levels: economically, social safety-net-wise, and quality of place, among other levels. I love politics and government and have always wanted to get more involved with local public workings.

LinkedIn Profile: [linkedin.com/in/mccabechristopher](https://www.linkedin.com/in/mccabechristopher)

Attach any additional information to this application and return it to the City Clerk's Office.



2023.180

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's nomination:

Don Furman
Ward 1

to the Board of Appeals to serve as chair with a term to expire December 2026.

Attest by: _____
Robin Patterson, City Clerk

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: November 14, 2023

Name: Don Furman

Street Address:

Biddeford Maine 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|---|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Housing Authority | ☐ • Planning Board |
| ☐ • Biddeford Police Advisory Committee | ☐ • Policy Committee |
| ☐ • Board of Assessment Review | ☐ • Project Canopy Committee |
| ☐ • Cable T.V. Committee | ☐ • Recreation Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Solid Waste Management Commission |
| ☐ • Downtown Development Commission | ☐ • Wastewater Management Commission |
| ☐ • Economic Improvement Commission | ☒ • Zoning Board of Appeals |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

15+ years commissioner for Biddeford, Saco River Corridor Commssion - finance, executive, rules
committees
14 years past zoning board of appeals member/chairperson - current chair

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

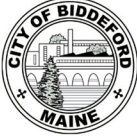
knowledge of land use laws and ordinances / commercial, municipal and residential real estate practice

| Please provide a brief statement describing your interest in serving the City of Biddeford.

a desire to continue to serve the City and its elected and appointed officials

Attach any additional information to this application and return it to the City Clerk's Office.

City of Biddeford



2023.181

IN BOARD OF CITY COUNCIL... December 19, 2023

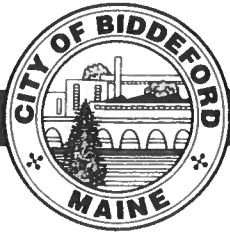
BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's nomination of:

Jake Pierson – Citizen Member
Ward 6

Renee O'Neil-Citizen Member
Ward 2

to the Policy Committee each with a term to expire December 2025.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12-13-23

Name: Jake Pierson

Street Address:

**Mailing Address:
(if different)**

Phone Number(s):

Email Address:

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☒ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Previously served on Policy Committee for City of Biddeford 2021-2023

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

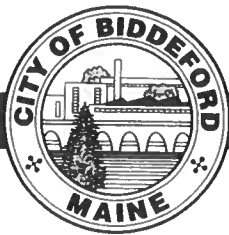
Currently serve on the following boards

Maine Landscape and Nursery Association
American Hort Nursery Connector Group
State of Maine Agricultural Water Management Board
City of Biddeford Policy Committee

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I was born and raised in Biddeford. I believe strongly in being involved in local decision making as it gives me the opportunity to steer Biddeford into the future and have it be a better one for my family.

Attach any additional information to this application and return it to the City Clerk's Office.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12/13/23

Name: Renee O'Neil

Street Address: _____

Biddeford, ME 04005

Mailing Address:
(if different) _____

Phone Number(s): _____

Email Address: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☒ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I have served on the Policy Committee since 2015.

Wardwell Assisted Living: Board Member (2016-present)

Engine: Board Member (2012-2016) , Advisory Board (2016-present)

Heart of Biddeford: Founding Member, Treasurer, Vice President (2003-2005)

St. Andre Health Care: Trustee (2011-2012)

City Theater: Restoration Chair, VP, Treasurer 1987-2006

Biddeford Savings /Maine Community Bank: Corporator (2003-present)

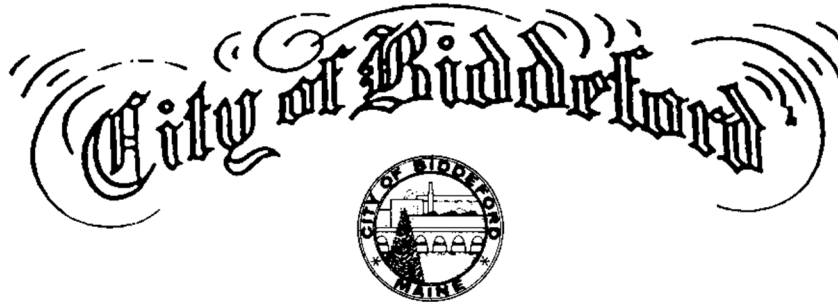
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

My serving several terms, on the Policy Committee, provides experience and insight with continuity. My experience with serving on multiple boards and committees affords me with the ability to work with people on all levels when considering their perspective and coming up with workable options. I have a strong background in quality measures, policy and procedures. My goal is to create policies that are workable, fair and sustainable.

Please provide a brief statement describing your interest in serving the City of Biddeford.

I LOVE Biddeford! I enjoy continuing to serve to help shape the growth, our community is experiencing, in a positive and thoughtful way. I am proud to live and work in Biddeford. I look forward to sharing my experience, passion and knowledge in building a community that recognizes the past, and works on present challenges with a mindfulness of the future. Serving on this committee is my way of contributing and giving back to the community.

Attach any additional information to this application and return it to the City Clerk's Office.



IN BOARD OF CITY COUNCIL...

2023.159 BE IT ORDERED , that the City Council of the City of Biddeford does hereby grant a waiver pursuant to Chapter 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property specifically section 6-151 to allow the Sale and Consumption of liquor at the Heart of Biddeford WinterFest February 8th & 11th , 2024.

BE IT FURTHER ORDERED that in accordance with the provisions set forth under Article IV Special Events the City Council of the City of Biddeford Grants the Special Events permit application for Heart of Biddeford's WinterFest February 8th & 11th 2024.

BE IT FURTHER ORDERED, that in accordance with the provisions set forth under Article V Sales, Possession and Consumption of liquor at and during Special Events on City Public Property. The City Council of the City of Biddeford does hereby grant approval for the Heart of Biddeford to sponsor the service of liquor at WinterFest February 9, 2024

Attest by: _____

Robbin Patterson City Clerk



TO: Biddeford City Council
FR: Delilah Poupore, Executive Director, Heart of Biddeford
RE: Request for Alcohol Permit, Feb 9, 2023
DATE: Nov. 14, 2023

Thank you for reviewing Heart of Biddeford's Event Application for the 2024 WinterFest Adult Sledding scheduled for Fri., Feb. 9, 2024. This brief event encourages Biddeford's younger adults to participate in WinterFest and support local businesses.

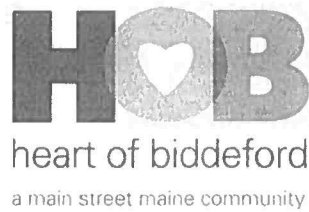
This letter is to request permission to serve alcohol in a section of the City Square Parking lot during a 1.5 hour event.

We agree to comply with all of the requirements listed in section 6-153 of the Amusements ordinance, and here are some specific details:

- Heart of Biddeford will apply for and hold the state alcohol permit. We submit our application to the state once this request is approved by the City, if it is approved. Holding an "Incorporated Civic Organization" permit means alcohol can only be served by "TIPS" certified servers. All of our servers are TIPS-certified and over 21 years of age.
- On January 19, 2024 we are emailing notices to businesses and property owners on Adams Street and South Street. This aspect of the event does not require road closures, but WinterFest setup begins on Thursday 2/8/24 on Adams and South Streets.
- We will hire certified and bonded security to provide ID checking at the entrance, as well as to ensure there is compliance with all applicable alcohol laws. We will sell a maximum of 100 advance tickets to the event.
- We can provide proof of insurance, which we obtained as a "rider" on our HOB insurance for this special event.
- We will be enclosing the area with a combination of hard barricades (cars) and fencing. Prominent signage will denote "no alcohol beyond this point." Security agents will be monitoring the perimeter.
- Food and water will be available to all for free.

Mission Statement:

The Heart of Biddeford in partnership with the City of Biddeford, the business community, property owners, and residents, fosters economic development and improves the downtown and quality of life within its boundaries by supporting existing businesses, attracting new businesses, promoting the downtown through events and working to beautify the urban core.



Please let me know if you have any questions or concerns. We hope that you will vote to affirm that WinterFest Adult Sledding falls under the City's policy that allows for restricted consumption and sale of alcohol at events that are positive for the City.

Sincerely,

Delilah Poupore
Executive Director

Mission Statement:

The Heart of Biddeford in partnership with the City of Biddeford, the business community, property owners, and residents, fosters economic development and improves the downtown and quality of life within its boundaries by supporting existing businesses, attracting new businesses, promoting the downtown through events and working to beautify the urban core.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: maineliquor@maine.gov

Application for a License for an Incorporated Civic Organization
Important Information

- A. General
 - i. The municipality in which the event will take place must have voted to approve on-premises consumption under Title 28-A, Chapter 5.
 - ii. The law requires the application to be submitted at least 24 hours in advance of the event, however, a longer notice is appreciated to allow additional time for processing.
- B. Events open to the public
 - i. Your organization must be an incorporated civic organization or a similarly purposed national organization designated under the United States Internal Revenue Code of 1986, Section 501(c)(3) and verifiable with the office of the Maine Secretary of State, Division of Corporations.

Submit completed forms to:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008

Courier delivery: 19 Union Street, 3rd floor, Suite 301-B, Augusta, ME 04330



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant:
Heart of Biddeford
2. Contact Name for Applicant: Delilah Poupore
3. Mailing Address of Primary Office of Applicant: 205 Main Street, Suite 103
Biddeford, ME 04005
4. Contact Name Telephone/Mobile Number: 207-284-8520
5. Email Address of Contact: director@heartofbiddeford.org

Section B: Event Information:

1. Title Event: WinterFest: Adult Sledding
2. Purpose of Event: Community building
3. Duration of Event (check one): ☒ One Day ☐ Multiple Days (only 1 permitted per year)
4. Type of Event: (check one) ☐ Indoor ☒ Outdoor
5. Town or City where Event will take place: Biddeford, Maine
6. Complete Physical Address of Event:
205 Main Street, City Hall Parking Lot
7. Date of Event: 2/9/2024 Time: From 6 p.m. To 7:30 p.m.
Under Maine liquor laws, alcoholic beverages can **only** be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
8. Number of Persons Attending: 100

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

Cordoned section of City Hall parking lot, near our sledding hill that is built on Adams Street.

10. Will dancing be part of the event? Yes ☐ No ☒
- a. Does the venue have a dance license? Yes ☐ No ☒
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: *LD*

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
 ☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

1. The license fee is \$50.00 plus a \$10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.

For Division Use Only

Date Filed: _____

☐ Approved

☐ Not Approved

Date Approved: _____

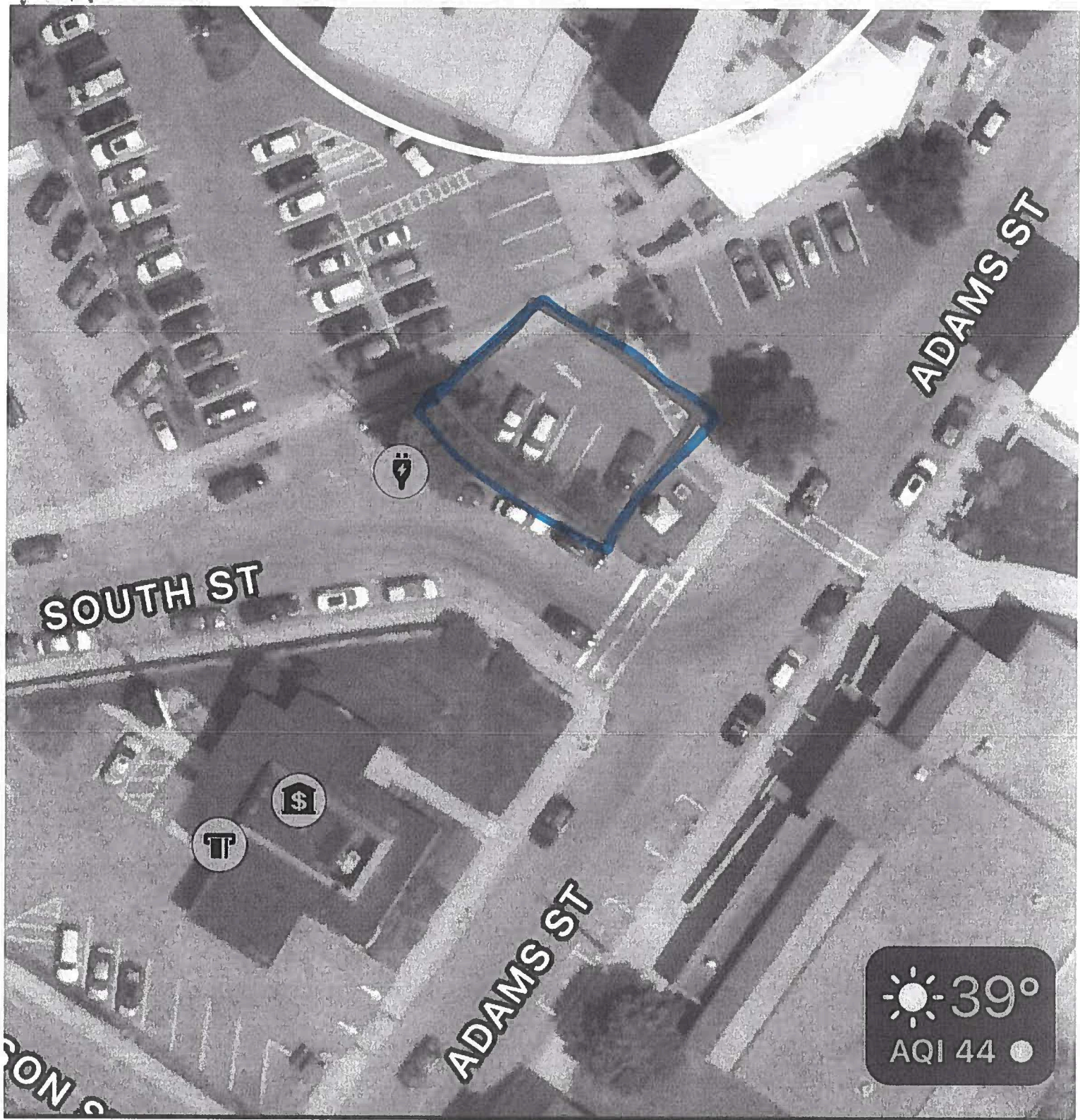
Approved By: _____

License No: _____

Deposit Date: _____

Amt. Deposited: _____

Payment Type: _____



APPLICATION NUMBER: 24-11-019

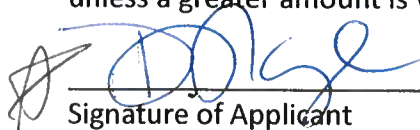
**INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT**

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), Heart of Biddeford (insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, Heart of Biddeford has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.



Signature of Applicant

Date 11/23/23

Delilah Poupore
Printed Name of Applicant

APPLICATION NUMBER: _____

CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event Winterfest Location of Event Adams Street/City Square/City Hall Parking
Lot/South Street

Date of Event: February 8-11th, 2023 Start Time daytime 2/8 Finish Time early sunday
morning 2/11

Detailed and specific description of Event (attached separate sheet if necessary)

1. creation of sledding hill on Adams Street begins Thursday morning 2/8/24
2. Sledding event friday evening from 6 - 7:30 pm (Alc. permit submitted separately to city on 11/20)
3. All day sledding event on Adams Street, Saturday. Using South Street, City Hall Parking
Lot as well.

Estimated # of Participants 150 Estimated Attendance 800

Type of Event:

x Festival/Fair With Alcohol: Yes: x (Friday night only) ** No:

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: _____

**** NOTE:** If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

APPLICATION NUMBER: _____

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain: lack of parking on Adams Street. Closure of South Street behind city hall for activities. Also using city hall parking lot for activities.

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing: Social media, mailing to residential and commercial tenants on Adams and South Street where event is occurring, newsletters, announcement at city council

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization Heart of Biddeford on behalf of the City Of Biddeford and the WinterFest planning committee

Physical Address: 205 Main Street, Suite 103 Biddeford ME 04005

Mailing Address: 205 Main Street, Suite 103 Biddeford ME 04005

Business Telephone 207-284-8520 Fax _____ E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: _____ No: No Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address Delilah Poupore

Cellular 207-251-5695 E-Mail director@heartofbiddeford.org

Relationship Organization: Director

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Yes

If yes, number needed 15

Will it be necessary to cover street and/or parking signs for this event? Y If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event? Winterfest construction crew removes the snow. Volunteers clean up

Is any other Public Works assistance anticipated? Extra trash cans.

APPLICATION NUMBER: _____

Parks and Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? y

If yes, where Adams Street, South Street, City Hall Parking Lot

Will tenting/staging be utilized for this event? n If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.? _____ Any tents set up will use sand bags. no stakes. _____

Any Parks and Recreation assistance required? No assistance beyond role as partners in the festival _____

Fire Department

Will the Fire Department have access to all sites in the event of an emergency?

 y

Will any fire hydrants be obstructed? n Will you have access to E 9-1-1?

 y

Will you have First Aid or medical staff present? Fire department may bring a truck

******* If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*******

Police Department

Is traffic control necessary for this event? n If yes, who will provide it?

Is crowd control necessary for this event? n If yes, who will provide it?

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

Revised 8/5/2021

APPLICATION NUMBER: _____

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers

See back page

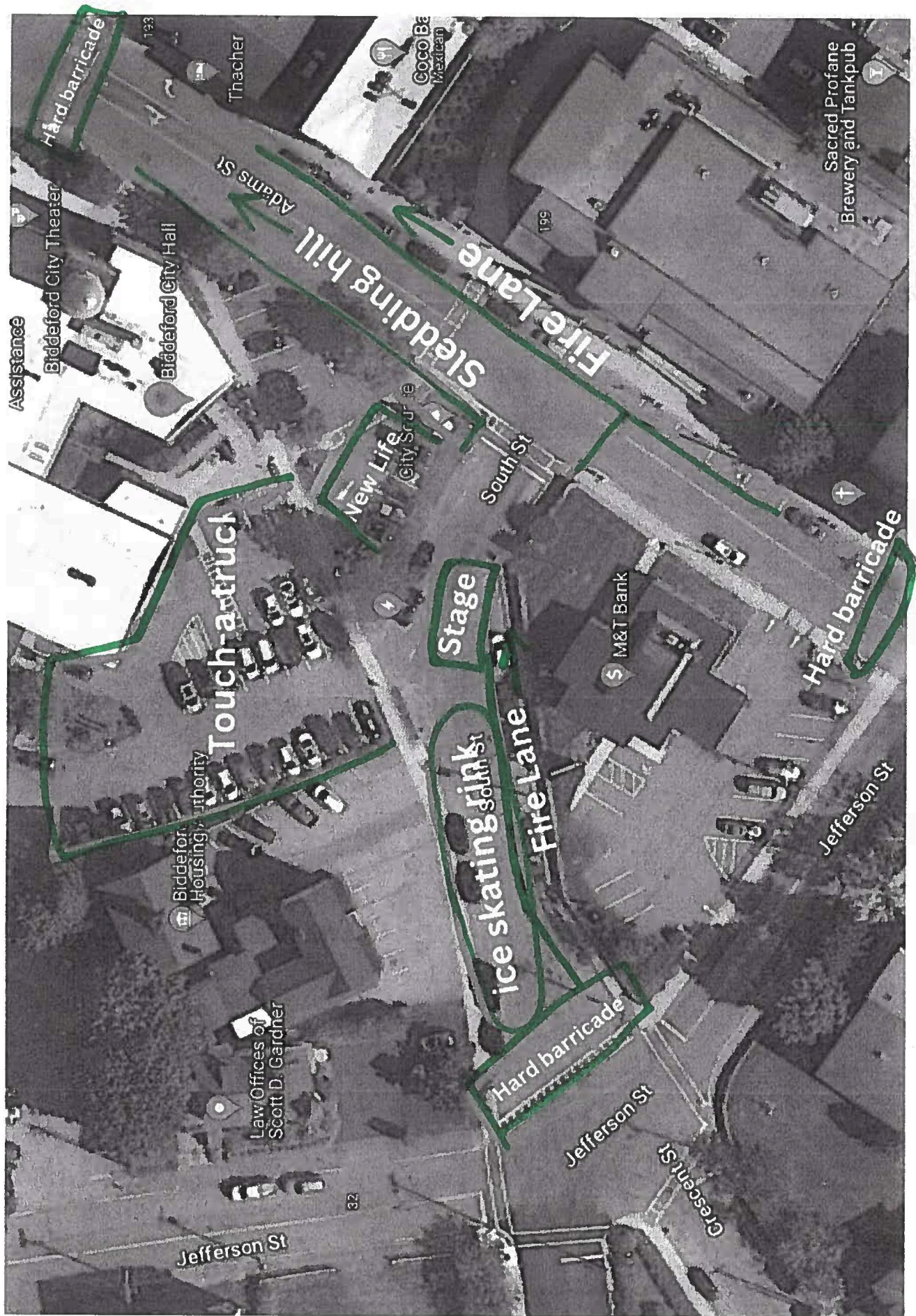
Applicant's Statement of Agreement

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.



Applicant Signature: _____ Date _____

Winter Fest '24 map



This does not include the image/application for the Friday Night Pub & Cider Festival in central area

City of Biddeford
City Council
November 21, 2023 6:00 PM Council Chambers & Zoom

Status:

1. Roll Call - all present

Chairman Belanger
Councilor Lessard
Councilor Ortiz
Councilor Emhiser
Councilor Whiting
Councilor Grohman
Councilor Mills
Councilor Schlaver
Councilor LaFountain

2. Pledge of Allegiance

3. Adjustment(s) to Agenda - none

4. Recognition:

4.a. Swearing in of Chief of Fire Department Lawrence Best

5. Proclamation:

5.a. Proclamation Small Business Saturday
[Small Business Saturday 2023-PROCLAMATION](#)

Mayor Casavant read the proclamation

6. Appointments:

6.a. Approval/Appointment Dennis Gosselin to the Ad Hoc Eastern Fire/EMS Station Building Committee
[20231121 Dennis Gosselin -Ad Hoc Eastern Fire Building Committee -ORDER Application- Dennis Gosselin - Ad Hoc Eastern Fire Building Committee](#)

Motion: Councilor Grohman

Second: Councilor Mills

Vote: Unanimous in favor.

Motion passed.

7. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

Chairman Belanger presented Mayor Casavant with several parting gifts.

Councilor Belanger – motion for a recess beginning at 6:30 pm

Councilor Lessard – Second

Vote – Unanimous in favor.

Motion passed.

Meeting reconvened at 6:45 pm

8. Game of Chance Beano/Bingo - Applications

8.a. Games of Chance: York County Veterans Alliance

[Games of Chance York County Veterans Alliance application](#)

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

8.b. Games of Chance AMVETS Post 1

[Games of Chance AMVETS post 1 application](#)

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

9. Consideration of Minutes:

9.a. Approval/Council Minutes 10-17-2023

[City Council Minutes 10-17-2023](#)

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

10. Orders of the Day:

10.a. 2023.136) Approval/Mooring Fee Increase

[20231121 Mooring Fee Increase - BRIEF](#)

[20231121 Mooring Fee Increase - ORDER](#)

Motion: Councilor Emhiser

Second: Councilor Lessard

Harbor Committee Member John Schafer discussed the fee increase.

Vote: Unanimous in favor.

Motion passed.

- 10.b. 2023.68) Approval/Amend/Code of Ordinances, Chapter 10, Animals, Article II, DOGS, Sec. 10-13. Running at large on public ways prohibited: restraint required. Requiring Dogs to be on leash in Clifford Park.
[2023.68 Clifford Park Dogs Off Leash - ORDER](#)
[20231121 Clifford Park - Dogs on Leash - BRIEF](#)
[Chapter 10-Animals, Sec10-31; Chapter 46-Parks, Sec 46-13 - REFERENCE](#)
[Clifford Park Online Input Summary - REFERENCE](#)
[Facebook Post-email Dogs in Clifford Park - REFERENCE](#)
[Recreation Commission Meeting Minutes of 09.25.2023 - REFERENCE](#)
[State and National Park Policies on Dogs 2023 - REFERENCE](#)

Motion: Councilor Belanger
Second: Councilor Lessard

Public Addressing the Council –
4 members of the public spoke against the proposed change; one in favor of it.

Councilor Lessard – laws are for the citizens to abide by. He will support it.

Councilor Schlaver – appreciates everyone’s work, would like to see a compromise.

Councilor Mills – social media input is not necessarily a reflection of the population.

Vote: 3 yeas – Councilors Belanger, Emhiser and Lessard
6 nays – Councilors Whiting, Mills, Grohman, Schlaver, LaFountain and Ortiz.
Motion failed.

- 10.c. 2023.137) Approval/Amendment CDBG Year 6 Action Plan (FY 2023-24)
[2023.137 CDBG Year 6 Action Plan Amendment Council Brief 11-21-23](#)
[2023.137 CDBG Year 6 Action Plan Amendment Order 11-21-23](#)
[Year 6 Action Plan - Amendment](#)

Motion: Councilor Grohman
Second: Councilor Belanger

Public Addressing the Council – 1 citizen spoke in favor, 1 against.

Councilor Schlaver – does not support using this amount of money for the sidewalks.

Councilor Mills – agrees, could do more bike racks or funds for the unhoused.

Mayor Casavant – there is a deadline for the expenditure of the funds, there are no other projects that could be done on time.

CDBG Coordinator Jessica Wilson provided a quick review of the plan, there is a mandate to spend the funds before mid-April 2024, and there are no other projects that would meet the timeline. This will feed into the next year.

City Manager Jim Bennett – the money needs to be spent by mid-April or we lose it. The funds were allocated to the sidewalks, they were the only project that qualified and doing them now will free up that amount of money in future budgets that can be dedicated to the unhoused. The consultant’s report will be available soon and the Council can decide what spectrum of services they want to pursue. There were no other projects being developed to pursue the RFP process this past year.

Councilor Lessard – it makes sense to use these federal dollars now and not tax payer money later.

Councilor Belanger – agrees. This is a timing issue, we do not want to lose the federal funding, and it could have consequences for future requests.

Several Councilors were not happy with the timing and options. The City needs to look at other infrastructure projects that could benefit from this such as parks, playgrounds, and services for the unhoused.

Councilor Grohman asked Jessica Wilson to clarify the funding.

CDBG Coordinator Wilson explained that the next item for Seeds of Hope is getting the maximum amount allowed by that fund. There are also noticing requirements that would have to be met for a different project. If this is not approved we have to start those timelines over.

Mayor Casavant – the CDBG funds have been ironed out and we need to continue to use them correctly.

Vote: 7 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, LaFountain, Ortiz and Lessard

2 nays – Councilors Schlaver and Mills.

Motion passed.

10.d 2023.138) Approval/CDBG - CV Allocation to Seeds of Hope

[20231121 CDBG-CV Allocation to Seeds of Hope - BRIEF](#)

[20231121 CDBG-CV Allocation to Seeds of Hope - ORDER](#)

Motion: Councilor Grohman

Second: Councilor Belanger

Public Addressing the Council – 6 citizens spoke in favor.

Vote: Unanimous in favor.

Motion passed.

10.e. 2023.139) Approval/York-Laonia Riverwalk Sidewalk Improvements Award Contract

[20231121 York-Laonia Riverwalk - Council Brief](#)

[20231121 York-Laonia Riverwalk - Council Order](#)

[1 - Overall Riverwalk Connections Site Plan - REFERENCE](#)

2 - Shaw Brothers Bid Tab - REFERENCE

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Lessard asked the City Manager if there were funding changes to the proposal.

Councilor LaFountain asked for details on the FY22 and FY23 funds and recommends that Council reduce the amount.

City Manager Bennett explained the funding changes.

Councilor LaFountain motion to remove the funding from FY22 unallocated capital expenditures to fund this project.

Second: Councilor Lessard

Public Addressing the Council – 3 citizens spoke in favor of the amendment.

Councilor Emhiser – clarified that the amount would be \$218,000 from FY22. He pointed out that there is a bid in place to begin construction in March to meet the CDBG spending requirements on time.

Public Works Director Jeff Demers – confirmed that if funds were reduced they would need to redesign and rebid the project and potentially lose federal CDBG funds if the money is not spent on time. The plan with the current proposal was to use the money to purchase the project materials now and use them when construction starts later.

City Manager Bennett – would have to redo the engineering very quickly and it would reduce the total of the project not just the proposed amount. All materials were estimated based on the project and the bid was put out for that amount. The City has easements on the land to improve pedestrian safety and mobility.

Councilor Lessard - asked to review the FY 21, 22, and 23 unallocated funds at the soonest Council meeting possible.

Vote on the amendment: 5 yeas – Councilors LaFountain, Schlaver, Mills, Ortiz and Whiting.

4 nays – Councilors Belanger, Emhiser, Grohman, and Lessard.

Amendment passed.

Vote as amended: 6 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, Ortiz, and LaFountain. 3 nays – Councilors Schlaver, Mills and Lessard.

Motion passed as amended.

Councilor Belanger clarified that the order was amended to remove the \$218,000 from the project and then the Order to approve the project, minus the \$218,000 was approved.

Councilor Emhiser stated that the Order is to accept the Shaw Brothers quote. He asked for clarification.

City Attorney Center stated that the City can approve the contract for a reduced amount and ask the Shaw Brothers to remove some items, they can either reduce it or decline to do that.

- 10.f. 2023.140) Approval/Alfred Street CSO Separation
[20231121 Council - Alfred St CSO Separation Project - BRIEF](#)
[20231121 Alfred Street CSO Separation Project - ORDER](#)
[Alfred Street CSO Separation Project - REFERENCE](#)

Motion: Councilor Grohman
Second: Councilor Lessard

Public Works Director Jeff Demers described the project. It will start to tackle the Summer Street end of the CSO project list. Thanks to Tom Milligan for getting the 2 million dollar grant to fund this.

Vote: Unanimous in favor.
Motion passed.

- 10.g 2023.141) Approval/City of Biddeford Climate Action Plan
[20231121 Climate Action Plan - BRIEF](#)
[20231121 Approval Climate Action Plan - ORDER](#)
[Draft - Biddeford CAP Oct 23 with Appendices - CLIMATE ACTION PLAN](#)

Motion: Councilor Grohman
Second: Councilor Schlaver

Public Addressing the Council - 11 citizens spoke in favor of the plan.

Councilor Belanger thanked everyone for their hard work on the plan. The next step is for Council to work on this when they set their goals.

Vote: Unanimous in favor.
Motion passed.

Mayor Casavant moved for a recess at 9:15 pm
Council reconvened at 9:32 pm.

- 10.h 2023.142) Approval/Amendment Street Reduction Ordinance Table B
[20231121 Street Frontage Reduction Ordinance - BRIEF](#)
[20231121 Street Frontage Reduction Ordinance - ORDER](#)

[20231101 Memo to Planning Board - Street Reduction Ordinance w Attachment - REFERENCE](#)

Motion: Councilor Mills
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

- 10.i. 2023.143) Approval/Amendment Zoning Ordinance Article VI - Performance Standards, Section 78 - Accessory Dwelling Units, Section B.1.a.
[20231121 Amend Sec 78 Accessory Dwelling Unit - BRIEF](#)
[20231121 Amend Sec 78 Accessory Dwelling Units - ORDER](#)
[20231115 Planning Board Memo - ADU Ordinance Amendment - REFERENCE](#)
[20231121 Section 78 Accessory Dwelling Units Full Text - REFERENCE](#)

Motion: Councilor Mills
Second: Councilor Schlaver
Councilor LaFountain – question about conditional use versus permitted.
Planning Director David Galbraith – intent is to make sure these go through the Planning Board review process.
Vote: Unanimous in favor.
Motion passed.

- 10.j. 2023.144) Approval/Amendments Zoning Ordinance Table A, Accessory Dwelling Units (ADU)
[20231121 ADU Table A Amendment - BRIEF](#)
[20231121 ADU Table A Amendment - ORDER](#)
[20231115 ADU Article V, Table A Amended - REFERENCE](#)
[20231115 Planning Board Memo - Accessory Dwelling Unit Amend Table A - REFERENCE](#)

Motion: Councilor Mills
Second: Councilor Whiting.
Vote: Unanimous in favor.
Motion passed.

- 10.k 2023.145) Approval/Amendment to Zoning Ordinance Table A Marijuana Adult Use Sales
[20231121 Marijuana Adult Use Sales - Amend Table A - BRIEF](#)
[20231121 Amend Marijuana Adult Use Sales - Table A - ORDER](#)
[20231115 Planning Board Memo - Marijuana Amendments - REFERENCE](#)
[20231121 Marijuana Adult Use Sales - Amend Table A - REFERENCE](#)

Motion: Councilor Mills
Second: Councilor Schlaver
Public Addressing the Council – 1 citizen spoke to support the cannabis businesses already in operation.

Councilors had questions regarding Planning Board oversight and the studies that could be required.

Planning Director Galbraith answered that any adult use requests would go through the Planning Board process, they can require traffic, environmental and other studies and evaluate each on their own merits.

Councilor LaFountain mentioned complaints in Ward 7, particularly with traffic on dead end streets.

Councilor Ortiz – questions about retail and medical businesses in these zones. Is not comfortable with opening it up to the retail level.

Councilor Grohman – clarified that there are currently 9 medical establishments in the 3 zones. Was there a discussion to exclude Grayson Street? He asked for an explanation of the Odor Control issue. Second reading would be Dec. 19

Director Galbraith – it would be a conditional use permit and traffic can be discussed in each case. The Odor Control language is to memorialize what we are currently doing.

Councilor Schlaver – the conditional use permit allows for restrictions but first have to implement this language. This could be an issue for Policy to look at again. Reminder that delivery service is allowed and is creating a negative policy towards businesses. The Planning Board process is deliberative.

Councilor Belanger – our CEO has been clear that none of the odor complaints are from the current medicinal establishments. The time has come, it is already here.

Councilor LaFountain – asked about 500 foot setbacks. Should there be a limit before the second reading?

City Manager Bennett – Council could have a moratorium for six months until ready to discuss limits on the number of licenses.

Councilor Mills – each application would have notification required for the neighboring properties with the Conditional Use permit process.

Councilor Lessard – not ready, Council studied Dogs on Leash for 7 months, should study this longer. Opens Pandora's box.

Vote: 7 yeas – Councilors Belanger, Emhiser, Grohman, Whiting, Mills, and Schlaver and LaFountain.

Councilor Lessard – before the negatives are offered would like to motion to remove I3 from the Order.

Public Addressing the Council – two spoke against the amendment and asked for clarification.

Councilor Lessard – several new housing projects coming to that zone.

Councilor Mills – Point of Order to City Attorney regarding the amendment being introduced at that time.

Response - It is at the discretion of the Chair and he allowed it.

Vote on the amendment:

1 yea – Councilor Lessard.

8 nays – Councilors Belanger, Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain and Ortiz.

Amendment failed.

Councilor LaFountain – motion to include a 500 foot setback for retail adult use from residential properties.

Second: Councilor Emhiser

Public Addressing the Council – 2 commented that they would hope that existing medical permits would be grandfathered.

Councilor Belanger – is opposed to motion, it would be better for staff to come back with recommendations on setbacks will consider it for next time.

Vote on the amendment:

3 yeas – Councilors Emhiser, LaFountain and Lessard.

6 nays - Councilors Belanger, Whiting, Grohman, Mills, Schlaver and Ortiz.

Amendment failed.

Vote on the original order:

6 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, Mills and Schlaver.

2 nays – Councilors Lessard and Ortiz.

Motion passed.

- 10.I. 2023.146) Approval/Amendment to Zoning Ordinance Article VI - Performance Standards, Section 77 - Marijuana Establishments

[20231121 Amend Performance Standards for Marijuana Odor Control - BRIEF](#)

[20231121 Amend Performance Standards for Marijuana Odor Control - ORDER](#)

[20231115 Planning Board Memo - Marijuana Amendments Odor Control - REFERENCE](#)

[20231121 Marijuana Establishments Sec 77, Full Text w Amendments - REFERENCE](#)

Motion: Councilor Grohman

Second: Councilor Mills

Councilor LaFountain – this came before Policy and was unanimous. It puts a process in place for Code Enforcement to follow.

Council discussed issues with one category of business being regulated for odor.

Vote: 6 yeas – Councilors Belanger, Whiting, Grohman, LaFountain, Ortiz and Lessard

2 nays – Councilors Schlaver and Mills

Councilor Emhiser was not present for the vote.

Motion passed.

10. 2023.147) Approval/Amendment Table B Dimensional Requirements Density Bonus Ordinance

[20231121 Amend Land Use Regulation - Density Bonus - BRIEF](#)

[20231121 Amend Land Use Regulation - Density Bonus - ORDER](#)

[20231115 Planning Board - Public Hearing Recommendation - Table B Amendment - Full Text - REFERENCE](#)

[20231115 Planning Board Memo - Land Use Table B Density Bonus - REFERENCE](#)

Motion: Councilor Mills

Second: Councilor Lessard

Councilor LaFountain – motion to allow an increase in height requirement to increase it to a 4th story.

Grohman – second.

City Manager Bennett – if Council expands the opportunity and the public did not have a chance to comment on it then it could have a problem before the second reading. The current language has been through the public hearing/notice process.

Councilor LaFountain – motion to remove the amendment.

Councilor Grohman – second.

Councilor Lessard – recommends that a future increase be measured in a specific number of feet versus stories.

Vote: Unanimous in favor.

Motion passed.

- 10.n 2023.148) Approval/Amendment Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 (New Chapter) – Inclusionary Zoning (IZ)

[20231121 Inclusionary Zoning IZ Amendment - BRIEF](#)

[20231121 Inclusionary Zoning IZ Amendment - ORDER](#)

[20230620 2023.25 Inclusionary Zoning Order Housing Task Force - REFERENCE](#)

[20231101 Planning Board Memo - Inclusionary Zoning Ordinance - REFERENCE](#)

[20231102 Planning Board Public Hearing - IZ Amendment - Full Text - REFERENCE](#)

Motion: Councilor Mills
Second: Councilor Lessard

Public Addressing the Council – 1 person spoke in favor.

Councilor Ortiz wants it to be 80% of AMI. She reviewed the 2023 HUD data and compared it to salaries of teachers, fire fighters, etc.

Councilor Ortiz – motion to amend the AMI number to 80%.
Second – Councilor Mills.

Public addressing the Council – 1 spoke in support of the amendment.

Councilor Lessard – this limits investors.

Councilor Emhiser – question to the City Manager, has there been public comment and during Planning Board approval of the new percentage?

City Manager Bennett – this one would be ok because all of the public discussions had a range of 60 to 100% percentages. There is enough public record.

Councilor Grohman – question if this only applies to MSRD1 and MSRD3?

Planning Director Galbraith – that is correct.

City Manager Bennett – the Policy Committee decided it was more important to get it started and then adjust it later if needed and they increased it to a 30 year period. The Planning Board considered the specific recommendations from the Policy Committee.

Councilor Schlaver – they also had a Sunset period, it might be too short and might need to be eliminated. Another change was regarding the minimum number of units. It is a challenge to balance economic development with the housing needs, should be cautious as move forward. He would request in future that the department give an opinion on the economic development impact.

Planning Director Galbraith – the department and Codes wants to track the impact and will come back if there are unintended consequences. This applies to anything over 8 units. Staff reviews anything under 8.

Councilor Ortiz – reminded everyone that the Task Force recommended 80%.

Councilor LaFountain – will support the amendment, plenty of market rate apartments have been built and only a small portion affordable in the future projects.

Vote on the motion to amend the AMI percentage to 80%:

8 yeas – Councilors Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain, Ortiz and Lessard. 1 nay – Councilor Belanger.
Amendment passed.

Councilor Grohman – motion to amend to remove the Sunset provision.
Second – Councilor Mills

Councilor LaFountain – Point of Order, was this a first reading but now there are changes to it?

City Manager Bennett – what was approved was a recommendation to the Planning Board, it was not a first reading. They did that and tonight is the first reading of their recommendations.

Councilor Lessard – it should have a review at 10 years, is against the amendment.

Councilor Schlaver – it will have annual review, supports the amendment.

Vote on the motion to amend the order to remove the Sunset provision.
7 yeas – Councilors Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain, and Ortiz.
2 nays – Councilors Belanger and Lessard.
Amendment passed.

Councilor Belanger had questions about Subsection C, 7 and if we have the TIF and Credit Enhancement programs. What is the plan for the City to monitor the affordable units and the qualifications of the tenants? He supports affordable housing but not at the burden of the developers.

City Manager Bennett – these do not exist but the developer can request them. If the Council adopts this then staff will have to make recommendations of what it would be.

Councilor Emhiser – motion to amend to edit 40.4 A. Purpose, end the last sentence after the word “districts”
Second – Councilor Lessard

Vote on the motion to amend 40.4a. to end the last sentence after the word “districts”
6 yeas – Councilors Belanger, Emhiser, Grohman, Ortiz, Lessard and Schlaver.
3 nays – Councilors Whiting, Mills and LaFountain.
Amendment passed.

Councilor LaFountain – complimented the Planning Department for all of the work for this agenda and for including Planning Board decision notes to review.

Councilor LaFountain - Motion to amend section 40.4.B to add “or home ownership” after the word rent in the first sentence.
Second: Councilor Mills

Public Addressing the Council– 1 spoke in favor.

Councilor Lessard – this will have impacts on staff and tracking the tax returns of tenants for future developments. This is not a good path to go down.

Councilor Belanger – we should pass on this until we think it through. Look at it again for the second reading.

Vote on the amendment to add “or home ownership to section 40.4.b

3 yeas – Councilors Mills, LaFountain and Whiting

6 nays – Councilors Belanger, Emhiser, Grohman, Schlaver, Ortiz and Lessard.

Amendment failed.

Vote on the Order with the 3 amendments:

6 yeas – Councilors Emhiser, Whiting, Grohman, Mills, LaFountain and Ortiz.

3 nays – Councilors Belanger, Schlaver and Lessard.

Motion passed.

- 10.o 2023.149) Approval/Amendment Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions

[20231121 Affordable Housing Development Definitions Amendment - BRIEF](#)

[20231121 Ordinance Amendment for Definition of Affordable Housing Development \(Inclusionary Zoning\) - ORDER](#)

[20231101 Planning Board IZ Ordinance and Density Bonus Definitions - REFERENCE](#)

Motion: Councilor Mills

Second: Councilor Lessard

Vote: 8 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain and Ortiz.

1 nay – Councilor Lessard

Motion passed.

- 10.p 2023.150) Approval/State of Maine Department of Transportation Cooperative Agreement for Multi-Project Design Cost Sharing for Proposed Improvements to Multiple Elm Street Segments Biddeford Maine

[20231121 Approval MeDOT-PACTS-City of Biddeford Elm Street Cooperative Agreement - BRIEF](#)

[20231121 MDOT-PACTS-City of Biddeford Elm Street Cooperative Agreement - ORDER](#)

[20231121 MDOT -PACTS-City of Biddeford Elm Street Cooperative Agreement - FINAL DRAFT](#)

[20231027 Biddeford PACTS MaineDOT Cooperative Agreement Elm Street with GAM edits - REFERENCE](#)

[Biddeford Elm Street - TMP Intersection Sections Map CONCEPT IMPROVEMENTS MDOT 09-20-23](#)

Elm Street Corridor Project Area Improvements - Concept Plan

Motion: Councilor Grohman
Second: Councilor Lessard

City Manager Bennett explained that the permit process is just beginning. Council will have to sign off on the final.

Vote: Unanimous in favor.
Motion passed.

Councilor Belanger – motion to reconsider item 2023.139 Approval/York-Laconia Riverwalk Sidewalk Improvements Award Contract
Second: Councilor Schlaver
Vote: Unanimous in favor.
Motion passed.

Councilor Belanger – motion to Table item 2023.139 Approval/York-Laconia Riverwalk Sidewalk Improvements Award Contract until the next Council meeting.
Second: Councilor Mills.
Vote: Unanimous in favor.
Motion passed.

11. Public Addressing the Council..(5 minute limit per speaker)

Last Sunday was World Day of Remembrance for people killed in traffic situations. Street safety is so important.

12. City Manager Report -

City Manager Bennett reported that we have an inquiry from FDOT. Our Safer Streets application is being considered for a grant, approximately \$425,000 with our portion of \$75,000. He also discussed the impact of the shooting in Lewiston, they will need continued support in the coming months. The landscape for public service has changed.

13. Other Business

Councilor Lessard requests a future agenda item regarding the May Street traffic islands to allow the people to voice their opinion.
Second: Councilor LaFountain.

Councilor Mills shared information about ALICE – Asset Limited Income Constraint Employed.

Councilor LaFountain - the court house lighting timers are off and need to be looked at. Would also like to know what mechanism we have to deal with a State building.

Councilor Grohman – Inauguration is December 5th at 7:00 pm.

14. Council President Addressing the Council

Councilor Belanger – thanked the Council for all the hard work the past two years.

- 15. Mayor Addressing the Council** - HOB Christmas event will have something to share with Lewiston.

16. Adjourn

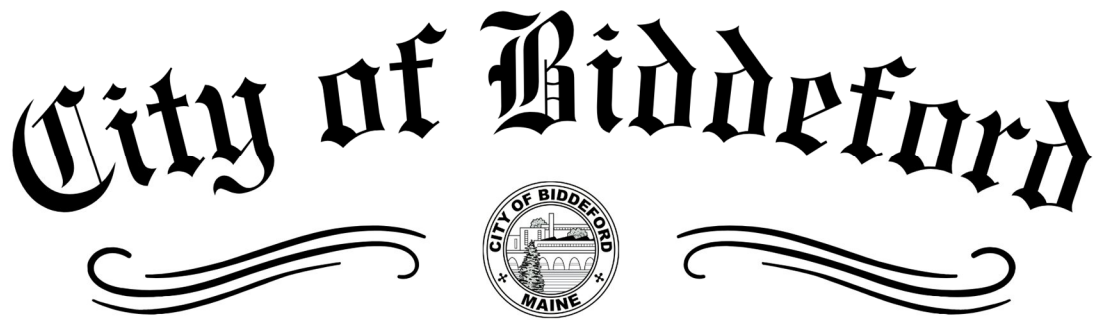
Councilor Belanger motion to adjourn at 11:26 pm

Second: Councilor Mills

Vote: Unanimous in favor.

Meeting adjourned.

Attest: _____
Robin Patterson, City Clerk



2023.136 IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, that Part II: Code of Ordinances, Chapter 74 - Waterways, Article II - Harbor, Division 4 - Mooring, Sec. 74-77 Permit Application be amended by adding or ~~deleting~~ text as follows:

Sec. 74-77 Permit application.

(a) Applications for mooring permits must be filed with the City no later than March 15 of the current year. Permits are valid for a one-year period, from March 15 of the current year to March 14 of the following year. Applications shall be made on forms prescribed by the Harbormaster. Applications that are filed after the deadline shall be subject to mooring allocations made to persons applying prior to the deadline date. There shall be a late fee of \$50 applied towards any application for a mooring permit which is received after March 15 of the requested year.

(b) Mooring permits shall specify:

- (1) The name and address of the owner of the mooring;
- (2) The type of mooring (see Section 74-78);
- (3) The kind of ground tackle or block used;
- (4) Whether the mooring has been inspected, and when;
- (5) The location of the mooring;
- (6) The name, draft, size and kind of vessel to be moored; and
- (7) The year the vessel was manufactured.

(c) A permit for a mooring is valid for the period from March 15 of the current year to March 14 of the following year and must be renewed annually.

(d) A mooring that is not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned, and the Harbormaster may allocate that mooring location to any other person in accordance with this article.

(e) The Harbormaster shall maintain a waiting list for areas in which no more vessels can be safely moored, showing the priority of each applicant.

(f) Under the direction of the Harbor Commission, the Harbormaster shall maintain charts showing the location of all assigned moorings.

(g) The Harbor Commission may set the form of the mooring permit and renewal applications.

(h) The annual application fee for the waiting list for moorings shall be \$10 which shall be applied against the mooring permit fee as a credit the year the mooring is placed.

(i) A granted mooring permit or renewal fee shall be ~~\$125~~\$180.

(j) All funds collected as a result of this section shall be considered designated revenue for the sole purpose of the execution of this division and the promotion of marine related facilities in the harbor.

(k) No vessel is allowed to moor between December 1 and April 1 without written permission of the Harbormaster.

November 21, 2023

Motion: Councilor Emhiser

Second: Councilor Lessard

Vote: Unanimous in favor

Motion passed.

December 19, 2023

Attest by:_____

Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 PM

Agenda Item No: 10.a.

Item Description: 2023.136) Approval/Amend Part II: Code of Ordinances, Chapter 74 - Waterways, Article II - Harbor, Division 4 - Mooring, Sec. 74-77 Permit Application

Submitted by: Brian S. Phinney, COO on behalf of Harbor Commission

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

An affirmative vote for this item will increase the existing mooring fee from \$125 to \$180 annually.

Detailed Review:

The Harbor Commission reviewed the Mooring Fund budget and existing mooring fee schedule and voted unanimously to increase the mooring fee from the current amount of \$125 annually to \$180 annually to support a sustainable budget.

There have been three increases in the mooring fee structure since 2008. The 2008 fee increase established a permit or renewal fee of \$75 with a subsequent increase in March of 2008 to \$100. The 2014 mooring fee increase raised the fee from \$100 to \$125 and streamlined the fee schedule by removing the distinction between an application fee and a renewal fee.

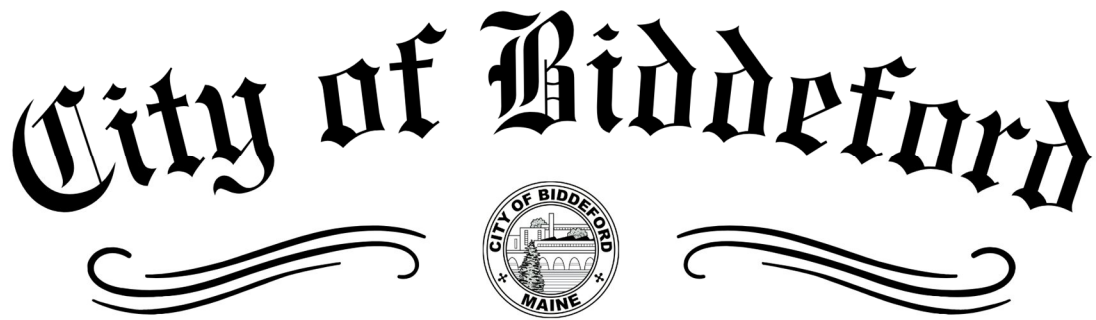
The Harbor Commission moved this item forward requesting an effective date on or near January 1, 2024. After discussion with the chair of the Policy Committee, the chair determined that the item should go directly to council as the only change to the ordinance is the dollar amount. If the first reading is supported at the Nov 21st meeting a second reading could occur in December resulting in an effective date 30-days following the date of the second reading.

Funding Source:

N/A - this amendment is a revenue item.

Staff Recommendation:

Staff is neutral on the recommendation as this is a policy item.



2023.142

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, Amend Part III: Code of Ordinances, Amendment to the City Code of Ordinances Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B to establish new regulations to include Subsection T - “Street Frontage Reduction Ordinance” be amended by adding the text below, highlighted in blue underline as follows:

T. Street Frontage Reduction Ordinance: Street frontage requirements may be relaxed in the Suburban Residential 1 (SR1), R1-A, R1-B, R-2 and R-3 Zoning Districts providing the following:

1. Existing lots of record in existence prior to (insert 2nd reading date) may be divided, one time, to create an additional buildable lot providing both lots meet at least 90% of the required street frontage requirements for the particular zoning district.
2. Both properties shall meet all other dimensional requirements within the particular zoning district where the lot is located.
3. This Ordinance does not apply to any new subdivisions where 3 or more lots are being created.

November 21, 2023

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

December 19, 2023

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.h.

Item Description: 2023.142 Approval/ Amendment Code of Ordinances, Part III: Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B; establish new regulations to include Subsection T - “Street Frontage Reduction Ordinance”.

Submitted by: David C.M. Galbraith, Acting Planning & Development Director

Supporting Information/Documentation:

1. City Council Order
2. Street Reduction Ordinance memorandum to the Planning Board
3. Table B with proposed amendments shown in-line

Key Terms:

N/A

Executive Summary:

The proposed Ordinance contains new language within Table B which allows for the reduction of street frontage requirements on a one time basis.

Detailed Review:

The proposed Ordinance came about at the July 18th City Council meeting there was a Committee of the Whole discussion item presented, related to reducing frontage requirements, from 100-ft to 90-ft, in certain areas of the city, to allow increased housing stock. This item was again discussed at the City Council meeting of September 5, 2023, where Staff presented draft Ordinance language which resulted in the Council forwarding the item to the Planning Board. The proposed Ordinance contains new language within Table B which allows for the reduction of street frontage requirements on a one time basis. The proposed language is shown below in blue underline.

T. Street Frontage Reduction Ordinance: Street frontage requirements may be relaxed in the Suburban Residential 1 (SR1), R1-A, R1B, R-2 and R-3 Zoning Districts providing the following:

1. Lots of record, in existence prior to (insert adoption date) may be divided, one time, to create an additional buildable house lot, providing both lots meet at least 90% of the required street frontage requirements for the particular zoning district.

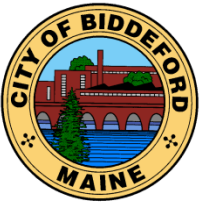
2. [Both properties shall meet all other dimensional requirements within the particular zoning district where the lot is located.](#)
3. [This Ordinance does not apply to any new subdivisions where 3 or more lots are being or have been created.](#)

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed Street Frontage Reduction Ordinance is another tool being recommending for adoption as it seeks to increase the City's supply of housing. The Planning Board forwarded the proposed text amendment to the City Council with a recommendation for adoption, as proposed. This will be the first reading of this item.



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: October 25, 2023

RE: Case # 2023.42 Street Frontage Reduction Ordinance / Amendment to Table B – Notes

MEETING DATE: November 1, 2023

1. Amendment History / Overview:

At the July 18th City Council meeting there was a Committee of the Whole discussion item presented, related to reducing frontage requirements, from 100-ft to 90-ft, in certain areas of the city, to allow increased housing stock. This item was again discussed at the City Council meeting of September 5, 2023, where Staff presented draft Ordinance language which resulted in the Council forwarding the item to the Planning Board. This item was introduced to the Board on September 20th as a “discussion item”. It was most recently discussed at the October 18th meeting. Regretfully, at that meeting there was confusion regarding the exact text being reviewed by the Board as the Staff report had not been included in the Board’s packet. The Board “Tabled” the Proposed amendment until the November 1, 2023, meeting.

The purpose of the proposed Ordinance would allow existing lots with excess frontage to create an additional residential lot providing the parent parcel and the divided parcel each provide 90% of the required frontage. As an example, if a property is required under the City’s dimensional standards to have 100 feet of frontage and the lot had 180 + feet of frontage the property could be divided, to create an additional buildable lot, providing each of the lots has a minimum of 90 feet of frontage. This frontage reduction, and lot creation, would be permitted only on existing lots of record, and not permitted in subdivisions creating more than one new lot. As drafted, the proposed Ordinance amendment would apply to lots within the Suburban Residential 1 (SR1), R1-A, R1-B, R-2 and R-3 zoning districts. Staff is recommending a text amendment to Table B of the City’s Land Use Ordinance which would include new text, which would include the following underlined language, which are highlighted in [blue underline](#):

Case # 2023.42 Street Frontage Reduction Ordinance / Amendment to Table B – Notes
Planning Board Hearing Date: November 1, 2023

T. Street Frontage Reduction Ordinance: Street frontage requirements may be relaxed in the Suburban Residential 1 (SR1), R1-A, R1B, R-2 and R-3 Zoning Districts providing the following:

1. Lots of record, in existence prior to (*insert adoption date*) may be divided, one time, to create an additional buildable house lot, providing both lots meet at least 90% of the required street frontage requirements for the particular zoning district.
2. Both properties shall meet all other dimensional requirements within the particular zoning district where the lot is located.
3. This Ordinance does not apply to any new subdivisions where 3 or more lots are being or have been created.

Attached is the entire “Notes for Table B” section of the Ordinance, where the proposed amendments, if adopted, would be located within the Ordinance. This document includes **new text** as blue underlined. There are no proposed text deletions. The only item proposed to be modified to said “Notes...” is Item “T” and including numbers 1-3 (shown above).

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of this amendment to the City Council.

ATTACHMENTS

1. Attachment # 1: Street Frontage Reduction Ordinance, Amendment

ESTABLISHMENT OF ZONES
Draft Ordinance Amendments to the City Code of Ordinances
Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B
Text Amendment: Frontage Reduction Ordinance

ESTABLISHMENT OF ZONES

BIDDEFORD CODE

NOTES for Table B:

N/A: Not allowed.

* A new structure may be permitted to be built with less than the required setback, provided that the following are met:

1. The setback will be equal to the average front yard setback of the existing houses on the immediately adjacent lots; and
2. The setback shall be at least 15 feet; and
3. These provisions shall apply only along existing residential streets which were developed prior to the enactment of the present front yard setback requirements.

** The Building Inspector may allow a lessening of setback requirement for access structures, as necessary, to facilitate reasonable handicapped accessibility. This provision shall apply to existing structures only. Any access structure built under this provision shall be temporary to facilitate the handicapped or disabled occupant and shall be removed when no longer needed.

+ Maximum height is exclusive of chimneys, antennae, and roof-mounted, building-integrated, building mounted or architectural wind systems when attached to a structure. Chimneys and antennae shall not be higher than 12 feet above the structure. Roof-mounted, building-integrated, building-mounted or architectural wind systems shall not be higher than 15 feet above the maximum allowed building height in the zone.

A. Minimum land area per dwelling unit.

B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, the density requirements may be relaxed as follows:

1. Redevelopment of existing structures:

- a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 650 square feet of living space within an existing structure, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
- b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
- c. An applicant provided a density bonus for rental housing shall enter into a contractual agreement with the City of Biddeford requiring that at least 30% of the additional units created shall be leased such that they do not exceed 80% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall

ESTABLISHMENT OF ZONES
Draft Ordinance Amendments to the City Code of Ordinances
Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B
Text Amendment: Frontage Reduction Ordinance

be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Rent-restricted units will be annually monitored by the Planning and Development Department for contract compliance.

2. Condominium conversions/development:

- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1 above.
- b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits.
- c. The applicant agrees that if the project is converted to condominiums, said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median-income households as set annually by HUD for the City of Biddeford.

C. Applies only to dwelling units. All other uses shall have a minimum of 10,000 square feet.

D. (Reserved)

E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this table.

F. (Reserved)

G. (Reserved)

H. Roadside stands may be 10 feet from the major access road.

I. This is the density limit for the expansion of existing residential dwelling units.

J. Applies to all uses.

K. Hospital height limit shall be 110 feet.

L. Does not apply to cluster development.

M. The number of accessory structures shall meet setback requirements; and shall be limited to no more than three per lot; and shall not exceed the height of the primary structure; and any plumbing, if necessary, shall be limited to a utility sink. Structures associated with bona fide working agricultural uses are not subject to these limits.

N. Any use not serviced by a public water supply must show evidence that it is serviced by a potable water supply meeting minimum state standards for safe drinking water.

ESTABLISHMENT OF ZONES
Draft Ordinance Amendments to the City Code of Ordinances
Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B
Text Amendment: Frontage Reduction Ordinance

- O. Any residential structures in existence prior to December 20, 1990, may be expanded or added to as long as they meet minimum setbacks (from major access, 40 feet; from other streets, 25 feet; from side and rear property lines, 10 feet).
- P. The location of new or expanded buildings and structures including the replacement of existing buildings in the Institutional Zone shall conform to the approved Institutional Master Plan and the following dimensional standards:
1. Maximum height. The maximum height of buildings in the Institutional Zone shall be 35 feet, 50 feet, or 65 feet depending upon in which building height subdistrict the building is located. The building height subdistricts and maximum building heights are shown on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance. Notwithstanding the maximum building height provision, the tallest point of any building or structure, including appurtenant structures, in the Institutional Zone shall not exceed 115 feet above sea level based upon the national geodetic vertical datum (NGVD), unless a higher elevation is mandated as part of a state or federal environmental approval or permit.
 2. Minimum building setbacks from public streets. All buildings in the Institutional Zone shall conform to the following minimum setbacks from public streets:
 - South side of Hills Beach Road from intersection with Old Pool Road east to a point 250 feet west of the zone boundary/property line: 25 feet.
 - South side of Hills Beach Road from a point 250 feet west of the zone boundary/property line east to the zone boundary: 50 feet with a provision that it can be reduced to 25 feet if replacement buildings at the housing park are located further from the wetland.
 - North side of Hills Beach Road from intersection with Old Pool Road east to the zone boundary: 50 feet.
 - Both sides of Hills Beach Road from intersection with Old Pool Road west to the zone boundary at Route 9: 50 feet with a provision that it can be reduced to 25 feet when a Hills Beach bypass is built that conforms to the following standards and is approved as part of the Institutional Master Plan.
 - Both sides of Old Pool Road: 50 feet.
 - Both sides of Pool Road (Route 9): 50 feet.
 - Both sides of Newtown Road: 40 feet.
 - Both sides of the Hills Beach bypass road when built: 50 feet.

The reduced setback along the westerly portion of Hills Beach Road shall be effective only if a Hills Beach bypass road has been constructed that meets the following standards:

ESTABLISHMENT OF ZONES
Draft Ordinance Amendments to the City Code of Ordinances
Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B
Text Amendment: Frontage Reduction Ordinance

- a. The road shall be designed and located to allow traffic to Hills Beach to travel directly from Route 9 to the approximate vicinity of the intersection of Old Pool Road and Hills Beach Road without using campus roads.
 - b. The intersection with Route 9 will be located at an appropriate location for this use.
 - c. The road shall be designed as a limited access facility with not more than one curb cut on each side providing campus access through internal campus streets. These curb cuts shall be in addition to any intersections with public streets or roads.
 - d. No buildings or parking lots shall have direct access to or from the bypass road.
 - e. A landscaped street buffer shall be established as provided for in Section 43 of Article VI.
3. Minimum building setback from the perimeter of the Institutional Zone. All buildings shall be setback a minimum of 50 feet from the external boundary of the Institutional Zone where such zone boundary abuts a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone. The area along the zone boundary shall be maintained as a landscaped buffer in accordance with the provisions of Article VI, Section 12.
4. Maximum lot coverage. The maximum lot coverage shall be as follows:
- a. Within the area south of Route 9 and west of the Newtown Road: 10%.
 - b. Within the area South of Route 9 and east of the Newtown Road: 30%.
 - c. Within the area North of Route 9: No maximum except as provided for in 5, Restricted Development Areas.
5. Restricted development areas. Within the areas identified as “No Build Zones” on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance, the following additional requirements shall apply:
- a. No new buildings, parking, roads, or access drives shall be constructed except for the construction of a Hills Beach bypass road and connections to the bypass road from existing public streets.
 - b. Existing buildings, parking, roads, and access drives may be maintained and may be improved with Planning Board approval but may not be relocated or expanded except as provided for in a.
 - c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Lowimpact is defined as meeting the following standards:
 - The replacement has been approved as part of the institutional master plan.
 - The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.

ESTABLISHMENT OF ZONES
Draft Ordinance Amendments to the City Code of Ordinances
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- The amount of non-vegetated area after redevelopment shall be not more than the amount of non-vegetated area existing at the time of adoption of this provision.
 - No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
 - The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.
 - The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.
 - The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.
- d. No new athletic fields or athletic facilities shall be constructed.
- e. Existing athletic fields may be maintained and improved but may not be expanded. Improvements to the existing fields shall be limited to items such as fencing, buffering, portable grandstands, scoreboards, lighting, temporary rest room facilities, storage sheds with less than 300 square feet of floor area, and similar facilities.
- f. The areas not currently used for athletic fields, parking or the student housing park shall be maintained as naturally vegetated areas and shall not be converted to lawns or other improved open space. Existing vegetation shall be maintained subject to sound management practices relative to cutting, thinning, pruning, and similar activities.
- Q. Existing nonconforming lots or structures may be considered for conversion to nonresidential uses allowed in the OR Zone, provided that neither structure nor lot are made more nonconforming as a result of the conversion.
- R. The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than 10 feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.

[T. Street Frontage Reduction Ordinance: Street frontage requirements may be relaxed in the Suburban Residential 1 \(SR1\), R1-A, R1B, R-2 and R-3 Zoning Districts providing the following:](#)

ESTABLISHMENT OF ZONES
Draft Ordinance Amendments to the City Code of Ordinances
Section 11 – Establishment of Zones, V Attachment 2, Notes for Table B
Text Amendment: Frontage Reduction Ordinance

1. Lots of record, in existence prior to (insert adoption date) may be divided, one time, to create an additional buildable house lot, providing both lots meet at least 90% of the required street frontage requirements for the particular zoning district.
2. Both properties shall meet all other dimensional requirements within the particular zoning district where the lot is located.
3. This Ordinance does not apply to any new subdivisions where 3 or more lots are being or have been created.

City of Biddeford



2023.143

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, Amend Part III: Land Development Regulations, Article VI - Performance Standards, Section 78 - Accessory Dwelling Units, Section B.1.a. be amended within the context of the entire Ordinance by adding and ~~deleting~~ text as follows:

B. Procedural requirements.

1. Review procedure:

a. One ADU is permitted per residentially zoned parcel (See Article V, Table A, Table of Land Uses.), except within the ~~Coastal Residential (CR) Zone, including the RP and LR overlay district.~~ ~~s within the CR Zone, where ADUs are not permitted.~~ ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of January 1, 2017. All ADUs shall comply with standards contained within Article XIV – Shoreland Zoning Ordinance. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

November 21, 2023

Motion: Councilor Mills

Second: Councilor Schlaver.

Vote: Unanimous in favor.

Motion passed.

December 19, 2023

Attest by: _____

Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.i.

Item Description: 2023.143) Approval/Accessory Dwelling Units (ADU) Ordinance Amendment – City of Biddeford, Code of Ordinances, Part III: Land Development Regulations, Article VI - Performance Standards, Section 78 - Accessory Dwelling Units, Amendment to Section B.1.a.

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Section 78 - Accessory Dwelling Units, Amendment to Section B.1.a.
3. Staff Memo to the Planning Board outlining the amendments.

Key Terms:

Accessory Dwelling Unit (ADU): An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

Executive Summary:

This proposed Ordinance amendment is to modify the City's existing Accessory Dwelling Unit (ADU) Ordinance and bring it into compliance with LD2003.

Detailed Review:

The City's existing ADU Ordinance prohibits ADU's within the City's Coastal Residential (CR) zoning district but LD2003 requires that in all residential zoning districts ADU's must be allowed. This proposed Ordinance amendment is to modify the City's existing Accessory Dwelling Unit (ADU) Ordinance and bring the City into compliance with LD2003. The proposed amendment is shown below in its entirety and includes *deleted text* in ~~red strikethrough~~ or *added text* as blue underlined.

B. Procedural requirements.

1. Review procedure:

- a. One ADU is permitted per residentially zoned parcel (See Article V, Table A, Table of Land Uses.), except within the ~~Coastal Residential (CR) Zone, including the RP and LR overlay district.s within the CR Zone, where ADUs are not permitted.~~ ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of January 1, 2017. All ADUs shall comply with standards contained within Article XIV – Shoreland Zoning Ordinance. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed Ordinance amendment is to modify the City's existing Accessory Dwelling Unit (ADU) Ordinance and bring the City into compliance with LD2003. The proposed Amendment is being forwarded to the City Council, from the Planning Board, with a recommendation for adoption as written.

Section 78 **Accessory dwelling units (ADUs).**

[Added 3-7-2017 by Ord. No. 2017.16]

A. Purpose and intent. The intent of permitting ADUs is to:

1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;
5. Protect stability, property values, and the residential character of a neighborhood.

B. Procedural requirements.

1. Review procedure:

- a. One ADU is permitted per residentially zoned parcel (See Article V, Table A, Table of Land Uses.), except within the ~~Coastal Residential (CR) Zone, including the RP and LR~~ overlay districts ~~within the CR Zone, where ADUs are not permitted~~. ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of January 1, 2017. [All ADUs shall comply with standards contained within Article XIV – Shoreland Zoning Ordinance.](#) A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

[Amended 6-20-2017 by Ord. No. 2017.57]

- b. The Code Enforcement Office shall conduct the administrative review of all applications for an ADU. All findings and decisions of the Code Enforcement Office shall be final except where subject to appeal to the Zoning Board of Appeals as provided in Article IX of the Biddeford Land Development Regulations.

2. Application fee required:

- a. In addition to all applicable building, electrical, plumbing, etc., permit fees, ADU applications shall cost a nonrefundable fee of \$200.

C. Use and dimensional regulations.

1. The Code Enforcement Office may issue a building permit authorizing the installation and use of an ADU within an existing or new owner-occupied, single-family dwelling, attached to an

existing or new owner-occupied, single-family dwelling, or in a detached structure on a single-family home lot only when the following conditions are met:

- a.** The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
- b.** Only one ADU may be created within a single-family house or house lot.
- c.** ADUs may be created on lots meeting the minimum lot size for a single-family dwelling in the zoning district or on legally nonconforming lots as of January 1, 2017.
- d.** ADUs shall not be intended for sale and shall remain in common ownership with the principal dwelling unit.
- e.** All ADUs shall have a gross floor area of at least 300 square feet.
- f.** The gross floor area of an ADU (including any additions) shall not be greater than 35% of the gross floor area of the principal dwelling unit or 900 square feet, whichever is greater.
- g.** Once an ADU has been added to a single-family residence or lot, the ADU shall never be enlarged beyond the 35% of the gross floor area of the principal dwelling unit or the 900 square feet allowed by this ordinance.
- h.** Rooftop decks are not permitted.
- i.** Balconies shall not face interior side lot lines.
- j.** An ADU may not have more than two bedrooms.
- k.** The construction of any ADU must be in conformity with all applicable federal, state and local laws, ordinances and regulations.
- l.** One off-street parking space is required for an ADU unless legal on-street parking or publicly supplied off-street parking is located within 1,000 feet. Tandem parking is permitted.
- m.** Internal ADUs shall also comply with the following:
 - i.** Internal ADUs shall not result in additional entrances facing a public street on the primary structure.
 - ii.** Any stairways leading to the internal ADU shall be enclosed.
- n.** Attached ADUs shall also comply with the following:
 - i.** Attached ADUs shall not result in additional entrances facing a public street on the primary structure.

- ii. Any stairways associated with an attached ADU shall be enclosed.
- iii. The primary exterior materials of an attached ADU shall match the primary exterior materials of the principal structure.

o. Detached ADUs shall also comply with the following:

- i. Not less than 10% of the total area of the facade of a detached accessory dwelling unit facing an alley or public street shall be windows.
- ii. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

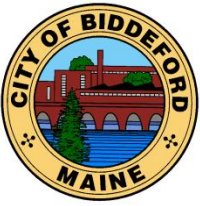
- 2.** In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Code Enforcement Office may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

D. Occupancy requirements.

- 1.** The owner(s) of the residence in which the ADU is created must continue to occupy either the ADU or the principal dwelling unit.
- 2.** If an owner is unable or unwilling to fulfill the requirement to occupy either the ADU or the principal dwelling unit, the owner shall remove those features of the ADU that make it a dwelling unit.
- 3.** An ADU may not be occupied by more than three people.

E. Administration and enforcement.

- 1.** It shall be the duty of the Code Enforcement Office to administer and enforce the provisions of this ordinance.
- 2.** No building shall be constructed or changed in use or configuration until the Code Enforcement Officer has issued a permit. ADUs shall not be occupied until a certificate of occupancy has been issued by the Code Enforcement Office.



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: November 8, 2023

RE: **Accessory Dwelling Unit (ADU) Ordinance Amendment: City Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) and Table A “Table of Land Uses” – Second Hearing.**

MEETING DATE: November 15, 2023

1. Overview:

This item was last discussed with the Planning Board at the 11-1-2023 regular Board meeting. At that time the Board was in favor of forwarding a positive recommendation to the City Council to adopt the proposed Ordinance Amendment. At this time Staff is seeking the Board approve the second reading of the amendment with a positive recommendation for Council adoption. The City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs), and “Table A – Table of Land Uses” both currently prohibit accessory structures from locating within the Coastal Residential (CR) Zoning District. To comply with State Law LD 2003, Staff is proposing the following Ordinance Amendments:

- A. Modify Table of Land Uses to add “P” which stands for “Permitted” within the Coastal Residential (CR) column, for Accessory Dwelling Unit row.
- B. Amend the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) to modify Section B.1.a. Text deletions are illustrated in ~~Red strike thru~~ and text additions are shown in Blue Underline.

B. Procedural requirements.

1. Review procedure:

a. One ADU is permitted per residentially zoned parcel (See Article V, Table A, Table of Land Uses.), except within the ~~Coastal Residential (CR) Zone, including the RP and LR~~ overlay districts ~~within the CR Zone, where ADUs are not permitted~~... ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of

Accessory Dwelling Unit (ADU) Ordinance Amendment: City Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) and Table A “Table of Land Uses”.

Planning Board Hearing Date: November 15, 2023 – Second Hearing

January 1, 2017. All ADUs shall comply with standards contained within Article XIV – Shoreland Zoning Ordinance. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

Below is a link to the City’s existing Accessory Dwelling Unit (ADU) Ordinance.

<https://ecode360.com/32261933#32261933>

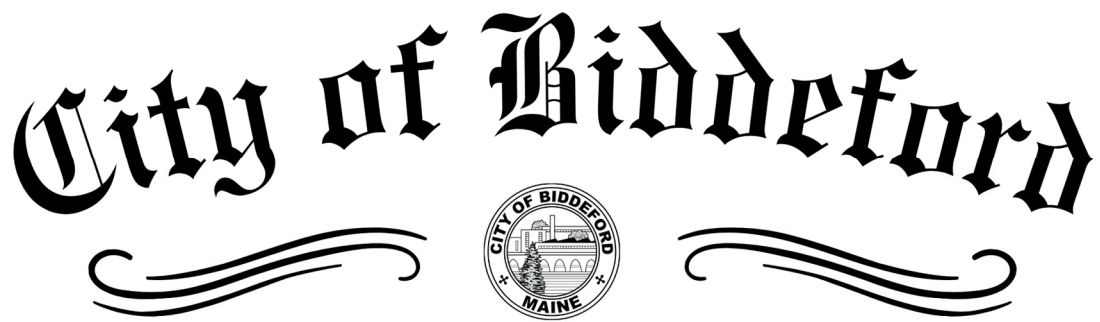
Attached proposed amendment to Table A, to list ADU’s as a “Permitted” use. Also attached is Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) illustrating the proposed Ordinance modifications to Section B.1.a. within the context of the entire Ordinance. Text deletions are illustrated in ~~Red strike-thru~~ and text additions are shown in Blue Underline.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of this amendment to the City Council to bring this Ordinance into compliance with LD2003.

ATTACHMENTS

1. Attachment # 1: Amendment to Table A, to list ADU’s as a “Permitted” use in the Coastal residential (CR) zoning district and to allow duplexes as a “Conditional Use” within the Coastal Residential (CR) zoning district.
2. Attachment #2: Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) with proposed Ordinance modifications to Section B.1.a. within the context of the entire Ordinance.



2023.144 IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, Part III: Code of Ordinances, Article V – Establishment of Zones, Table A – Table of Land Uses be amended to list ADU’s as a P for “Permitted” use in the Coastal Residential (CR) zoning district and to allow duplexes as a “Conditional Use”, identified as “C” within the Coastal Residential (CR) zoning district to conform to LD 2003 as shown on the attached Table A with text changes shown as [blue underline](#).

November 21, 2023

Motion: Councilor Mills

Second:: Councilor Whiting.

Vote: Unanimous in favor.

Motion passed.

December 19, 2023

Attest by:_____

Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.j.

Item Description: 2023.144) Amendment/Code of Ordinances, Part III: Land Development Regulations Section 11 – Establishment of Zones, V Table A – to allow Accessory Dwelling Units (ADU) as “permitted” Use duplexes as a “Conditional Use”.

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Section 11 – Establishment of Zones, V Table A – to allow Accessory Dwelling Units (ADU) as “permitted” Use duplexes as a “Conditional Use”.
3. Staff Memo to the Planning Board outlining the amendments.

Key Terms:

Accessory Dwelling Unit (ADU): An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

Executive Summary:

This proposed Ordinance amendment is to modify the City’s existing Table of Land Uses – Table A into compliance with LD2003.

Detailed Review:

The City’s existing ADU Ordinance currently prohibits ADU’s within the City’s Coastal Residential (CR) zoning district but LD2003 requires that ADU’s must be allowed within all residential zoning districts. Therefore, the City’s Table of Land Uses – Table A, needs to be amended to allow ADU’s as a Permitted or “P” in Table A. Similarly, the amendment also proposes to list duplexes as a “Conditional use”, or “C” within the Table. This amendment is required under LD2003, as the law considers a duplex a single-family house with a second or “accessory unit”.

The proposed amendments to “Table A” listing ADU’s as a P for “Permitted” and duplexes as a “Conditional Use”, identified as “C” within the Coastal Residential (CR) zoning district to conform to LD 2003 as shown on the attached Table A with text changes shown as [blue underline](#).

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed amendments to “Table A” listing ADU’s as a P for “Permitted” use in the Coastal Residential (CR) zoning district and duplexes as a “Conditional Use”, identified as “C” within the Coastal Residential (CR) zoning district will bring Table A into conformance with LD 2003. The proposed Amendment is being forwarded to the City Council, from the Planning Board, with a recommendation for adoption as written.

V Attachment I City of Biddeford Table A

Table of Land Uses

[Amended 2-2-2010 by Ord. No. 2009.98; 8-3-2010 by Ord. No. 2010.70; 9-21-2010 by Ord. No. 2010.93; 6-21-2011 by Ord. No. 2011.36;

6-21-2011 by Ord. No. 2011.37; 4-3-2012 by Ord. No. 2012.24; 4-16-2013 by Ord. No. 2013.24; 3-18-2014 by Ord. No. 2014.16; 9-6-2016 by Ord. No. 2016.74; 1-17-2017 by Ord. No. 2016.87; 6-20-2017 by Ord. No. 2017.57; 1-

16-2018 by Ord. No. 2018.3; 1-16-2018 by Ord. No. 2018.5; 6-5-2018 by Ord. No. 2018.44; 10-2-2018 by Ord. No. 2018.110; 3-5-2019 by Ord. No. 2019.15; 3-5-2019 by Ord. No. 2019.16]

KEY:

* Subject to Article VI, Performance Standards, of this ordinance. P Permitted use.

Not permitted.

C Conditional use. See Article VII for specific standards. A Accessory use.

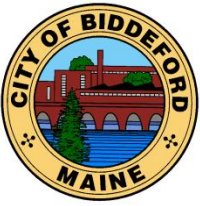
	Article VI Section*	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{7,8}	MSRD-2	MSRD-3
Residential uses:																							
Accessory dwelling units* 27	78	P	P	P	P	P	P						P		P	P				P		P	
Accessory structure*	2	P3	P3	P3	P3	P3	P3	P	P	P	P	P	P	P	P	P			P	P	P	P	P
Boarding, rooming house*	10					C	C														C	C	
Bed-and-breakfast*	9		C			C							C							C	P	C	P
Cluster development*	18	C	C	C	C	C	C									C17					C		
Congregate housing*	19					C	C									C				C	P	C	P
Duplex/2-family	24	C	C			P	P								P	C				P		P	
Home occupation*	38	C	C	C	C	C	C	C						C	C	C				C	C	C	C
Manufactured housing*																							
Mobile home park*																							
Multifamily dwelling*	47					P	P	P						P1	P					C	P	P	P
Planned unit development*	73					C	C													C	C	C	C
Single-family dwelling 11	2	P	P	P	P	P	P						P		P	P				P		P	
Commercial uses:																							
Adult business	3								C17														
Amusement center*	5							C	C												C		C
Art gallery			C					P							C	C				C	P	C	P
Art studio			C					P							C	C				C	P	P	P
Auto body shops										C		C											
Automobile graveyard, automobile recycling business, junkyard*	7									C							C						
Automobile repair, sales									P	P		C		P	P								C
Boat building, repair, marine services, sales, boat livery, marina, yacht club								P	P			C	P	P	P						C		

	Article VI Section*	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{7,8}	MSRD-2	MSRD-3
Building materials retail sales								P	P	P		P				C					C		P
Carwash*	14							C	C	C		A											C
Commercial gardening, commercial greenhouse*	17	C	C	C	C				P							P							
Commercial recreation*	18							C	C	C		C				C					P		P
Commercial school*	53							P	P			P									P		P
Drugstore/medical supply								P	P			P						P			P		P
Financial institution								P	P	C		P							C19		P		P
Firewood processing*	33															P	P						
Fisheries processing, storage*	34												P										
Funeral parlor								P	P	P		P											P
Gasoline service station*	36							P	P	P		C				C							
Hotel/motel*	40							P	P	P		P		P							P		P
Indoor theater								P	P	P		P									P		P
Kennel, veterinary hospital*	42								P	P		P				P							
Medical marijuana dispensaries												C23											
Medical marijuana growing facilities										C23	C23												
Neighborhood convenience store/service		C4	C4	C4	C4	P	P	P	P			P				P					P	C	
Off-street loading and parking lot and facilities, commercial parking garage	49					C	P	P	P9	P		A	P	P	P	C					P	C	P
Offices, business and professional*	52							P	P	P	P	P		P	P			P10		C	P	C	P
Planned unit developments*	73							C	C												C		C
Publishing, printing								P	P	P	P	P								C	P		P
Restaurant*	56							P	P	P		P	P	P	P	C		C			P		P
Retail store								P	P	P		P	P	P	P	C		C			P		P
Sawmill*	33															C	C						
Services								P	P	P		P	P	P	P	C		C		C	P		P
Shopping center								C	C	C		C									C		P
Telecommunications facilities	71											C				C	C						
Wholesale business									P	P	P	P											P
Industrial uses:																							
Air transportation related use											C												

	Article VI Section*	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{2,8}	MSRD-2	MSRD-3
Air transportation dependent use*										C	C												
Airport	4									C	C												
Bulk oil terminal*	41									C													
Contractor's storage yard										C	C					C	C						
Demolition disposal*	23																C						
Experimental research and testing laboratory	29								C	C	C	C						C	C19				C
Light manufacturing*	41								C	P	P	P											P
Light trucking dependent industry*	41								C	P	P	C											P
Manufacturing*	41									C	C	C											P
Planned unit developments*	73									C	C	C											C
Resource recovery facility																							
Recycling facilities	76									C	C												
Redemption centers									C	P							P						C
Storage of bulk gaseous fuels*	41									P	P	P											
Transportation facilities										P		C14	P		P								P
Trucking, distribution terminal*									C	P	P	C											
Warehousing and storage*	60								P	P	P	A											C
Self-storage facilities*	60							C16	C25, 26	P		C									C	C	C
Educational, institutional public uses:																							
Addiction treatment facility 22																		C					
Church, synagogue*		C	C	C	C	C	C		C							C		C			C	C	C
Civic, convention centers								C	C			C									C		C
Community centers, clubs						C	C	C	C			C									C	C	C
Day-care center, adult	22	C	C	C	C	C	C	C	P	P	P	P				C		C			C	C	C
Day-care home, adult	22	C	C	C	C	C	C	C	C					C	C	C	C	C			C	C	C
Day-care home, children's	22	C	C	C	C	C	C	C	C							C	C	C			C	C	C
Day-care center, children's	22	C	C	C	C	C	C	C	C	C	C	C				C	C	C			C	C	C
Essential services	27	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Fire, police station						C	C	P	P			P				C			C19		P	C	
Group homes, hospice	19	C	C	C	C	P	P	P	P							C					C	C	
Hospital*	39																	P					P
Municipal use	47.1	C	C	C	C	C	C	P	P	P	P	P	P	P	P	C	C	P		C	P	C	P
Museum, library			C					P	P			C				C		P	C19		P	C	P
Nursing home*	39	C				P	P									C		C			C	C	C
Public and private schools*	53			C	C	P	P		C							P		C			C	C	C
Public facility		C	C	C	C	C	C	P	P	C	C	P	C	C		C	C	C	C	C	P	C	P
	Article VI Section*	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{2,8}	MSRD-2	MSRD-3
Rehabilitation facility																		P					C
University/college*		C	C									C				C		C	P		C		P
University uses*		C										C				C		C	P		C		P
Water supply system	27	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Outdoor, resource-based uses:																							
Agriculture*	3, 31															P							
Agricultural products processing and storage*	3, 31									P						P							
Animal breeding or care	42															P							
Campground*	13															C							
Cemetery	14.1	C	C	C	C	C	C									P	C		C19				
Extractive industry*	30								P2	P2						P2	P2						
Farm stands* 13	31															P							
Timber harvesting	64		C													P	P		C19				
Golf course excluding miniature golf		P	P	P	P											P							
Parks and recreation*		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P19		P	P	P

NOTES:

- ^a This column has been provided to serve as an aid in finding specific performance standards, but does not address all standards that may apply. Please consult Article VI for subsequent standards that may apply to a particular project. All uses cited above are subject to specific lot and setback, height, and performance requirements, as well as specific notes below:
1. Multifamily use shall not exceed 10 units per structure.
 2. Requires Planning Board approval.
 3. Accessory structures shall be limited to:
 - (a) Private detached garages for the storage of no more than three automobiles.
 - (b) Private greenhouses less than 200 square feet in floor area.
 - (c) Private swimming pools.
 - (d) Storage sheds, provided that they are uninhabitable and less than 200 square feet in area.
 - (e) Decks, porches, patios, gazebos, summerhouses, and other structures intended for outdoor use, provided they are uninhabitable.
 4. No closer than 1,000 feet to another similar facility.
 5. (Reserved)
 6. (Reserved)
 7. Drive-through establishments (except as provided in Note 8) and street level residential uses are prohibited in the MSRD-1 Commercial Core District in the following areas:
 - (a) Along both sides of Main Street between the intersection of Elm Street (Route 1) and Main Street through to the Saco City Line north of Water Street;
 - (b) On both sides of Adams Street from Main Street to Jefferson Street;
 - (c) On the north side of Jefferson Street from Main Street to Alfred Street;
 - (d) On both sides of Washington Street from Main Street to Jefferson Street;
 - (e) On both sides of Federal Street between Washington Street and Franklin Street;
 - (f) On both sides of Franklin Street; and
 - (g) On both sides of Alfred Street from Jefferson Street/Pool Street to Main Street.
 8. Financial institutions are permitted drive-throughs limited to two lanes, are a conditional review by the Planning Board, and must adhere to the following standards:
 - (a) Located on the side or rear of the building and never between the building and the Main Street.
(b) Access to be located to minimize impact on pedestrians.
 - Not between building and the street;
 - Entrance from a side street where possible;
 - Sidewalk material carried across any driveways.
 - (c) Adequate queuing land preferably separate from the parking lot.
 - (d) Architectural treatment compatible with main building.
 - (e) Controlled lighting that does not glare onto neighboring property.
 9. Review by the Board of Appeals required for all truck loading facilities for new buildings and for changes in tenancy.
 10. Limited to offices for medical professionals and associated fields.
 11. Unless otherwise stated or allowed within the provisions of this ordinance, no more than one dwelling unit shall be allowed per lot.
 12. (Reserved)
 13. Shall be considered as a home occupation; only products grown on the premises may be sold, unless the stand is recognized as a commercial operation.
 14. Transportation facilities here shall be limited to facilities associated with firms or businesses serving passenger transport, such as bus terminals, taxi stations, passenger rail stations, etc.
 15. (Reserved)
 16. Shall be limited to internal storage in existing buildings that require no external structural changes. No loading bays shall be constructed. Off-street parking shall be available with no fewer than one space per 20 storage units. A copy of the contract that will be offered to prospective tenants shall be submitted for review.
 17. Adult businesses are restricted to that portion of the B-2 District between Dartmouth Street and Landry Street. No adult business shall be located on any lot or parcel of land with road frontage on Elm Street.
 18. All subdivisions in the Rural Farm Zoning District shall be clustered, and developed in accordance with Article VI, Section 16, Cluster Developments, of this ordinance.
 19. This use does not include facilities, activities, or programs conducted by or hosted by a college or university that meet the definition of "university uses." Such uses shall be considered as university uses and shall be permitted in the institutional zone subject to the requirements of the zone and the additional performance standards for colleges/universities.
 20. Within that portion of the Institutional (IN) Zone subject to a Shoreland Zoning District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows: The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.
 21. See Article V, Section 7, Main Street Revitalization Districts for land uses.
 22. All addition treatment facilities shall meet all applicable federal, state, and local laws and regulations. No occupancy permits shall be issued until evidence of state certification has been presented to the Code Enforcement Office.
 23. All medical marijuana dispensaries and growing facilities shall be governed by and subject to the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, 10-144 CMR Chapter 122 (as amended).
 24. (Reserved)
 25. Internal storage fully enclosed within buildings only. Loading bays shall be located on the side or rear of buildings and shall be screened from view from public streets and any abutting residential uses.
 26. Self- storage facilities in the B-2 Zone shall not be permitted northeast of the Route 1/Dartmouth Street intersection.
 27. *Accessory dwelling units may also be permitted in nonresidential zones where there exists a nonconforming (as to use) single-family dwelling on a lot that was in existence as of January 1, 2017. See Article VI, Section 7B.*



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: November 8, 2023

RE: **Accessory Dwelling Unit (ADU) Ordinance Amendment: City Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) and Table A “Table of Land Uses” – Second Hearing.**

MEETING DATE: November 15, 2023

1. Overview:

This item was last discussed with the Planning Board at the 11-1-2023 regular Board meeting. At that time the Board was in favor of forwarding a positive recommendation to the City Council to adopt the proposed Ordinance Amendment. At this time Staff is seeking the Board approve the second reading of the amendment with a positive recommendation for Council adoption. The City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs), and “Table A – Table of Land Uses” both currently prohibit accessory structures from locating within the Coastal Residential (CR) Zoning District. To comply with State Law LD 2003, Staff is proposing the following Ordinance Amendments:

- A. Modify Table of Land Uses to add “P” which stands for “Permitted” within the Coastal Residential (CR) column, for Accessory Dwelling Unit row.
- B. Amend the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) to modify Section B.1.a. Text deletions are illustrated in ~~Red strike thru~~ and text additions are shown in Blue Underline.

B. Procedural requirements.

1. Review procedure:

a. One ADU is permitted per residentially zoned parcel (See Article V, Table A, Table of Land Uses.), except within the ~~Coastal Residential (CR) Zone, including the RP and LR~~ overlay districts ~~within the CR Zone, where ADUs are not permitted~~... ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of

Accessory Dwelling Unit (ADU) Ordinance Amendment: City Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) and Table A “Table of Land Uses”.

Planning Board Hearing Date: November 15, 2023 – Second Hearing

January 1, 2017. All ADUs shall comply with standards contained within Article XIV – Shoreland Zoning Ordinance. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

Below is a link to the City’s existing Accessory Dwelling Unit (ADU) Ordinance.

<https://ecode360.com/32261933#32261933>

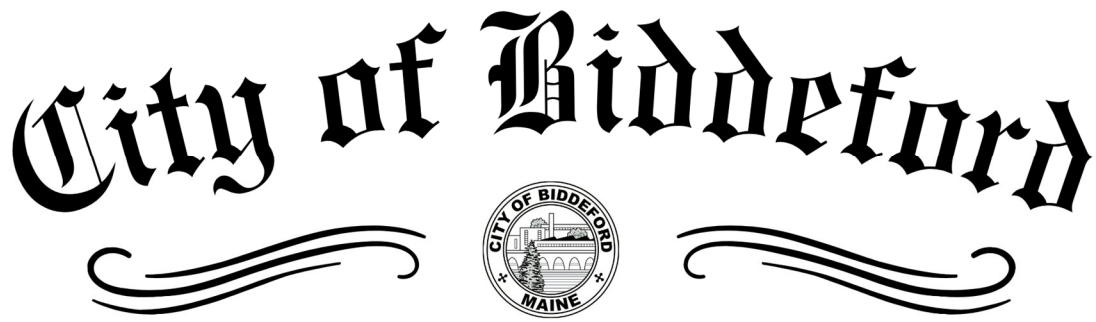
Attached proposed amendment to Table A, to list ADU’s as a “Permitted” use. Also attached is Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) illustrating the proposed Ordinance modifications to Section B.1.a. within the context of the entire Ordinance. Text deletions are illustrated in ~~Red strike-thru~~ and text additions are shown in Blue Underline.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of this amendment to the City Council to bring this Ordinance into compliance with LD2003.

ATTACHMENTS

1. Attachment # 1: Amendment to Table A, to list ADU’s as a “Permitted” use in the Coastal residential (CR) zoning district and to allow duplexes as a “Conditional Use” within the Coastal Residential (CR) zoning district.
2. Attachment #2: Article VI – Performance Standards, Section 78 – Accessory Dwelling Units (ADUs) with proposed Ordinance modifications to Section B.1.a. within the context of the entire Ordinance.



2023.145 IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023
BE IT ORDAINED, by the City Council of the City of Biddeford, that the City's Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Table A-Table of Land Uses, be amended to allow adult use marijuana retail sales within the City's I-1, I-2 and I3 zoning districts as Conditional Uses as indicated by "C".

November 21, 2023

Motion: Councilor Mills

Second: Councilor Schlaver

Vote: 6 yeas – Councilors Belanger, Emhiser, Whiting, Mills, and Schlaver.

Councilor Lessard – before the negatives are offered would like to motion to remove I3 from the Order.

Vote on the amendment – 8 nays – Councilors Belanger, Emhiser, Whiting, Mills, Schlaver, LaFountain and Ortiz.

1 yeas – Councilor Lessard.

Amendment failed.

Councilor LaFountain – motion to include a 500 foot setback for retail adult use from residential properties.

Second: Councilor Emhiser

Vote on the amendment: 6 nays - Councilors Belanger, Whiting, Grohman, Mills, Schlaver and Ortiz. 3 yeas – Councilors Emhiser, LaFountain and Lessard.

Amendment failed.

Vote on the original order – 6 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, Mills and Schlaver.

2 nays – Councilors Lessard and Ortiz.

Motion passed.

December 19, 2023

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.k.

Item Description: 2023.145) Amend/Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A "Table of Land Uses" allow adult use marijuana retail sales within the City's I-1, I-2 and I-3 zoning districts as Conditional Use.

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Section 11 – Establishment of Zones, V Table A – to allow adult use marijuana retail sales within the City's I-1, I-2 and I-3 zoning districts as a "Conditional Use" as represented on Table A as "C".
3. Staff Memo to the Planning Board outlining the amendments.

Key Term:

Adult Use Marijuana / Cannabis: Means cannabis / marijuana that has been cultivated, manufactured, distributed, or sold by a licensed cannabis establishment to individuals over the age of 21 for recreational use.

Executive Summary:

This proposed Ordinance amendment would modify the City's Table of Land Uses – Table A allow adult use marijuana retail sales within the City's I-1, I-2 and I3 zoning districts as a Conditional Use.

Detailed Review:

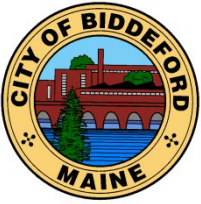
The City Table of Land Uses – Table A currently lists adult use marijuana retail sales as a specified land use, however, the use is currently not allowed within any of the City's zoning districts. The proposed amendment would allow adult use marijuana sales, as a "conditional use" within the City's I-1, I-2 and I-3 zoning districts where other marijuana uses are allowed to be located. Table A is attached with text changes shown as [blue underline](#).

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed Amendment is being forwarded to the City Council, from the Planning Board, with a recommendation for adoption as written.



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: November 8, 2023

RE: Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments Odor Complaints and Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts – SECOND READING

MEETING DATE: November 15, 2023

Overview:

This item was last discussed with the Planning Board at the 11-1-2023 regular Board meeting. At that time the Board was in favor of forwarding a positive recommendation to the City Council to adopt the proposed Ordinance Amendment. At this time Staff is seeking the Board approve the second reading of the amendment with a positive recommendation for Council adoption.

This issue involves two (2) Zoning Ordinance text amendments, namely:

- 1.** An amendment to Table A “Table of Land Uses” to allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts. Table A currently lists “Marijuana store, adult use” within Table A, however the Table does not permit the use within any zoning District.
- 2.** Zoning Ordinance text amendments to Article VI – Performance Standards, Section 77 – Marijuana Establishments which would establish formal procedures related to odor complaints with the operations of marijuana related businesses.

The issue of adult use marijuana retail sales was discussed at the City’s Policy Committee September 25, 2023, and subsequent forwarded, by the Council to the Planning Board for review. The detailed review provided to the Policy Committee is below:

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations

- 1. Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts.**
- 2. Article VI – Performance Standards, Section 77 – Marijuana Establishments - Odor Complaints and Enforcement.**

Planning Board Meeting: November 15, 2023 □ SECOND READING

Detailed Review:

Maine law allows the delivery of adult use marijuana in Biddeford. This amendment would allow adult use stores in in zones where medical use stores are currently allowed. Biddeford does have a 500’ setback for new establishments. Existing establishments may transition to adult use and this setback would not apply.

Permitting adult use storefronts in these zones made sense to staff because we have had zero issues with medical marijuana sales and existing marijuana businesses have not expressed concerns with the locations.

Expanding the sale of adult use sales to other zones, may create economical differences in the price per square foot for rental space or the sale of property. In the very beginning of Marijuana operations in Maine, many communities saw a spike in the rental price for space because, operators were paying over the average price to set up locations. Permitting adult use to existing zones where medical marijuana is currently allowed, would not reintroduce the economic differences in other zoning districts.

This amendment will require Planning Board approval prior to council action

This issue relates to the State law which allows adult use marijuana to be delivered within the City limits. Although other marijuana related uses are allowed within the city, they are all limited to the City’s I-1, I-2 and I-3 zoning districts. Adult use retail sales are currently not permitted in any zoning district. However, Table A of the City’s “Table of Land Uses” lists “Marijuana store, adult use” although it is currently not permitted within any district as the Table row does not list the use as permitted, as shown with a “P” or even as a “Conditional Use” as identified within the Table by a “C”.

As discussed above, the proposal to allow adult use marijuana retail sales would be limited to the City’s I-1, I-2 and I-3 zoning districts only, and the proposal is to amend Table A “Table of Land Uses” to make the use “Conditional” which would require Planning Board review and approval. Each proposal would be evaluated on the merits of such and impacts to the community and surrounding neighborhoods. Attached is Table A “Table of Land Uses” including the use as “C” for “Conditional Use”.

The second marijuana related Zoning Ordinance text amendment relates to Article VI – Performance Standards, Section 77 – Marijuana Establishments. This text amendment would establish formal performance standards related to odor complaints, of all marijuana related businesses. Past practice has been that the Planning Board has adopted the same, or similar, Conditions of Approval (COA) on most marijuana related businesses. However, the below text amendment would formally adopt the regulations into the City’s Land Use Ordinance to standardize the rules for enforcing odor complaints. The proposed text a new section on the ordinance and would be added to the end of the existing ordinance. The new text is shown below and is highlighted in blue and underlined. There are no proposed text deletions.

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations

1. Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts.
2. Article VI – Performance Standards, Section 77 – Marijuana Establishments - Odor Complaints and Enforcement.

Planning Board Meeting: November 15, 2023 □ SECOND READING

D. Odor Disobedience Process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business, may be unable to renew their business license, and therefore also may become unable to operate within the City of Biddeford.

- a) First complaint - The office of code enforcement will review the complaint, and current odor abatement plan. The Operator will have 30 days to address the problem and come up with a solution. After which they will have another 60 days to fix the issue(s).
- b) After these initial 90 days the business should stay complaint free. If another complaint is made they will have another 90 days to address and fix the issue.
- c) If three complaints are made throughout the licensed year, the operator will need to update their odor abatement plan, go through the site plan review process, and may not be granted a renewed license.
- d) If the operator's license is up for renewal within the 90 days of a complaint the city may offer an extension or temporary license to allow for proper reconditioning of the odor abatement system.

Below is a link to the City’s existing Marijuana Establishments Ordinance.

<https://ecode360.com/31970024#31970024>

Staff Recommendations:

These amendments need to be voted upon independently as they relate to two (2) separate marijuana amendments, namely, “Adult Use” retail sales and the regulation of odor complaints and enforcement actions. Staff requests that the Planning Board forward a positive recommendation for adoption of both of the proposed amendments to the City Council to formally adopt:

SAMPLE MOTION #1 □ Table A:

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I-3 zoning districts, as a “Conditional Use”, as written.
- B. Motion to Deny I motion to DENY the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I-3 zoning districts, as a “Conditional Use”, for the following reasons:
 - 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I-3 zoning districts, as a “Conditional Use”, for the following reasons:
 - 1) _____.
 - 2) _____.
 - 3) _____.

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations

- 1. Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts.**
- 2. Article VI – Performance Standards, Section 77 – Marijuana Establishments - Odor Complaints and Enforcement.**

Planning Board Meeting: November 15, 2023 – SECOND READING

SAMPLE MOTION #2 – Marijuana Odor Complaints:

Amendments to Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City.

A. Motion to Approve: I motion to APPROVE the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City, as written and proposed.

B. Motion to Deny: I motion to DENY the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City, for the following reasons:

- 1) _____.
- 2) _____.
- 3) _____.

C. Motion to Table: I motion to TABLE the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City, for the following reasons

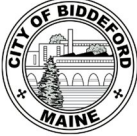
- 1) _____.
- 2) _____.
- 3) _____.

ATTACHMENTS

1. Attachment # 1: Table A “Table of Land Uses” including “Marijuana store, adult use” as Conditional Uses (“C”) within the City’s I-1, I-2 and I-3 zoning districts, including the Use as “C” for “Conditional Use”.
2. Attachment #2: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments including proposed amendments.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
1	MARIJUANA USE CLASSIFICATIONS	Table A - Table of Land Uses																						
2		Article 5 Section	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN	OR	MSRD-1	MSRD-2	MSRD-3
3	Marijuana Caregiver Retail Store	77									C	C	C											
4	Marijuana Store, Adult Use	77									C	C	C											
5	Marijuana Cultivation Facility	77									C	C	C											
6	Marijuana Testing Facility	77									C	C	C											
7	Marijuana Products Manufacturing Facility	77									C	C	C											

City of Biddeford



2023.146

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, that the Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments be amended to include new item “D” – *Odor Disobedience Process* to formalize the handling of marijuana odor complaints by [adding](#) text as follows:

D. Odor Disobedience Process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business, may be unable to renew their business license, and therefore also may become unable to operate within the City of Biddeford.

- a) First complaint - The office of code enforcement will review the complaint, and current odor abatement plan. The Operator will have 30 days to address the problem and come up with a solution. After which they will have another 60 days to fix the issue(s).
- b) After these initial 90 days the business should stay complaint free. If another complaint is made they will have another 90 days to address and fix the issue.
- c) If three complaints are made throughout the licensed year, the operator will need to update their odor abatement plan, go through the site plan review process, and may not be granted a renewed license.
- d) If the operator's license is up for renewal within the 90 days of a complaint the city may offer an extension or temporary license to allow for proper reconditioning of the odor abatement system.

November 21, 2023

Motion: Councilor Grohman

Second: Councilor Mills

Vote: 6 yeas – Councilors Belanger, Whiting, Grohman, LaFountain, Ortiz and Lessard

2 nays – Councilors Schlaver and Mills

Councilor Emhiser was not present for the vote.

Motion passed

December 19, 2023

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.I

Item Description: 2023.146) Amendment/Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments - Odor Disobedience Process.

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Section 77 – Marijuana Establishments – Proposed Odor Disobedience Process
3. Staff Memo to the Planning Board outlining the amendments.

Key Term:

N/A

Executive Summary:

This proposed Ordinance amendment would modify Section 77 – Marijuana Establishments by establishing an “Odor Disobedience Process”.

Detailed Review:

The City Code Office is responsible for responding to odor complaints and the proposed text amendment would establish formal performance standards related to odor complaints, of all marijuana related businesses. Past practice has been that the Planning Board has adopted the same, or similar, Conditions of Approval (COA) on most marijuana related businesses. However, the below text amendment would formally adopt the regulations into the City's Land Use Ordinance to standardize the rules for enforcing odor complaints. The proposed text a new section on the ordinance and would be added to the end of the existing ordinance. The new text is shown below and is highlighted in blue and underlined. There are no proposed text deletions.

D. Odor Disobedience Process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business, may be unable to renew their business license, and therefore also may become unable to operate within the City of Biddeford.

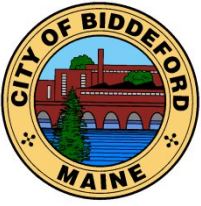
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- d) If the operator's license is up for renewal within the 90 days of a complaint the city may offer an extension or temporary license to allow for proper reconditioning of the odor abatement system.

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed Amendment is being forwarded to the City Council, from the Planning Board, with a recommendation for adoption as written.



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: November 8, 2023

RE: Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments Odor Complaints and Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts – SECOND READING

MEETING DATE: November 15, 2023

Overview:

This item was last discussed with the Planning Board at the 11-1-2023 regular Board meeting. At that time the Board was in favor of forwarding a positive recommendation to the City Council to adopt the proposed Ordinance Amendment. At this time Staff is seeking the Board approve the second reading of the amendment with a positive recommendation for Council adoption.

This issue involves two (2) Zoning Ordinance text amendments, namely:

1. An amendment to Table A “Table of Land Uses” to allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts. Table A currently lists “Marijuana store, adult use” within Table A, however the Table does not permit the use within any zoning District.
2. Zoning Ordinance text amendments to Article VI – Performance Standards, Section 77 – Marijuana Establishments which would establish formal procedures related to odor complaints with the operations of marijuana related businesses.

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Planning Board Meeting: November 15, 2023 □ SECOND READING

Detailed Review:

Maine law allows the delivery of adult use marijuana in Biddeford. This amendment would allow adult use stores in in zones where medical use stores are currently allowed. Biddeford does have a 500’ setback for new establishments. Existing establishments may transition to adult use and this setback would not apply.

Permitting adult use storefronts in these zones made sense to staff because we have had zero issues with medical marijuana sales and existing marijuana businesses have not expressed concerns with the locations.

Expanding the sale of adult use sales to other zones, may create economical differences in the price per square foot for rental space or the sale of property. In the very beginning of Marijuana operations in Maine, many communities saw a spike in the rental price for space because, operators were paying over the average price to set up locations. Permitting adult use to existing zones where medical marijuana is currently allowed, would not reintroduce the economic differences in other zoning districts.

This amendment will require Planning Board approval prior to council action

This issue relates to the State law which allows adult use marijuana to be delivered within the City limits. Although other marijuana related uses are allowed within the city, they are all limited to the City’s I-1, I-2 and I-3 zoning districts. Adult use retail sales are currently not permitted in any zoning district. However, Table A of the City’s “Table of Land Uses” lists “Marijuana store, adult use” although it is currently not permitted within any district as the Table row does not list the use as permitted, as shown with a “P” or even as a “Conditional Use” as identified within the Table by a “C”.

As discussed above, the proposal to allow adult use marijuana retail sales would be limited to the City’s I-1, I-2 and I-3 zoning districts only, and the proposal is to amend Table A “Table of Land Uses” to make the use “Conditional” which would require Planning Board review and approval. Each proposal would be evaluated on the merits of such and impacts to the community and surrounding neighborhoods. Attached is Table A “Table of Land Uses” including the use as “C” for “Conditional Use”.

The second marijuana related Zoning Ordinance text amendment relates to Article VI – Performance Standards, Section 77 – Marijuana Establishments. This text amendment would establish formal performance standards related to odor complaints, of all marijuana related businesses. Past practice has been that the Planning Board has adopted the same, or similar, Conditions of Approval (COA) on most marijuana related businesses. However, the below text amendment would formally adopt the regulations into the City’s Land Use Ordinance to standardize the rules for enforcing odor complaints. The proposed text a new section on the ordinance and would be added to the end of the existing ordinance. The new text is shown below and is highlighted in blue and underlined. There are no proposed text deletions.

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations

1. Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts.
2. Article VI – Performance Standards, Section 77 – Marijuana Establishments - Odor Complaints and Enforcement.

Planning Board Meeting: November 15, 2023 □ SECOND READING

D. Odor Disobedience Process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business, may be unable to renew their business license, and therefore also may become unable to operate within the City of Biddeford.

- a) First complaint - The office of code enforcement will review the complaint, and current odor abatement plan. The Operator will have 30 days to address the problem and come up with a solution. After which they will have another 60 days to fix the issue(s).
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Below is a link to the City’s existing Marijuana Establishments Ordinance.

<https://ecode360.com/31970024#31970024>

Staff Recommendations:

These amendments need to be voted upon independently as they relate to two (2) separate marijuana amendments, namely, “Adult Use” retail sales and the regulation of odor complaints and enforcement actions. Staff requests that the Planning Board forward a positive recommendation for adoption of both of the proposed amendments to the City Council to formally adopt:

SAMPLE MOTION #1 □ Table A:

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I-3 zoning districts, as a “Conditional Use”, as written.
- B. Motion to Deny I motion to DENY the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I-3 zoning districts, as a “Conditional Use”, for the following reasons:
 - 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I-3 zoning districts, as a “Conditional Use”, for the following reasons:
 - 1) _____.
 - 2) _____.
 - 3) _____.

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations

- 1. Amendment to Table A “Table of Land Uses” allow adult use marijuana retail sales within the City’s I-1, I-2 and I3 zoning districts.**
- 2. Article VI – Performance Standards, Section 77 – Marijuana Establishments - Odor Complaints and Enforcement.**

Planning Board Meeting: November 15, 2023 – SECOND READING

SAMPLE MOTION #2 – Marijuana Odor Complaints:

Amendments to Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City.

A. Motion to Approve: I motion to APPROVE the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City, as written and proposed.

B. Motion to Deny: I motion to DENY the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City, for the following reasons:

- 1) _____.
- 2) _____.
- 3) _____.

C. Motion to Table: I motion to TABLE the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments, to adopt odor complaint regulations into the City’s Land Use Ordinance to standardize the rules and enforcement of odor complaints at marijuana related business operating within the City, for the following reasons

- 1) _____.
- 2) _____.
- 3) _____.

ATTACHMENTS

1. Attachment # 1: Table A “Table of Land Uses” including “Marijuana store, adult use” as Conditional Uses (“C”) within the City’s I-1, I-2 and I-3 zoning districts, including the Use as “C” for “Conditional Use”.
2. Attachment #2: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 77 – Marijuana Establishments including proposed amendments.

Article VI. Performance Standards

Section 77. Marijuana establishments.

DRAFT ORDINANCE AMENDMENTS

Planning Board Review: November 15, 2023 – SECOND READING

Article VI. Performance Standards

Section 77. Marijuana establishments.

[Added 1-17-2017 by Ord. No. 2016.88; amended 1-19-2021 by Ord. No. 2021.1]

- A. All marijuana establishments shall be located indoors. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment shall be clearly identified as such on the site plan or conditional use application.
- B. Odor management. For all marijuana establishments, the odor of marijuana shall not be detectable off-premises, meaning not detectable on any property that is not under the control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:
1. A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
 2. A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
 3. For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - a. Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - b. Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.

Marijuana establishments shall implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

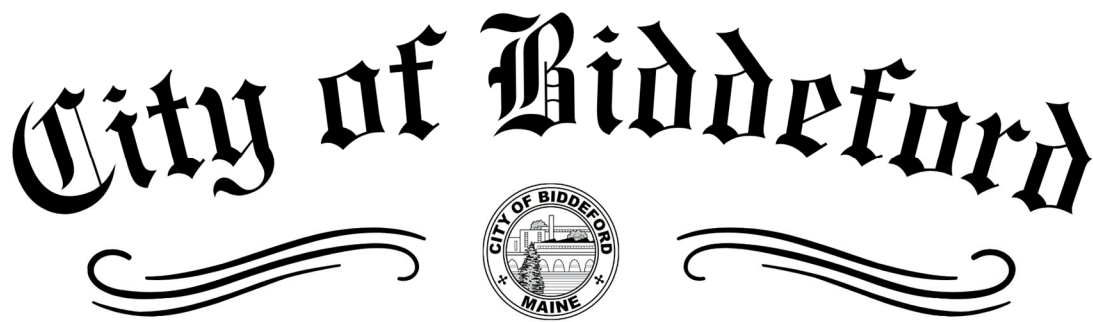
Article VI. Performance Standards

Section 77. Marijuana establishments.

DRAFT ORDINANCE AMENDMENTS

Planning Board Review: November 15, 2023 – SECOND READING

- c. Noxious gases and fumes. Marijuana establishments shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the establishment. Gases or fumes shall not extend beyond the premises of any establishment, meaning not detectable on any property that is not under the control of the establishment.
 - d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment shall be provided at all times.
 - e. All marijuana and marijuana by-products intended for disposal shall be stored indoors in a self-contained room that is intended solely for this purpose and in accordance with all applicable federal, state and local laws and regulations. When moving material from the self-contained storage room for disposal, marijuana and marijuana by-products shall be moved only in receptacles with a cover or lid. Security cameras shall be installed to record activities in the area of the storage room as well the areas between the storage room and where said material is loaded onto vehicle(s) for disposal.
- C. Separation of marijuana establishments. No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment.
- D. Odor Disobedience Process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business, may be unable to renew their business license, and therefore also may become unable to operate within the City of Biddeford.
- a) First complaint - The office of code enforcement will review the complaint, and current odor abatement plan. The Operator will have 30 days to address the problem and come up with a solution. After which they will have another 60 days to fix the issue(s).
 - b) After these initial 90 days the business should stay complaint free. If another complaint is made they will have another 90 days to address and fix the issue.
 - c) If three complaints are made throughout the licensed year, the operator will need to update their odor abatement plan, go through the site plan review process, and may not be granted a renewed license.
 - d) If the operator's license is up for renewal within the 90 days of a complaint the city may offer an extension or temporary license to allow for proper reconditioning of the odor abatement system.



2023.147

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, that the Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B, Item B be amended by amending B.1.a. and B.1.c., adding a new B.2.a and B.2.b, adding a new B.3., and renumbering existing B.2. to B.4 by adding and ~~deleting~~ text as follows:

- B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, the density requirements may be relaxed as follows:
1. Redevelopment of existing structures:
 - a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every ~~650~~ 500 square feet of living space within an existing structure, excluding unfinished basement areas, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
 - b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
 - c. An applicant provided a density bonus for rental housing shall enter into a thirty (30) year contractual agreement with the City of Biddeford requiring that at least 30% of the additional units created shall be leased such that they do not exceed 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Rent-restricted units will be annually monitored by the Planning and Development Department for contract compliance.

2. Density Bonus Review Process: Expansions of low/moderate income (LMI) projects shall be reviewed as followed:

- a. Where expansions of affordable housing units under this provision are being utilized, up to a maximum of eight (8) or less units being created, shall be reviewed and approved by the City's Staff Review Committee (SRC). Projects exceeding eight (8) units shall be reviewed by the Planning Board for Site Plan and Subdivision review.
 - b. Parking standards for affordable housing projects of this nature, shall provide a minimum of one parking space for every two (2) low/moderate income (LMI) housing units created. For units exceeding the low/moderate income (LMI) threshold, parking shall be provided as required within the City's parking standards.
3. Vacant Land Development: For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the density bonus standards within Section B, for low/moderate income (LMI) housing developments, may increase the base density by 2.5% of the particular zoning district where the lot is located.
- ~~24~~. Condominium conversions/development:

November 21, 2023

Motion: Councilor Mills

Second: Councilor Lessard

Councilor LaFountain – motion to allow an increase in height requirement to increase it to a 4th story.

Grohman – second.

Councilor LaFountain – motion to remove the amendment.

Councilor Grohman – second.

Vote: Unanimous in favor.

Motion passed.

Attest by:_____

Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.m.

Item Description: 2023.147) Approval/Density Bonus Ordinance - Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Table B "Dimensional Requirements" to allow high densities within the downtown.

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Table B with proposed amendments with in-line text amendments
3. Staff Memo to the Planning Board outlining the amendments.

Key Terms:

N/A

Executive Summary:

The purpose of the proposed Ordinance amendment would allow higher housing densities for Low/Moderate Income housing projects in close within the downtown and existing services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts.

Detailed Review:

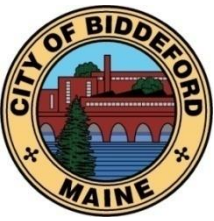
The purpose of the proposed Ordinance amendment would allow higher housing densities for Low/Moderate Income housing projects, within the downtown and existing services, within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts. A copy of the proposed amendments is attached. It should be noted that the proposed amendments are located within Table B "Dimensional Requirements" and modifies only Item # B, items 1-3. The only exception would be further modifying the original numbering, following the proposed amendment, so that the item that was formerly #2 now changes to #4, and following sections would progress in sequential order. This document includes deleted text in ~~red strikethrough~~ or added text as blue underlined and is proposed to be adopted as written.

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed Density Bonus Ordinance is another land use tool, recommended for adoption by City Staff and the Planning Board, as it seeks to increase the City's supply of housing and in particular low/moderate income housing. The Planning Board forwarded the proposed text amendments to the City Council, as written, with a recommendation for adoption. This is the first reading of this item.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
Biddeford, ME 04005
(207) 284-9115

David.Galbraith@Biddefordmaine.org

Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Acting Planning Director / City Planner

DATE: November 8, 2023

RE: **Density Bonus Ordinance – Amendments to Table B “Dimensional Requirements”**

MEETING DATE: November 15, 2023

1. Amendment Overview:

This item was last discussed with the Planning Board at the 11-1-2023 regular Board meeting. At that time the Board was in favor of forwarding a positive recommendation to the City Council to adopt the proposed Ordinance Amendment. At this time Staff is seeking the Board approve the second reading of the amendment with a positive recommendation for Council adoption.

The purpose of the proposed Ordinance would allow higher housing densities for Low/Moderate Income housing projects in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts. A copy of the proposed amendments are attached.

It should be noted that the proposed amendments are located within Table B “Dimensional Requirements” and modifies **only** Item # B, items 1-3, with the exception on modifying original numbering at #4 which was formerly #2, where the numbering progresses in sequential order.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of this ordinance amendment to the City Council to bring this Ordinance into compliance with LD2003 and to provide additional incentives for low / moderate Income housing developments. This document includes deleted text in ~~red-strikethrough~~ or new text as blue underlined.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Amendments to Table B “Dimensional Requirements”, as written and proposed.
- B. Motion to Deny: I motion to DENY the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Amendments to Table B “Dimensional Requirements”, as written and proposed, for the following reasons:

1) _____.

MEETING: Planning Board Meeting
TOPIC: Case # 2023.42 Frontage Reduction Ordinance Amendment / Draft Ordinance Language / Discussion Item
MEETING DATE: September 20, 2023

- 2) _____.
- 3) _____.

C. Motion to Table: I motion to TABLE the proposed Amendments to the City’s Code of Ordinances, Part III: Land Development Regulations, Amendments to Table B “Dimensional Requirements”, for the following reasons:

- 1) _____.
- 2) _____.
- 3) _____.

ATTACHMENTS

- 1. Attachment # 1: Proposed – Density Bonus Ordinance - Amendments to Table B

ESTABLISHMENT OF ZONES
V Attachment 2
City of Biddeford
Table B

DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

BIDDEFORD CODE NOTES for Table B:

N/A: Not allowed.

* A new structure may be permitted to be built with less than the required setback, provided that the following are met:

1. The setback will be equal to the average front yard setback of the existing houses on the immediately adjacent lots; and
2. The setback shall be at least 15 feet; and
3. These provisions shall apply only along existing residential streets which were developed prior to the enactment of the present front yard setback requirements.

** The Building Inspector may allow a lessening of setback requirement for access structures, as necessary, to facilitate reasonable handicapped accessibility. This provision shall apply to existing structures only. Any access structure built under this provision shall be temporary to facilitate the handicapped or disabled occupant and shall be removed when no longer needed.

+ Maximum height is exclusive of chimneys, antennae, and roof-mounted, building-integrated, building-mounted or architectural wind systems when attached to a structure. Chimneys and antennae shall not be higher than 12 feet above the structure. Roof-mounted, building-integrated, building-mounted or architectural wind systems shall not be higher than 15 feet above the maximum allowed building height in the zone.

A. Minimum land area per dwelling unit.

B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, the density requirements may be relaxed as follows:

1. Redevelopment of existing structures:

- a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
- b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.

ESTABLISHMENT OF ZONES
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DRAFT Amendments – Density Bonus Ordinance
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- c. An applicant provided a density bonus for rental housing shall enter into a thirty (30) year contractual agreement with the City of Biddeford requiring that at least ~~51%~~ 30% of the additional units created shall be leased such that they do not exceed ~~80%~~ 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Rent-restricted units will be annually monitored by the Planning and Development Department for contract compliance.
 - d. For projects proposing to demolish and rebuild an existing building, the existing approved density, may be re-utilized within the redevelopment.
2. Density Bonus Review Process: Expansions of low/moderate income (LMI) projects shall be reviewed as followed:
- a. Where expansions of affordable housing units under this provision are being utilized, up to a maximum of eight (8) or less units being created, shall be reviewed and approved by the City's Staff Review Committee (SRC). Projects exceeding eight (8) units shall be reviewed by the Planning Board for Site Plan and Subdivision review.
 - b. Parking standards for affordable housing projects of this nature, shall provide a minimum of one parking space for every two (2) low/moderate income (LMI) housing units created. For units exceeding the low/moderate income (LMI) threshold, parking shall be provided as required within the City's parking standards.
3. Vacant Land Development: For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the density bonus standards within Section B, for low/moderate income (LMI) housing developments, may increase the base density by 2.5% of the particular zoning district where the lot is located.
4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in Section 1A, or increasing the base density by 2.5%, as outlined in Section 3, providing it equates to more affordable housing being provided.
2. 5. Condominium conversions/development:
- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1 above.
 - b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits.

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DRAFT Amendments – Density Bonus Ordinance
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- c. The applicant agrees that if the project is converted to condominiums, said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median-income households as set annually by HUD for the City of Biddeford.
- C. Applies only to dwelling units. All other uses shall have a minimum of 10,000 square feet.
- D. (Reserved)
- E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this table.
- F. (Reserved)
- G. (Reserved)
- H. Roadside stands may be 10 feet from the major access road.
- I. This is the density limit for the expansion of existing residential dwelling units.
- J. Applies to all uses.
- K. Hospital height limit shall be 110 feet.
- L. Does not apply to cluster development.
- M. The number of accessory structures shall meet setback requirements; and shall be limited to no more than three per lot; and shall not exceed the height of the primary structure; and any plumbing, if necessary, shall be limited to a utility sink. Structures associated with bona fide working agricultural uses are not subject to these limits.
- N. Any use not serviced by a public water supply must show evidence that it is serviced by a potable water supply meeting minimum state standards for safe drinking water.
- O. Any residential structures in existence prior to December 20, 1990, may be expanded or added to as long as they meet minimum setbacks (from major access, 40 feet; from other streets, 25 feet; from side and rear property lines, 10 feet).
- P. The location of new or expanded buildings and structures including the replacement of existing buildings in the Institutional Zone shall conform to the approved Institutional Master Plan and the following dimensional standards:
 - 1. Maximum height. The maximum height of buildings in the Institutional Zone shall be 35 feet, 50 feet, or 65 feet depending upon in which building height subdistrict the building is located. The building height subdistricts and maximum building heights are shown on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance. Notwithstanding the maximum building height provision, the tallest point of any building

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or structure, including appurtenant structures, in the Institutional Zone shall not exceed 115 feet above sea level based upon the national geodetic vertical datum (NGVD), unless a higher elevation is mandated as part of a state or federal environmental approval or permit.

2. Minimum building setbacks from public streets. All buildings in the Institutional Zone shall conform to the following minimum setbacks from public streets:

- South side of Hills Beach Road from intersection with Old Pool Road east to a point 250 feet west of the zone boundary/property line: 25 feet.
- South side of Hills Beach Road from a point 250 feet west of the zone boundary/property line east to the zone boundary: 50 feet with a provision that it can be reduced to 25 feet if replacement buildings at the housing park are located further from the wetland.
- North side of Hills Beach Road from intersection with Old Pool Road east to the zone boundary: 50 feet.
- Both sides of Hills Beach Road from intersection with Old Pool Road west to the zone boundary at Route 9: 50 feet with a provision that it can be reduced to 25 feet when a Hills Beach bypass is built that conforms to the following standards and is approved as part of the Institutional Master Plan.
- Both sides of Old Pool Road: 50 feet.
- Both sides of Pool Road (Route 9): 50 feet.
- Both sides of Newtown Road: 40 feet.
- Both sides of the Hills Beach bypass road when built: 50 feet.

The reduced setback along the westerly portion of Hills Beach Road shall be effective only if a Hills Beach bypass road has been constructed that meets the following standards:

- a. The road shall be designed and located to allow traffic to Hills Beach to travel directly from Route 9 to the approximate vicinity of the intersection of Old Pool Road and Hills Beach Road without using campus roads.
- b. The intersection with Route 9 will be located at an appropriate location for this use.
- c. The road shall be designed as a limited access facility with not more than one curb cut on each side providing campus access through internal campus streets. These curb cuts shall be in addition to any intersections with public streets or roads.
- d. No buildings or parking lots shall have direct access to or from the bypass road.
- e. A landscaped street buffer shall be established as provided for in Section 43 of Article VI.

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3. Minimum building setback from the perimeter of the Institutional Zone. All buildings shall be setback a minimum of 50 feet from the external boundary of the Institutional Zone where such zone boundary abuts a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone. The area along the zone boundary shall be maintained as a landscaped buffer in accordance with the provisions of Article VI, Section 12.
4. Maximum lot coverage. The maximum lot coverage shall be as follows:
 - a. Within the area south of Route 9 and west of the Newtown Road: 10%.
 - b. Within the area South of Route 9 and east of the Newtown Road: 30%.
 - c. Within the area North of Route 9: No maximum except as provided for in 5, Restricted Development Areas.
- 5.-Restricted development areas. Within the areas identified as “No Build Zones” on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance, the following additional requirements shall apply:
 - a. No new buildings, parking, roads, or access drives shall be constructed except for the construction of a Hills Beach bypass road and connections to the bypass road from existing public streets.
 - b. Existing buildings, parking, roads, and access drives may be maintained and may be improved with Planning Board approval but may not be relocated or expanded except as provided for in a.
 - c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Low impact is defined as meeting the following standards:
 - 1). The replacement has been approved as part of the institutional master plan.
 - 2). The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.
 - 3). The amount of nonvegetated area after redevelopment shall be not more than the amount of nonvegetated area existing at the time of adoption of this provision.
 - 4). No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
 - 5). The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University

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DRAFT Amendments – Density Bonus Ordinance
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Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.

- ~~6.~~ 6. The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.
- ~~7.~~ 7. The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.

- d. No new athletic fields or athletic facilities shall be constructed.
 - e. Existing athletic fields may be maintained and improved but may not be expanded. Improvements to the existing fields shall be limited to items such as fencing, buffering, portable grandstands, scoreboards, lighting, temporary rest room facilities, storage sheds with less than 300 square feet of floor area, and similar facilities.
 - f. The areas not currently used for athletic fields, parking or the student housing park shall be maintained as naturally vegetated areas and shall not be converted to lawns or other improved open space. Existing vegetation shall be maintained subject to sound management practices relative to cutting, thinning, pruning, and similar activities.
- Q. Existing nonconforming lots or structures may be considered for conversion to nonresidential uses allowed in the OR Zone, provided that neither structure nor lot are made more nonconforming as a result of the conversion.
- R. The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than 10 feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.

ESTABLISHMENT OF ZONES
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Updated 11/21/23
3:40 pm

DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

BIDDEFORD CODE NOTES for Table B:

N/A: Not allowed.

* A new structure may be permitted to be built with less than the required setback, provided that the following are met:

1. The setback will be equal to the average front yard setback of the existing houses on the immediately adjacent lots; and
2. The setback shall be at least 15 feet; and
3. These provisions shall apply only along existing residential streets which were developed prior to the enactment of the present front yard setback requirements.

** The Building Inspector may allow a lessening of setback requirement for access structures, as necessary, to facilitate reasonable handicapped accessibility. This provision shall apply to existing structures only. Any access structure built under this provision shall be temporary to facilitate the handicapped or disabled occupant and shall be removed when no longer needed.

+ Maximum height is exclusive of chimneys, antennae, and roof-mounted, building-integrated, building-mounted or architectural wind systems when attached to a structure. Chimneys and antennae shall not be higher than 12 feet above the structure. Roof-mounted, building-integrated, building-mounted or architectural wind systems shall not be higher than 15 feet above the maximum allowed building height in the zone.

A. Minimum land area per dwelling unit.

B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, the density requirements may be relaxed as follows:

1. Redevelopment of existing structures:

- a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
- b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.

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DRAFT Amendments – Density Bonus Ordinance
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- c. An applicant provided a density bonus for rental housing shall enter into a thirty (30) year contractual agreement with the City of Biddeford requiring that at least ~~51%~~ 30% of the additional units created shall be leased such that they do not exceed ~~80%~~ 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Rent-restricted units will be annually monitored by the Planning and Development Department for contract compliance.
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4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in Section 1A, or increasing the base density by 2.5 times, as outlined in Section 3, providing it equates to more affordable housing being provided.
2. 5. Condominium conversions/development:
- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1 above.
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- c. The applicant agrees that if the project is converted to condominiums, said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median-income households as set annually by HUD for the City of Biddeford.
- C. Applies only to dwelling units. All other uses shall have a minimum of 10,000 square feet.
- D. (Reserved)
- E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this table.
- F. (Reserved)
- G. (Reserved)
- H. Roadside stands may be 10 feet from the major access road.
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- K. Hospital height limit shall be 110 feet.
- L. Does not apply to cluster development.
- M. The number of accessory structures shall meet setback requirements; and shall be limited to no more than three per lot; and shall not exceed the height of the primary structure; and any plumbing, if necessary, shall be limited to a utility sink. Structures associated with bona fide working agricultural uses are not subject to these limits.
- N. Any use not serviced by a public water supply must show evidence that it is serviced by a potable water supply meeting minimum state standards for safe drinking water.
- O. Any residential structures in existence prior to December 20, 1990, may be expanded or added to as long as they meet minimum setbacks (from major access, 40 feet; from other streets, 25 feet; from side and rear property lines, 10 feet).
- P. The location of new or expanded buildings and structures including the replacement of existing buildings in the Institutional Zone shall conform to the approved Institutional Master Plan and the following dimensional standards:
 - 1. Maximum height. The maximum height of buildings in the Institutional Zone shall be 35 feet, 50 feet, or 65 feet depending upon in which building height subdistrict the building is located. The building height subdistricts and maximum building heights are shown on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance. Notwithstanding the maximum building height provision, the tallest point of any building

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2. Minimum building setbacks from public streets. All buildings in the Institutional Zone shall conform to the following minimum setbacks from public streets:

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- South side of Hills Beach Road from a point 250 feet west of the zone boundary/property line east to the zone boundary: 50 feet with a provision that it can be reduced to 25 feet if replacement buildings at the housing park are located further from the wetland.
- North side of Hills Beach Road from intersection with Old Pool Road east to the zone boundary: 50 feet.
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- Both sides of Old Pool Road: 50 feet.
- Both sides of Pool Road (Route 9): 50 feet.
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- Both sides of the Hills Beach bypass road when built: 50 feet.

The reduced setback along the westerly portion of Hills Beach Road shall be effective only if a Hills Beach bypass road has been constructed that meets the following standards:

- a. The road shall be designed and located to allow traffic to Hills Beach to travel directly from Route 9 to the approximate vicinity of the intersection of Old Pool Road and Hills Beach Road without using campus roads.
- b. The intersection with Route 9 will be located at an appropriate location for this use.
- c. The road shall be designed as a limited access facility with not more than one curb cut on each side providing campus access through internal campus streets. These curb cuts shall be in addition to any intersections with public streets or roads.
- d. No buildings or parking lots shall have direct access to or from the bypass road.
- e. A landscaped street buffer shall be established as provided for in Section 43 of Article VI.

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DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

3. Minimum building setback from the perimeter of the Institutional Zone. All buildings shall be setback a minimum of 50 feet from the external boundary of the Institutional Zone where such zone boundary abuts a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone. The area along the zone boundary shall be maintained as a landscaped buffer in accordance with the provisions of Article VI, Section 12.
4. Maximum lot coverage. The maximum lot coverage shall be as follows:
 - a. Within the area south of Route 9 and west of the Newtown Road: 10%.
 - b. Within the area South of Route 9 and east of the Newtown Road: 30%.
 - c. Within the area North of Route 9: No maximum except as provided for in 5, Restricted Development Areas.
- 5.-Restricted development areas. Within the areas identified as “No Build Zones” on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance, the following additional requirements shall apply:
 - a. No new buildings, parking, roads, or access drives shall be constructed except for the construction of a Hills Beach bypass road and connections to the bypass road from existing public streets.
 - b. Existing buildings, parking, roads, and access drives may be maintained and may be improved with Planning Board approval but may not be relocated or expanded except as provided for in a.
 - c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Low impact is defined as meeting the following standards:
 - 1). The replacement has been approved as part of the institutional master plan.
 - 2). The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.
 - 3). The amount of nonvegetated area after redevelopment shall be not more than the amount of nonvegetated area existing at the time of adoption of this provision.
 - 4). No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
 - 5). The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University

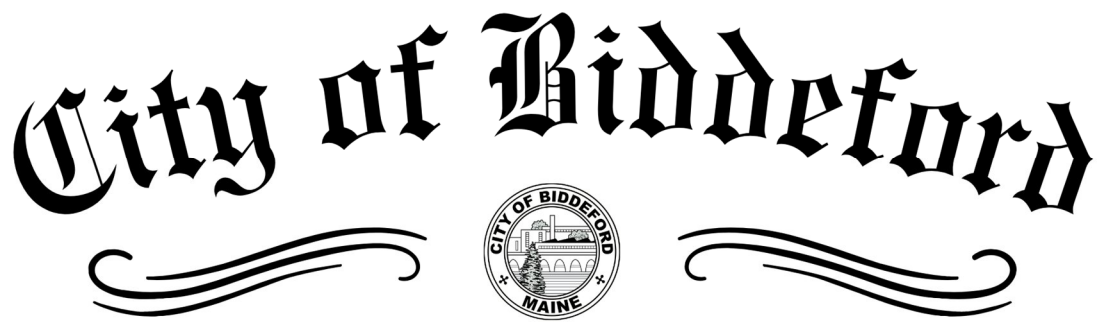
ESTABLISHMENT OF ZONES
V Attachment 2
City of Biddeford
Table B

DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.

- ~~6.~~ 6. The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.
- ~~7.~~ 7. The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.

- d. No new athletic fields or athletic facilities shall be constructed.
 - e. Existing athletic fields may be maintained and improved but may not be expanded. Improvements to the existing fields shall be limited to items such as fencing, buffering, portable grandstands, scoreboards, lighting, temporary rest room facilities, storage sheds with less than 300 square feet of floor area, and similar facilities.
 - f. The areas not currently used for athletic fields, parking or the student housing park shall be maintained as naturally vegetated areas and shall not be converted to lawns or other improved open space. Existing vegetation shall be maintained subject to sound management practices relative to cutting, thinning, pruning, and similar activities.
- Q. Existing nonconforming lots or structures may be considered for conversion to nonresidential uses allowed in the OR Zone, provided that neither structure nor lot are made more nonconforming as a result of the conversion.
- R. The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than 10 feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.



2023.148

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, that the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, be amended by adding a new Section 40 – Inclusionary Zoning (IZ) as referenced by [adding](#) text to the Code of Ordinances as reflected within the attached draft text of Sec 40.

November 21, 2023

Motion: Councilor Mills

Second: Councilor Lessard

Councilor Ortiz – motion to amend the AMI number to 80%.

Second – Councilor Mills.

Vote on the motion to amend:

8 yeas – Councilors Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain, Ortiz and Lessard. 1 nay – Councilor Belanger.

Amendment passed.

Councilor Grohman – motion to amend to remove the Sunset provision.

Second – Councilor Mills

Vote on the motion to amend:

7 yeas – Councilors Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain, and Ortiz.

2 nays – Councilors Belanger and Lessard.

Amendment passed.

Councilor Emhiser – motion to amend to edit 40.4 A. Purpose, end the last sentence after the word “districts”

Second – Councilor Lessard

Vote on the motion to amend:

6 yeas – Councilors Belanger, Emhiser, Grohman, Ortiz, Lessard and Schlaver.

3 nays – Councilors Whiting, Mills and LaFountain.

Amendment passed.

Councilor LaFountain - Motion to amend section 40.4.B to add “or home ownership” after the word rent in the first sentence.

Second: Councilor Mills

Vote on the motion to amend:

3 yeas – Councilors Mills, LaFountain and Whiting

6 nays – Councilors Belanger, Emhiser, Grohman, Schlaver, Ortiz and Lessard.
Amendment failed.

Vote on the Order with the 3 amendments:

6 yeas – Councilors Emhiser, Whiting, Grohman, Mills, LaFountain and Ortiz.

3 nays – Councilors Belanger, Schlaver and Lessard.

Motion passed.

December 19, 2023

Attest by:_____

Robin Patterson, City Clerk.



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.n.

Item Description: 2023.148) Approval/Amendment Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards; Add Section 40 – Inclusionary Zoning (IZ).

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Housing Task Force Order
3. Section 40 – Inclusionary Zoning Ordinance
4. Staff Memo to the Planning Board outlining the amendments.

Key Term:

N/A

Executive Summary:

The proposed Ordinance amendment proposes to create a new Ordinance, Section 40 – Inclusionary Zoning (IZ).

Detailed Review:

The City Council previously determined that it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to offer incentives to developers to include units of affordable and workforce housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The City believes that this section will assist in meeting the City's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety, and welfare of its citizens. The proposed Ordinance outlines the purpose of the IZ Ordinance and established specific criteria to allow for additional workforce housing. The new text is shown below and is highlighted in blue and underlined. There are no proposed text deletions. It should be noted that the one remaining item that some of the Planning Board struggled with was the "Sunset Regulations" which read:

F.Sunset Regulations. Municipal Inclusionary Zoning Regulations will sunset within ten (10) years following City Council adoption unless extended by the City Council. All Inclusionary Zoning Projects approved by the Planning Board shall remain in full effect if the Inclusionary Zoning Regulations Sunset.

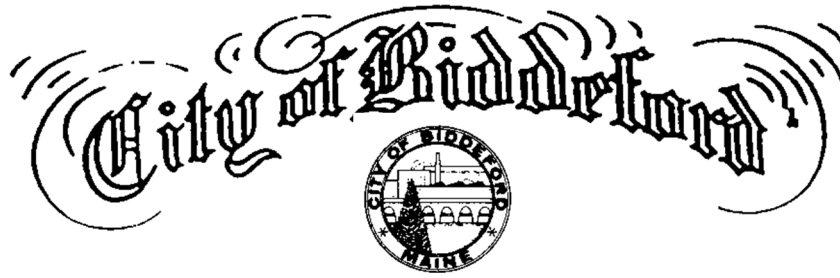
The Board questioned the need for the Sunset clause as it the City Council could repeal or amend the Ordinance if it wasn't working as intended rather than having an automatic sunset which, over time, could go into effect without the Council's desire to eliminate the Ordinance. The Board suggested that the Council evaluate keeping the sunset provision in the Ordinance or not. Earlier drafts of the Ordinance had the "sunset clause" going into effect in two (2) years and the Board amended this to expire in ten (10) years, which is incorporate into the Ordinance as proposed. The Board felt that the two (2) year time period was insufficient to properly evaluate the effectiveness of the Ordinance and that the ten (10) year sunset would provide additional time to use and evaluate the effectiveness of the Ordinance and modify if determined necessary.

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

The proposed Amendment is being forwarded to the City Council, from the Planning Board, with a recommendation for adoption as written.



2023.25

IN BOARD OF CITY COUNCIL on June 20, 2023

WHEREAS, the Biddeford City Council has received the Report of the Mayor's Affordable Housing Task Force;

WHEREAS, that report identified that long term residents of the City, most especially long term renters, "... are more likely to pay a greater percentage of their monthly income today than they did when they started renting..." and over fifty percent (50%) of all full time Biddeford residents are renters;

WHEREAS, the market rents continue to increase at a rate in Biddeford that exceeds cost of living and inflation, and the history and unique character of Biddeford includes a mix of residents with a range of income levels;

WHEREAS, the current increase in housing costs, particularly among renters is a hardship for the residents of the City of Biddeford and the Biddeford City Council recognizes and finds that there is currently a lack of affordable housing within the City of Biddeford, and the lack of affordable housing is detrimental to the health, safety and welfare of the inhabitants of the City of Biddeford and said lack of affordable housing constitutes an emergency as set forth in the Charter of the City of Biddeford, Article III, § 8.

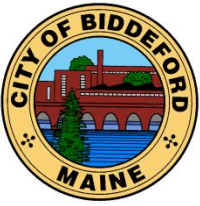
WHEREAS, the Mayor's Affordable Housing Task Force has recommended that the City adopt an Inclusionary Zoning Ordinance and Inclusionary Zoning Regulations which may include multiple approaches;

WHEREAS, the City's current land use ordinance, regulations and existing comprehensive plan are inadequate to prevent serious public harm, namely the continuance of residential development without requiring affordable housing units;

WHEREAS, based upon a finding that the current lack of affordable housing constitutes an emergency and the City of Biddeford current ordinances, land use regulations and existing comprehensive plan are inadequate to address the lack of affordable housing, pursuant to 30-A M.R.S. § 4356, a moratorium on new residential projects with ten (10) or more units was approved by the City Council on April 4, 2023 to address existing land use ordinance, rules and regulations and adopt new land use ordinances, rules and regulations;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council supports the concept of municipal Inclusionary Zoning Regulations and refers to the Planning Board the responsibility to prepare Inclusionary Zoning Regulations for City Council review and action.

Attest by: _____



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board
FROM: David C.M. Galbraith, Deputy Director / City Planner
DATE: October 31, 2023
MEETING DATE: November 1, 2023

RE: NEW ORDINANCE: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions.

1. Overview:

The proposed Inclusionary Ordinance has previously been discussed with the Planning Board on a couple of occasions. The proposed Ordinance is being proposed as a new Section (40) within the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 (New) – Inclusionary Zoning (IZ). As all of the text is new the document is presented "clean" so there is not any blue underlined text, for text additions, or ~~red-strikethrough~~ for text deletions.

The Ordinance also requires a Zoning Text Amendment to the Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions to include a new definition for "Affordable Housing Development".

2. Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of this amendment to the City Council to increase low / Moderate Income (LMI) housing within the City and to further bring the City into compliance with LD2003.

ATTACHMENTS

1. Attachment # 1: Section 40 – Inclusionary Zoning (IZ)
2. Attachment #2: Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions

City of Biddeford, Maine
DRAFT Inclusionary Zoning Regulations
***NEW ORDINANCE: Code of Ordinances, Part III: Land Development**
Regulations, Article VI – Performance Standards,
Section 40 – Inclusionary Zoning.

Planning Board Public Hearing: November 1, 2023

Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions:

ITEM # 1: New Definition:

Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions and Article VI – Performance Standards, and included within Section 40 – Inclusionary Zoning.

40.1 AFFORDABLE HOUSING DEVELOPMENT:

- A. For rental housing, a development in which a household whose income does not exceed 70% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development, without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.
- C. Affordable Housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

40.2 Workforce housing unit for rent for which:

- A. The rent is affordable to a household earning 100% or less than of AMI.
- B. The unit is rented to a household earning 100% or less than of AMI.
- C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

City of Biddeford, Maine
DRAFT Inclusionary Zoning Regulations
***NEW ORDINANCE: Code of Ordinances, Part III: Land Development**
Regulations, Article VI – Performance Standards,
Section 40 – Inclusionary Zoning.

Planning Board Public Hearing: November 1, 2023

40.3 Purpose

It is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section therefore is to offer incentives to developers to include units of affordable and workforce housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower-income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The City believes that this section will assist in meeting the City's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety, and welfare of its citizens.

40.4 Ensuring Workforce Housing

- A. Purpose.** Based on the City Council adopted the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this subsection is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This Ordinance shall regulate properties located within the City's MSRD1 and MSRD3 zoning districts and any undeveloped residentially zoned properties.
- B. Applicability.** This subsection shall apply to development projects that create eight (8) or more net new dwelling units for rent through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. This ordinance shall not apply to projects as follows:
- a. Using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds such as HOME or CDBG, other federal, state, or local housing program, or the Low-Income Housing Tax Credit Program or
 - b. Existing residential projects with Planning Board and/or City Council approvals.
 - c. Projects that qualify for a Density Bonus pursuant to "Table B – Dimensional Requirements".

City of Biddeford, Maine
DRAFT Inclusionary Zoning Regulations
***NEW ORDINANCE: Code of Ordinances, Part III: Land Development**
Regulations, Article VI – Performance Standards,
Section 40 – Inclusionary Zoning.

Planning Board Public Hearing: November 1, 2023

C. Standards. Development projects subject to this subsection shall be subject to the following requirements:

1. Notwithstanding any language to the contrary in this Land Use Code, all developments of eight (8) units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this subsection.
2. At least 10% of the units in the project shall meet the definition of workforce housing units for rent to an eligible household, as defined in Article I, In General. The project shall have the option of paying a partial fee-in-lieu as outlined in Subsection 6a below. Where the required number of units results in a fraction of less than 0.5, the required number of onsite units is rounded down to the nearest whole number. Where the required number of units results in a fraction of 0.5 or more, the development project shall have the option of paying a partial fee-in-lieu for the fractional value or rounding the number of onsite units up to the nearest whole number.
3. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
4. Workforce units must be integrated with the rest of the development, must use a common entrance, and must provide no indications from common areas that these units are workforce housing units. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project. Workforce units shall be comparable in materials, interior finishes, amenities, and parking to dwelling units in the neighborhood and in the development in which they are located.
5. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.
6. As an alternative to providing workforce housing units, the project may:
 - a. Pay a fee-in-lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund. The fee for affordable units not provided shall be \$100,000 per unit. The payment shall be required in conjunction with a request for a Certificate of Occupancy.
7. If at least 33% of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing Tax Increment Financing (TIF) District Credit Enhancement Agreement, subject to City Council approval.

City of Biddeford, Maine
DRAFT Inclusionary Zoning Regulations
***NEW ORDINANCE: Code of Ordinances, Part III: Land Development**
Regulations, Article VI – Performance Standards,
Section 40 – Inclusionary Zoning.

Planning Board Public Hearing: November 1, 2023

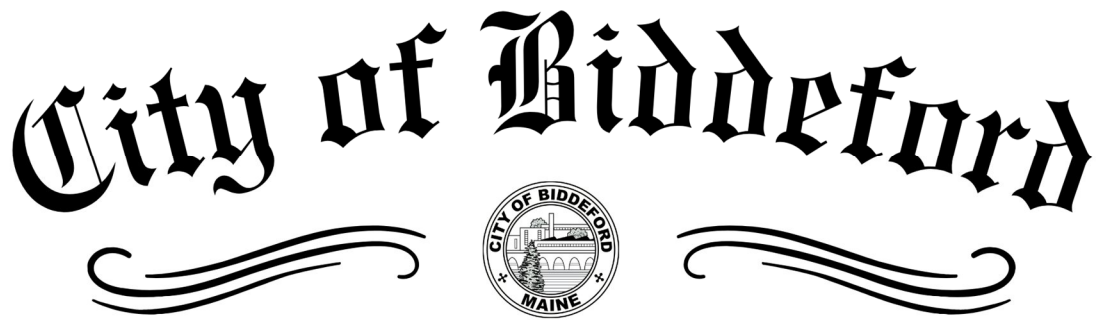
8. The term of affordability for the required % workforce units provided shall be thirty (30) years.

D. Implementing regulations. Regulations to further specify the details of this subsection shall be developed, including, but not limited to:

1. Specific methodology for income verification.
2. Situations where less than permanent affordability might be considered.

E. Reporting to City Council. In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this subsection, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this subsection in achieving its stated purpose.

F.Sunset Regulations. Municipal Inclusionary Zoning Regulations will sunset within ten (10) years following City Council adoption unless extended by the City Council. All Inclusionary Zoning Projects approved by the Planning Board shall remain in full effect if the Inclusionary Zoning Regulations Sunset.



2023.149

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, that the City's Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions, Section 2-Definitions, be amended to include a definition for Affordable Housing Development to comply with LD2003 by [adding](#) text as follows:

AFFORDABLE HOUSING DEVELOPMENT:

- A. For rental housing, a development in which a household whose income does not exceed 70% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development, without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.
- C. Affordable Housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

November 21, 2023

Motion: Councilor Mills

Second: Councilor Lessard

Vote: 8 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain and Ortiz. 1 nay – Councilor Lessard.

Motion passed.

December 19, 2023

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: November 21, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.o.

Item Description: 2023.149) Amendment/Code of Ordinances, Part III: Land Development Regulations, Article II Definitions - Affordable Housing Development

Submitted by: David C.M. Galbraith, Acting Planning & Development Director / City Planner

Supporting Information/Documentation:

1. City Council Order
2. Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II Definitions to include Affordable Housing Development.
3. Staff Memo to the Planning Board outlining the amendment.

Key Term:

N/A

Executive Summary:

This proposed Ordinance amendment would modify the City's Code of Ordinances, Part III: Land Use Development Regulations, Article II Definitions to include Affordable Housing Development definitions to comply with LD2003.

Detailed Review:

LD2003 requires municipalities to adopt specific definitions for "Affordable Housing development". The proposed text amendment is shown below in its entirety. The below are new definitions so are shown below highlighted in blue and underlined. There are not any text deletions.

AFFORDABLE HOUSING DEVELOPMENT:

- A. For rental housing, a development in which a household whose income does not exceed 70% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development, without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.
- C. Affordable Housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not

exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

Funding Source:

Not applicable.

Planning Board / Staff Recommendation:

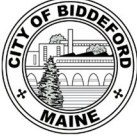
The proposed Amendment is being forwarded to the City Council, from the Planning Board, with a recommendation for adoption as written.

Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions:

AFFORDABLE HOUSING DEVELOPMENT:

- A. For rental housing, a development in which a household whose income does not exceed 70% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development, without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.
- C. Affordable Housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

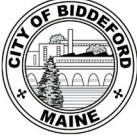
City of Biddeford



2023.160 **IN BOARD OF CITY COUNCIL... December 19, 2023**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt
Roberts Rules of Order.

Attest by: _____
Robin Patterson, City Clerk

City of Biddeford



2023.161 **IN BOARD OF CITY COUNCIL... December 19, 2023**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt
Code of Ordinances, Appendix A – Rules of the Council as revised.

Attest by: _____
Robin Patterson, City Clerk

APPENDIX A

Rules of City Council

GENERAL REFERENCES

City Council — See Charter, Art. III.

City Council — See Ch. 2, Art. II.

Sec. A-1 Rule 1: Duties and powers of Mayor or Presiding Officer.

[Ord. of 1-2-1979(15); Ord. No. 2001.119, 12-18-2001; Ord. No. 2002.136, 12-17-2002; Ord. No. 2003.12, 2-4-2003; Ord. No. 2003.123, 12-3-2003; Ord. No. 2006.11, 2-7-2006; 9-4-2012; 2-4-2014 by Ord. No. 2014.10; 6-3-2014 by Ord. No. 2014.42; 1-5-2016 by Ord. No. 2016.2]

- a. The Mayor shall take the chair at the hour appointed for the meeting, or as soon thereafter as is convenient, call the members to order, and after the appearance of a quorum, cause the minutes of the preceding meeting to be read. In the absence of the Mayor, the President of the City Council shall be the presiding officer, but in case of the absence of both the Mayor and the President at such time, the Clerk of the Council shall preside until a President Pro Tempore for said meeting is chosen.
- b. The Mayor shall receive and submit to vote all motions and propositions regularly moved, shall put the question, and shall declare all votes; but if any Councilor doubts the vote, all those voting in the affirmative, when called upon by the Mayor, shall raise their hand until they are counted, and also those in the negative, in like manner, to make the vote certain.
- c. The Mayor shall restrain the members when engaged in debate, within the rules of order, and shall enforce, on all occasions, the observance of order and decorum among the members.
- d. The Mayor shall decide all questions of order subject to an appeal to the Council by motion properly seconded.
- e. The Mayor may speak to points of order in preference to the members.
- f. When the Mayor desires to express his opinions on any subject, the Mayor shall yield the chair to the President of the Council, if present, or any other member.
- g. The Mayor shall appoint all standing and special committees of the City Council and the Chairs thereof, except the Chair of the Finance Committee, which shall be chaired by the Council President, and all such mayoral appointments shall receive confirmation by the City Council.
- h. Upon the Chair's inability to maintain order and in the event that either a Councilor or a member(s) of the public fail to comply with any of the rules or other rules as adopted by the Council regarding decorum and order the Chair shall immediately recess the Council. If upon resumption of the meeting order and decorum are unable to be maintained, the Chair shall call for the immediate adjournment of the meeting and conduct no further business.
- i. The Mayor shall call regular meetings of the City Council to order at 6:00 p.m. on the first and third Tuesdays of each month, and regular meetings shall adjourn by 9:00 p.m. unless a majority of the Councilors agree to extend the meeting. All regular and special meetings of the Council, including but

not limited to Council workshops and public hearings, will be held in the Council chambers, unless a majority of the Councilors agree to a different location. **[Amended 9-20-2016 by Ord. No. 2016.85]**

- j. When, as required by law, the City Council must act as municipal officers, they shall do so during a Council meeting. At each regular Council meeting there shall be two periods of the "public addressing the Council" for a total of up to 30 minutes, when the residents of Biddeford shall be afforded an opportunity to address the City Council on any item of City business which is not before the Council as an order of the day on the Council agenda, over which the Council has direct control, not to exceed three minutes per speaker during the first such period and five minutes per speaker during the second period. The first such period shall take place near the beginning of the meeting for up to 15 minutes, and the second period towards the end of such meeting for 15 minutes plus any unused portion of time from the beginning of the same meeting. The same person may not speak more than once in any evening without the majority vote of the Council. **[Amended 1-17-2017 by Ord. No. 2017.8; 12-12-2017 by Ord. No. 2017.130; 12-21-2021 by Ord. No. 2021.124]**

Sec. A-2 Rule 2: Rights and duties of members.

[Ord. of 11-6-1996; Ord. No. 99.87, 9-21-1999; Ord. No. 2001.119, 12-18-2001]

- a. At all meetings of the City Council, each member shall occupy the seat assigned to him or her by the Mayor at the first meeting of said Council.
- b. Unless excused, every member shall take notice of the day and hour to which the Council stands adjourned and shall give his or her punctual attendance accordingly; and shall attend all special meetings properly called. **[Amended 2-4-2014 by Ord. No. 2014.10; 12-21-2021 by Ord. No. 2021.124]**
- c. Every member, when about to speak, shall raise his or her hand and upon recognition by the presiding officer shall respectfully address the presiding officer, confine himself or herself to the question under debate, and avoid personalities. No member will be allowed to speak while out of his or her place. Debate must be confined to the merits of the pending question. Members must maintain a courteous tone, especially in reference to any divergence of opinion and shall avoid injecting any personal note into the debate. Members must never attack or make any allusion to the motives of members. **[Amended 2-4-2014 by Ord. No. 2014.10]**
- d. Members speaking shall not be interrupted by another, but by call to order; if any member in speaking or otherwise shall transgress the rules of the Council, the presiding officer shall, or any member may, call him or her to order; in which case the member so called to order shall immediately stop speaking unless permitted to explain; and the Council if appealed to, shall decide whether the member is in fact transgressing the rules or otherwise out of order, but without debate. If the decision is in favor of the member so called to order, that member shall be at liberty to proceed; if otherwise, he shall not speak again on the pending item without approval of the Council. **[Amended 2-4-2014 by Ord. No. 2014.10]**
- e. Each member has the right to speak twice on the same motion on the same meeting, but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor. No motion to move the question shall take place until each member has had an opportunity to speak once. A member who has spoken twice on a motion on the same meeting has exhausted his or her right to debate that motion for that meeting unless he or she obtains approval of the Council to speak on the same motion again. However, questions generated by discussing Council business or motions may be asked without limit. **[Amended 2-4-2014 by Ord. No. 2014.10]**
- f. Every member who shall be present when a question is put shall give his or her vote, unless the Council shall excuse that member.
- g. No member shall be permitted to vote on any question in the City Council, nor in committee, whose

private right, distinct from public interest, is immediately involved.

- h. When any member shall be guilty of a breach of any of the rules and orders of the Council and the Council has determined that member has so transgressed, that member shall not be allowed to vote or speak, unless by way of explanation for the same, until that member has recognized his or her transgression before the presiding officer and the Council and immediately ceases the breach. Any member who continues to breach any rule or order of the Council after the Council has determined said breach shall be subject to censorship by vote of the Council, and shall not be recognized in any further action. **[Amended 2-4-2014 by Ord. No. 2014.10]**
- i. (Reserved)
- j. No member shall be permitted to vote on any question in the City Council, nor in committee, when that member is a member of any organization or entity which has an interest separate and distinct from the public interest and in opposition to the interest of the inhabitants of the City of Biddeford. In any circumstance when a member refuses to abstain from participating in any vote, when that member has a private right or a right separate and distinct from the public interest, the Council shall decide the qualification of that member to participate on that issue.
- k. The members of the Council shall refrain from interference with the daily administration of City business.
- l. No member shall begin to discuss a matter when no motion is pending, unless the chair authorizes a particular subject to be discussed while no motion is pending.
- m. Any member may place an item(s) on a City Council agenda with the concurrence of at least one other member, with said item(s) being submitted in writing to the City Clerk. The submitted item(s) shall be placed on a City Council agenda within 30 days. The final agenda will be reviewed and approved by the Mayor and Council President. **[Amended 2-4-2014 by Ord. No. 2014.10; 1-17-2017 by Ord. No. 2017.8]**
- n. The agenda for regular meetings of the City Council shall be prepared and available in the City Clerk's office to members by 4:00 p.m. on the Wednesday preceding the meeting. The City Clerk shall provide for delivery of any agendas after noon on the Friday preceding the meeting. **[Amended 2-4-2014 by Ord. No. 2014.10]**
- o. Each member, when sending an email correspondence from the City email system, shall include the following disclaimer: **[Added 5-3-2011 by Ord. No. 2011.31; amended 12-21-2021 by Ord. No. 2021.124]**

NOTICE: Under Maine's Freedom of Access (Right to Know) Law, documents, including emails, in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in one the media.

- p. Members are not permitted use any mobile device for making phone calls, text messaging, emailing or other outside communication while meetings are in progress, unless for emergency purposes. **[Added 2-4-2014 by Ord. No. 2014.10]**

Sec. A-3 Rule 3: Proceedings and debates.

[Ord. of 7-21-1998(5); Ord. of 1-5-1999; Ord. No. 2000.122, 10-17-2000; Ord. No. 2003.12, 2-4-2003; Ord. No. 2003.123, 12-3-2003]

- a. In all votes, when the City Council expresses anything by way of command, the form of expression shall be "Ordered" and when it expresses opinions, principles, facts or propositions, the form shall be "Resolved."
- b. All memorials and other papers addressed to the Council shall be presented by the presiding officer, who shall explain the subject thereof, and they shall be taken up in the order in which they were presented, unless the Council shall otherwise direct.
- c. After a motion is stated or read by the presiding officer, it shall be deemed to be in possession of the Council, and shall be disposed of by vote of the Council unless the mover, with consent of the party seconding, withdraws it before a decision or amendment.
- d. Every motion shall be reduced to writing if the presiding officer shall so direct or any member request it.
- e. All questions shall be propounded in the order in which they are moved, unless the subsequent motion be previous in its nature, except that in naming sums and fixing times, the largest sum and the longest time shall be first put.
- f. When a question is under debate no motion shall be received but:

First	To adjourn
Second	To lay on the table
Third	For the previous question
Fourth	To commit
Fifth	To postpone to a day or event certain
Sixth	To amend
Seventh	To postpone indefinitely

Which several motions shall have precedence in the order in which they are arranged.

- g. No motion to postpone or commit shall be allowed twice on the same day in the same stage of the ordinance or proposition.
- h. A motion to previous question shall only take effect when approved by a majority of the Council; and until it is decided, shall preclude all amendments and further debate of the main question. **[Amended 12-21-2021 by Ord. No. 2021.124]**
- i. A motion for reconsideration of a vote shall be open to debate, and only by a member voting with the majority; and only one motion for the reconsideration of any vote shall be permitted.
- j. No motion or proposition on a subject different from that under discussion shall be admitted under color of an amendment.
- k. The divisions of a question may be called for when the sense will admit it.
- l. All orders, resolves and reports may be committed or recommitted at the pleasure of the Council.

- m. When the reading of a paper is called for which has been before read to the Council, and the same is objected to by any member, the question of reading shall be determined by a vote of the Council.
- n. When two or more members happen to request to be recognized at the same time, the presiding officer shall name the member who is to speak first. **[Amended 1-5-2016 by Ord. No. 2016.2]**
- o. The yes and no votes shall be taken on any question, upon the request of any member present. **[Amended 2-4-2014 by Ord. No. 2014.10]**
- p. Any public comment on any Council order, resolve or ordinance, when allowed by state law or the Council shall not exceed three minutes per individual speaker. Such persons shall be permitted to speak only once on an item and shall confine their remarks to the merits of the order, resolve, amendment or ordinance before the Council. **[Amended 2-4-2014 by Ord. No. 2014.10; 12-21-2021 by Ord. No. 2021.124]**
- q. Procedure for addressing the Council on agenda items or during the municipal officers meeting:
 - (1) No public comment shall be permitted on the following agenda items: personnel matters, informational reports or communications from boards and commissions, staff or other organizations or entities; appointments and administrative action implementing prior action to the Council where that prior action had permitted public comment.
 - (2) On items other than those set forth in Subsection (1) above, public comment shall be permitted ~~only~~ only ~~one~~ prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing and/or at the first and second reading of such item if such item requires two readings. The public also may address the Council on proposed amendments at either the first or second reading. **[Amended 12-21-2021 by Ord. No. 2021.124]**
 - (3) Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under Subsections (1) and (2) above, shall wait until the presiding officer announces the consideration of such item, at which time they may address the Council on that particular item. Any presentation on an issue or introductory information regarding the issue shall be presented prior to the public requesting or receiving an opportunity to address the Council. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item. This subsection does not pertain to City staff or members of the public who may be called upon by the Chair or a member to give clarification on an issue under consideration by the Council.
 - (4) Any person wishing to address the Council shall signify such desire by raising his or her hand and, when recognized by the presiding officer, such person shall thereupon request permission to address the Council shall sign in giving his or her name and physical address and designating the subject matter to the Chair. A dialogue between the person addressing the Council and the Mayor or the Councilors shall be allowed at the sole discretion of the Chair.
 - (5) Persons present at Council meetings or at a municipal officers meeting shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.
 - (6) The presiding officer may limit or cut off any commentary that he or she determines is not germane or that is discourteous, slanderous, abusive, or not in accord with good order and decorum. This will be prompted by a call to order by any member when appropriate.
 - (7) No public comment shall be allowed on matters related to ongoing or threatened litigation involving the City, its elected officials and/or employees. A person who shall continue to violate these rules, after warning by the presiding officer, shall be ejected. The Council may, at its discretion, suspend or prohibit a person from addressing the Council or the municipal officers.

Sec. A-4 Rule 4: Ordinances; resolutions; orders.

[Ord. of 4-4-1995]

- a. All orders and resolutions imposing a penalty or authorizing the expenditure of money shall have more than one reading before they shall be finally passed by the Council.
- b. No ordinance, order or resolution imposing a penalty or authorizing the expenditure of money shall have more than one reading on the same day, except as allowed under Article III, Section 8, of the Charter of the City of Biddeford.
- c. Every new ordinance or amendment to an ordinance shall be read and voted on two separate days in accordance with Article III, Section 8, of the Charter of the City of Biddeford. Article III, Section 8, shall govern the passage of ordinances.

Sec. A-5 Rule 5: Committees.

[Ord. of 1-2-1979(15); Ord. 1-4-1994; Ord. of 4-4-1995; Ord. of 4-4-1995; Ord. of 2-2-1999; Ord. No. 99.112, 12-13-1999; Ord. No. 2000.112, 10-3-2000; Ord. No. 2003.130, 12-16-2003; 11-4-2010 by Ord. No. 2010.118; 2-4-2014 by Ord. No. 2014.10; 8-19-2014 by Ord. No. 2014.79; 1-5-2016 by Ord. No. 2016.2; 3-21-2017 by Ord. No. 2017.27; 10-2-2018 by Ord. No. 2018.120]

- a. The following shall be the standing committees of the City Council: Personnel; Capital Projects/Operations; Policy; Finance; and Downtown Committee.
- b. (Reserved)
- c. The Capital Projects/Operations and Policy Committees shall consist of a chairperson who shall be a City Councilor; two additional Council members and two citizens. The two citizen members shall be appointed by the Mayor and confirmed by the Council. ~~No citizen member may be a chairperson.~~
- d. The Personnel Committee shall consist of a chairperson who shall be a City Councilor and three additional Council members. There shall be no citizen members on the Personnel Committee.
- e. The Downtown Committee shall consist of the Mayor, four Council members, and a member of the Downtown Development Commission. The Downtown Development Commission member shall serve as a nonvoting member except in the absence of a full-time voting member. A Chairperson shall be selected from the voting members.
- f. (Reserved)
- g. The Council committees are subagents of the full Council which is the sole governing body of the City of Biddeford. The committees are delegated various functions by the full Council and are to provide recommendations upon which the full Council will act except where otherwise specified. The committees will examine the appropriate subject matter before them, collect the facts pertaining thereto and make a report which will recommend what action, if any, should be taken by the full Council. Additionally, each committee may take whatever action specifically authorized by the Charter, ordinance, or state law. The City Council shall receive regular reports of the various Council committees' activities. Such reports shall be scheduled at such times and at such meetings as may be determined by the Mayor and the Council President.
- h. In general, the committees shall have the following subject matter before them:
 - (1) Finance Committee. The duties of the Finance Committee are set forth in the City Charter.
 - (2) Personnel Committee. The Personnel Committee will investigate matters pertaining to employment

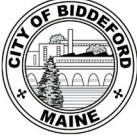
matters with the City of Biddeford. It shall review the salaries of department heads and the City Manager. In the event of a termination hearing, for cause, it shall serve as a fair hearing authority before whom an impartial hearing shall take place involving the subject municipal employee.

- (3) Capital Projects & Operations Committee. The Capital Projects & Operations Committee shall establish a five-year plan for implementation of major capital improvements in the City. It shall review matters involving the Public Works Director, Public Works Department and public property issues. This committee shall review the City's claims issues, insurance issues, making appropriate recommendations to the full Council when necessary. ~~It shall coordinate with the Capital Projects Committee when necessary if issues involve the use of capital improvements within the City.~~
- (4) Policy Committee. The Policy Committee shall be responsible for establishing and recommending ordinance language, Code revisions (except for changes delegated to the Parking Authority under § 42-8), and City policy to the full Council. The Policy Committee shall coordinate with the City Planner and the Code Enforcement Officer regarding the amendment, establishment and/or update of the City's land use ordinances. **[Amended 12-21-2021 by Ord. No. 2021.124]**
- (5) Downtown Committee. The Downtown Committee shall be responsible for reviewing matters affecting the City of Biddeford's downtown, including, but not limited to, downtown improvement initiatives, collaborating with external agencies and businesses on downtown improvement projects, and all minor garage design feature decisions, and is delegated as the Parking Authority with powers limited to those defined in Sec. 42-8.
 - i. Each committee meeting is a public proceeding as defined in 1 M.R.S.A. § 402(2). Each committee may hold executive sessions pursuant to the conditions and limitations expressed in 1 M.R.S.A. § 405. Should a committee vote, in public, to proceed into executive session, only those members of the committee shall be present in the executive session.

Sec. A-6 Rule 6: Rules.

- a. The rules or orders of the Council shall be observed in all cases unless suspended by a vote of the members present, for specific purposes. **[Amended 12-7-2011 by Ord. No. 2011.81; 2-4-2014 by Ord. No. 2014.10]**
- b. No rules or orders of the Council shall be repealed or amended unless the majority of the members of the Council concur therein. **[Amended 12-7-2011 by Ord. No. 2011.81; 12-21-2021 by Ord. No. 2021.124]**
- c. The above rules and orders are hereby adopted and all rules and orders inconsistent with the above are hereby repealed.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with trees. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. The seal is flanked by two decorative, symmetrical scroll-like flourishes.

2023. 162

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council authorizes the City Manager to purchase (1) trackless tractor and associated equipment for the price of \$206,580.00 and the trade equipment purchased by the Biddeford School Department for the price of \$49,000 with such funds used towards the purchase.

Attest by:_____



City Council

Meeting Date: 12/5/2023

Meeting Time: 6:00 PM

Agenda Item No: 9.c.

Item Description: 2023.162) Approval/Trackless Tractor and Associated Equipment

Submitted by: Jeff Demers - Public Works Director

Supporting Information/Documentation:

Sales Quote from Fairfield central, Maine

Trackless Sole Source Doc.

Executive Summary:

Approval of Trackless MT7 Sidewalk tractor and Attachments.

Detailed Review:

The Public Works Department is seeking approval for the purchase of one Trackless Tractor and attachments. HP Fairfield is the only authorized dealer for Trackless equipment in Maine, New Hampshire and Vermont. The following attachments are being requested as part of this approval. (1) 51" Snow blower (1) 5 Position Folding V-Plow (1) Hydraulic Sander (1) Rotary Mower (1) Summer Wheel kit.

The School Department has requested to purchase the unit that was slated to be traded along with the attachments for a lump sum of \$49,000. Jerry Court (Fleet supervisor) opinion is this will be a good resource for their needs as the work load will be far less then the needs of Public Works for this piece of equipment.

Staff will be available for any questions.

Funding Source:

FY23 Vehicle capital replacement. Total price for this Trackless unit and attachments is \$206,580.00. The School Department will transfer \$49,000.00 that will be credited to the Vehicle capital account for the Trackless that was to be traded with attachments.

Staff Recommendation:

Purchase of new Trackless and Attachments from HP Fairfield Inc. Allow the school Department to purchase the unit that is being replaced for the total sum of \$49,000.00.

**CENTRAL MAINE**

9 Green St/P.O. Box 188
 Skowhegan, ME 04976
 P: (207) 474-9836
 F: (207) 474-6526
 Toll Free (800) 356-2813

Sales Quote

IMPORTANT: All invoices are due and payable in U.S. Dollars in Guadalupe County, Texas, or where indicated below. No goods to be returned without our written permission. Goods must be returned transportation charges pre-paid. A handling charge will be made on all returned goods. **LATE CHARGE:** A late charge of 1.5% of any past due balance of the dealers account as of the last day of the month will be billed as of the 15th day of the following month if payment has not been received by that date.

CUSTOMER NO	823158	TERRITORY	390	PAGE 1 of 1
ORDER DATE	10/26/2023	CUSTOMER PO	79297Holston	
QUOTE DATE	11/13/2023	SHIPPED VIA		
SALES ORDER	7164481 - SQ	FREIGHT TERMS	EXW- CUSTOMER FRT ACCOUNT	
		EX2	DIRECT BILL TRANSER AT ORIGIN	
PAYMENT TERMS	Net 30 Days from Invoice Date			CODE 002
DELIVERY INSTRUCTIONS:				
		REQUESTED SHIP DATE	10/26/2023	

SOLD TO:
 CITY OF BIDDEFORD CHP
 371 HILL ST
 BIDDEFORD ME 04005-4335

SHIP TO:
 CITY OF BIDDEFORD CHP
 371 HILL ST
 BIDDEFORD ME 04005-4335

DESCRIPTION/REMARKS Trackless MT7 Sidewalk tractor with attachments. (PURCHASED MT7 ALREADY ON S3-7165981 - 10/26/2023) Please Initial selected options listed below. (Rotary mower requires summer wheel kit) Quote valid 30 days. Signature _____ Print _____ Date _____ Steven Holston 207-468-8453

ITEM NUMBER	BRANCH	DESCRIPTION	PICK SLIP#/ LOT/SERIAL	QUANTITY SHIPPED	LIST PRICE	DISC%	EXTENDED AMOUNT
MT7HPF	9335	TRACKLESS MT7 SIDEWALK TRACTOR		1	149,950.00	0	149,950.00
Z51GRBHPF	9335	SNOW BLOWER 51 GEAR BOX RIBBON		1	18,100.00	0	18,100.00
ZVPHHPF	9335	5 POSITION FOLDING V PLOW		1	7,450.00	0	7,450.00
ZHSHPF	9335	HYDRAULIC SANDER SINGLE IMPELL		1	7,300.00	0	7,300.00
MOWERHPF	9335	ZRM14 14' ROTARY MOWER		1	21,300.00	0	21,300.00
MOWERHPF	9335	SUMMER WHEEL KIT		1	2,480.00	0	2,480.00

R E M A R K S		NET DUE	CASH DISC.	IF PAID BY	SUB-TOTAL	206,580.00
		206,580.00	0.00	12/13/2023	FREIGHT & HANDLING	0.00
					SALES TAX	0.00
					TOTAL(USD)	206,580.00
					PREPAID AMOUNT	

IMPORTANT: Alamo Group or affiliates (Alamo Group) shall not be liable to any person for any claim for injuries or damages which claim for injuries or damages arises out of or which results from the repair of this product by a person or firm other than Alamo Group. Repair parts are intended for use only on equipment manufactured or sold by Alamo Group. Our general conditions of purchase are available at this address: <https://www.alamo-group.com/terms>

November 16, 2023

Mr. Steve Holston
Account Manager
Howard P. Fairfield LLC
9 Green Street
Skowhegan, ME.
04976

Dear Steve,

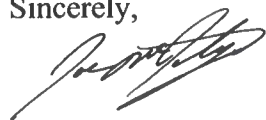
This letter is to confirm that the Howard P. Fairfield Company, with branch locations in Maine, New Hampshire, and Vermont, is the only authorized distributor of the Trackless Vehicles Ltd. product lines.

The Trackless products include the MT7, MT6, MT67, MT5, MT57, MT4, MT3 & MT2 and all of the attachments that are offered by Trackless Vehicles Ltd.

The Trackless products also include all parts & service that are for the Trackless machines and its attachments.

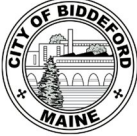
If there are any questions or if additional information is required, please do not hesitate to contact me anytime.

Sincerely,



Joe McIntyre
Director of Sales
Trackless Vehicles
Cell # 519-688-4719

City of Biddeford

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2023. 163

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council authorize the City Manager to purchase plow equipment consisting of front plow, wing, box, salt spreader from Viking, Inc., for the price of \$153,840.00

Attest by: _____



City Council

Meeting Date: 9/5/2023

Meeting Time: 5:15 pm

Agenda Item No: 9.d.

Item Description: 2023.163 Approval/Purchase of Plow Equipment

Submitted by: Jeff Demers – Jerry Court

Supporting Information/Documentation:

Viking Quote

Fairfield Quote

Viking Specifications

Executive Summary:

Approval to purchase Body and Snow plow Equipment for the chassis public works purchased in September.

Detailed Review:

Public Works is seeking approval to purchase (1) Front Snow blade, (1) Side wing (1) Stainless Steel Dump box and (1) EV Select V-Box with salt spreader. This equipment is to be mounted on the new 2024 Freightliner Public works purchased back in September. Public works received pricing for all the above equipment from HP Fairfield. Staff noticed a drastic price increase for all plow equipment. Even though our entire fleet is geared up with Fairfield plowing equipment staff decided it was time to look at other options. Staff visited a couple other communities and looked at another municipal commercial plow vendor being Cives Corporation (Viking). Vikings quote came in at \$20,347.50 lower then Fairfield. After visiting the Viking shop and meeting with a Viking representative Public works has decided to move forward with Vikings equipment on this 10 Wheel truck with the council's approval to purchase.

Funding Source:

City's 2024 Vehicle Equipment Capital Improvement plan.

Staff Recommendation:

Staff is recommending the purchase of the above mentioned equipment through Viking Cives Corporation for the lump sum price of \$153,840.00



Cives Corporation, dba
Viking Cives (USA)
14331 Mill Street
Harrisville, NY 13648
Phone: (315) 543-2321
Fax: (315) 543-2366
www.vikingcives.com

QUOTATION

Quote ID: 901

Page 1 of 2

2012 Factory/Shipper
Catalog

Customer: Town of Biddeford
Contact: Jerry Court
Address: Biddeford, Me

Phone: 207-468-4021

Fax:

Attn: Body & Snow Equipment for 10-Wheeler

Quote Number: 901

Quote Date: 11/10/2023

Quote valid until: 12/25/2023

For: Budget

Terms: Net 30 days

Salesperson: John Nault

FOB: Lewiston, Me

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Custom Hitch		
1	S10302F - Custom Hitch Power Hook -Plow and Wing Mount (includes cylinder)		
1	S10850F - Power Hook Plow Half - 30-1/2" push centers		
1	S10996 - Access Step		
1	S11010 - 4" x 10" DA Cylinder (cannot be used with Hustling Hitches)		
1	S12700 - SAE "C" 2 bolt (constant running pump)		
1	S13010 - Push Center, 30-1/2"		
1	S14000 - Lift group - All plows except Metros with chain lift leveling device		
1	S15000F - Hose Connecting Bracket w/restrictor, fittings and disconnects		
1	S15100F - Quick Disconnects for Lift Cylinder		
1	S30800F - FH36 Hydraulic Assembly w/mtg. brk't (3 x 36 cyl.)		
1	S33303F - Full Trip Hinge - Timbren		
1	S34000F - Quick Disconnects for Front Wing Cylinder (1 per front mast)		
	Rear Mast Weldment - includes slides, cylinders, mounting brackets - no tank)		
1	S40547 Rear Mast H1059IP RH Assy. CSS		
1	S55520 - R1142TEP Moldboard Reversible, HD Polymer Trip Edge 10 degree		
1	S55670 - Carbide Blade, 12" punching, with steel cover blade-for 11' Moldboard		
1	S55700 - Twin Cylinder (cushion valve) Power Reverse Pushframe (PRR)		
1	S55760 - 30-1/2" pushlug swivel		
1	S55860 - Dead Sheave Leveling Device (stainless steel cable)		
1	S55900 - 10 Degree Moldboard Shoes (pair)		
1	S60040 - 144WHD RH WING WELDMENT - Standard RH Wing		
1	S60300 - 10 deg. Fabricated Shoe		
1	S60720 - Carbide Blade 12" punching, with steel cover blade - for 144 Wing		
1	S61041F - Full Trip Hydraulic Arms (cushion spring lower)		
1	Body - Beau Roc SSM1, Stainless Steel Constructed, 13'x42"x54", 13' Dump		
	Body, 42" Sides, 54" Dbl Acting Tailgate, Hardox 450 Floor, 24" Cab Shield, SA		
	Telescopic Hoist.		
1	Spreader - Swenson 13' EV100, Stainless Steel Spreader w/ 2-115 Gal Calcium		
	Tanks, Electric Calcium Pump, HD Top Screens, Spinner Assy, Stainless Steel		
	Spreader Stand.		
1	Plow Lights - Per Spec		
1	Lights - Whelan per spec		
1	Pintle Plate w/ 25 Ton Hook, D-Rings & Trailer Plug		
1	6" Hardwood Side Boards		
1	Tarp Kit - Donovan Electric #2858 w/ Hoop, Deflector & Asphalt Tarp Cover		
1	Fenders - Poly (tandem)		
1	Mud Flaps w/ Anti-Sails		
1	Hydraulics To Include: A10 Rexroth Load Sense Pump W/ Low Oil Shut		
	Off, Stainless Steel Hyd Tank w/ Stainless Steel Valve Encloser, Drive		



Cives Corporation, dba
Viking Cives (USA)
14331 Mill Street
Harrisville, NY 13648
Phone: (315) 543-2321
Fax: (315) 543-2366
www.vikingcives.com

QUOTATION

Quote ID: 901

Page 2 of 2

2012 Factory/Shipper
Catalog

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Shaft, Valving, Del Air Controls, Hose Kit, Stainless Steel Lines Where Feasible, CS550 or Cirrus Spreader Controls.		
1	Paint – Plow, Wing & Equipment (Orange)		
	Labor To Install		
Quote Total:			\$153,840.00
Discount:			\$0.00
Total Due:			\$153,840.00

The following options may be added:

QUANTITY	DESCRIPTION	PRICE EACH	AMOUNT

Customer must fill out the information below before the order can be processed...

Accepted by:	
Date:	
P.O. number:	

The price and terms on this quotation are not subject to verbal changes or other agreements unless approved in writing by the Home Office of the Seller. All quotations and agreements are contingent upon strikes, accidents, fires, availability of material and all other causes beyond our control. Prices are based on costs and conditions existing on date of quotation and are subject to change by the Seller before final acceptance.

♦ Typographical and stenographic errors subject to corrections. Purchaser agrees to accept either overage or shortage not in excess of ten percent to be charged pro-rata. Purchaser assumes liability for patent and copyright infringement when goods are made to Purchaser's specifications. When quotation specifies material to be furnished by the purchaser, ample allowance must be made for reasonable spoilage and material must be of suitable quality to facilitate efficient production.

♦ Conditions not specifically stated herein shall be governed by the established trade customs. Terms inconsistent with those stated herein which may appear on Purchaser's formal order will not be binding on the Seller.

♦ Unless otherwise stated, Installation charges do not include modifications to exhaust systems, cab protectors or bumpers.



VIKING-CIVES (USA)
HARRISVILLE, NEW YORK 13648
TELEPHONE (315) 543-2321

***** LIMITED WARRANTY*****

VIKING-CIVES (USA) warrants products of its manufacture against defects in workmanship and material for a period of one year from date of shipment to customer; and in consequence of this warranty, any component part or parts of such products proving defective within the above specified time will be repaired or replaced F.O.B. factory, providing such parts are returned, transportation prepaid, to the factory and found defective by **VIKING-CIVES (USA)**. This warranty will not apply to any product which shall have been repaired or altered outside of the **VIKING-CIVES (USA)** factory in any way so as, in **VIKING-CIVES (USA)** sole judgement, to affect its stability or reliability, nor which has been subjected to misuse, negligence or accident.

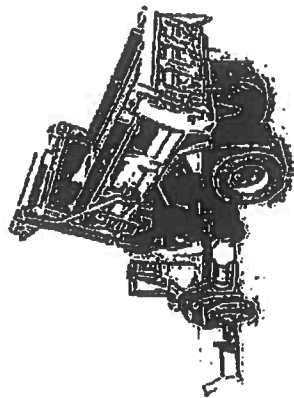
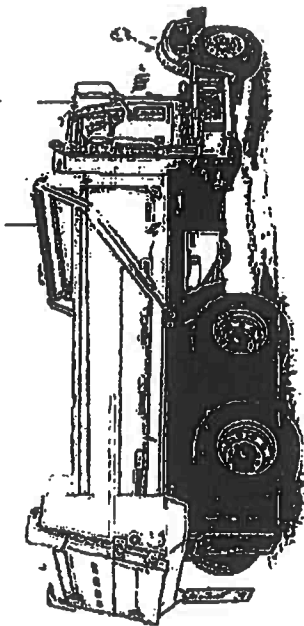
The obligations of **VIKING-CIVES (USA)** under this limited warranty are limited to the replacement of defective parts as set forth above; such obligations are exclusive and in lieu of all other remedies, warranties, guarantees or liabilities, express or implied, with respect to each product delivered hereunder, arising by law or otherwise (including without limitation any obligation or liability of **VIKING-CIVES (USA)**, arising from negligence or with respect to fitness for a particular purpose, merchantability, loss or use, revenue, or profit, or any incidental, indirect, special or consequential damages or injuries, even if **VIKING-CIVES (USA)** has been advised of the possibility of such damages or injuries; and all other remedies, warranties, guarantees, or liabilities are hereby expressly excluded and disclaimed. This limited warranty shall not be extended, altered, or varied except by a written instrument signed by **VIKING-CIVES (USA)**.

VIKING-CIVES (USA) assumes no responsibility for engines, electrical equipment, or any other equipment and accessories not manufactured by **VIKING-CIVES (USA)**.



Stainless Steel Body Line

THE BODIES SHOWN MAY HAVE DEALER INSTALLED OPTIONS.



The combination of superior finish and Beau-Roc's durable design make this the best stainless steel body design on the market. Light to medium-duty bodies specifically designed for snow and ice applications as well as a variety of municipal applications where corrosion is a risk. Available as clean-side or traditional with posts and bracing. Available in SS201 and SS304.

SSM1 Quality SS201 Designs for the Municipal Market

SSM4 Quality SS304 Designs for the Municipal Market

MATERIALS		SPECIFICATIONS	
TOP RAIL	SS Formed Dirt Shedding or SS Tube Top Rail	SS Formed Dirt Shedding or SS Tube Top Rail	
SIDES	7g (3/16") - SS201 2B	7g (3/16") - SS304 2B	
SIDE POSTS	Optional	Optional	
FRONT	2g (3/16") - SS201 2B	7g (3/16") - SS304 2B	
TAILGATE	7g (3/16") - SS201 2B	7g (3/16") - SS304 2B	
FLOOR	4.5 min (3/16") - HARDON 450	4.5 min (3/16") - HARDON 450	
LONG SIDES	3/16" STRENU 100W	3/16" STRENU 100W	
BODY WEIGHT	2,877 lbs Based on a 10' x 30' x 36" SSM4	2,877 lbs Based on a 10' x 30' x 36" SSM1	
BODY LENGTHS	8'6" to 19'	8'6" to 19'	
SIDE HEIGHTS	14", 20", 24", 30", 36", 42", 48", 54"	14", 20", 24", 30", 36", 42", 48", 54"	
TAILGATE HEIGHTS	24", 30", 36", 42", 48", 54", 60"	24", 30", 36", 42", 48", 54", 60"	
INSIDE WIDTH	86" to 88" trapezoidal design	86" to 88" trapezoidal design	

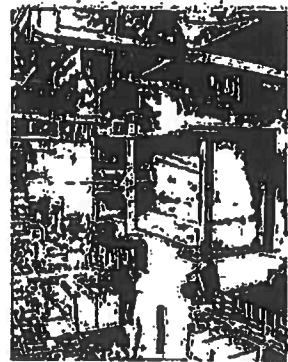
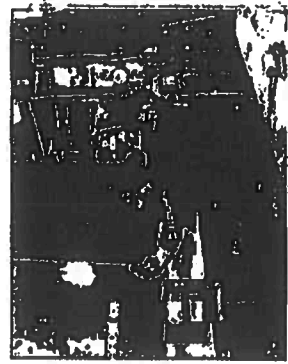
The Innovation and Quality Leader

Founded in 1985, Beau-Roc Inc. manufactures premium dump bodies for a wide range of customers and applications across Canada and the United States. What makes Beau-Roc unique, is combining efficient processes for fast order turnaround with the use of the highest quality materials for products customized to meet specific customer requirements. The integration of engineering to computer-assisted production makes it a seamless process for our customers.

With its popular Diamond product line first introduced in 2004, Beau-Roc leverages the two folds in the truck body's diamond shape without compromising the one large plate of Hardox 450 steel.

The Diamond line's characteristic folded side profile is resistant to warping, is easy to maintain and will prolong the truck body's exterior appearance. It has also proven to be an excellent location for the customers' signs and decals!

In addition to Class 3-8 dump truck bodies, Beau-Roc builds custom contractor bodies, landscraper bodies, multi-purpose bodies, pup trailers, roll-off containers and stainless steel bodies, each heavy-duty for strength but lightweight for maximum payload.



The Best in Custom Build to Order

Backed by the significant investment in engineering and manufacturing, a key focus for the company today is building strong relationships. Beau-Roc's employees, managers and representatives subscribe to the importance of quality, and recognize this as the critical element in relationships with customers and suppliers alike. These working partnerships ensure success in the marketplace for all involved.

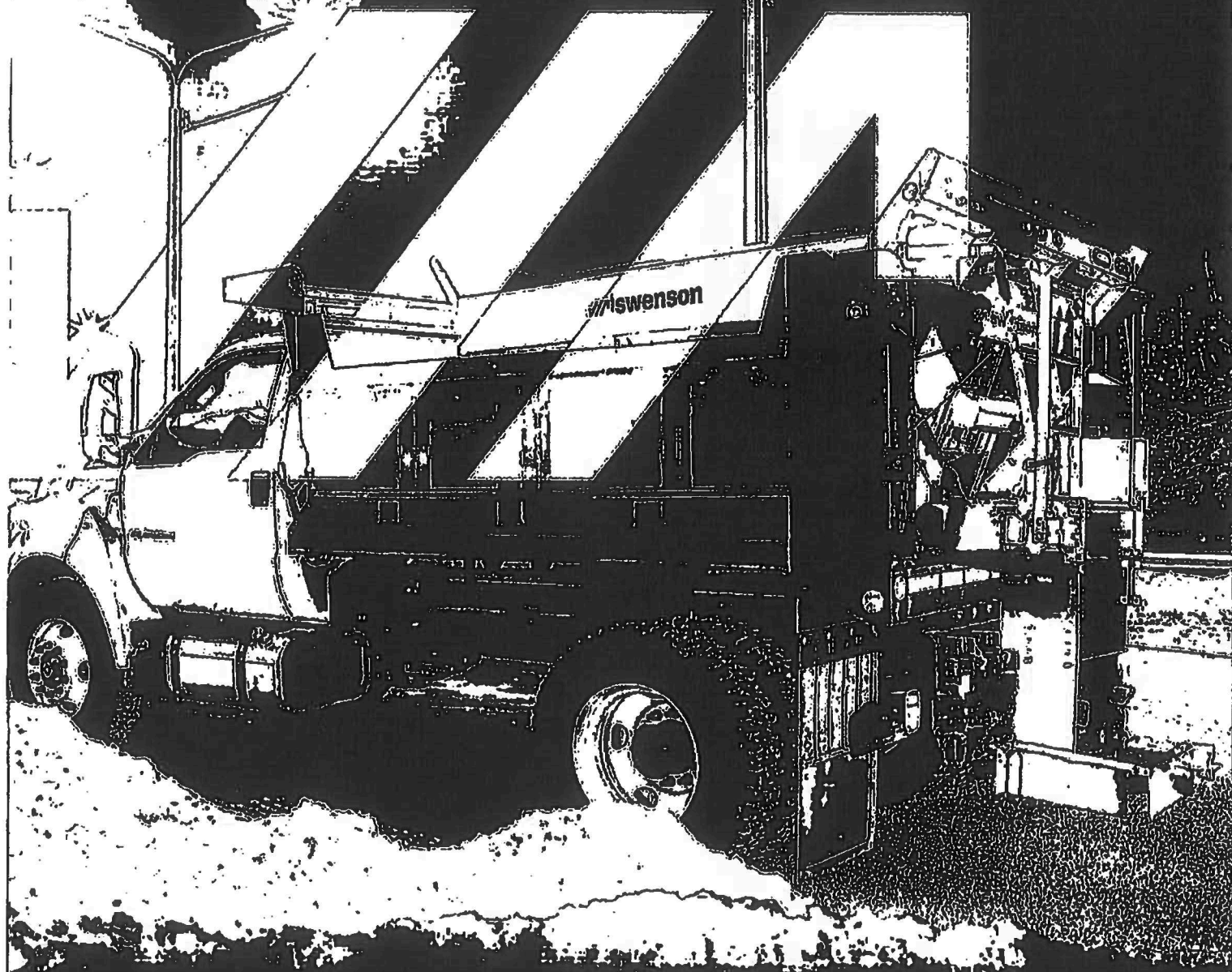
Constantly striving to improve on hauling solutions for North America's contractors, Beau-Roc designs continue to evolve to more aerodynamic and lighter dump truck bodies to keep your truck package at its most fuel-efficient.

Our Process

Beau-Roc engineering is equipped with customized systems to support order-taking, R&D and production. Our detailed configuration database allows us to model customer orders in real time, enabling fast custom quotations to our dealers and a seamless flow into manufacturing.

V-BOX Spreaders

Built-to-Spec Spreaders for Class 7 & 8 Vehicles



www.swensonproducts.com

swenson
a brand of aebl schmidt

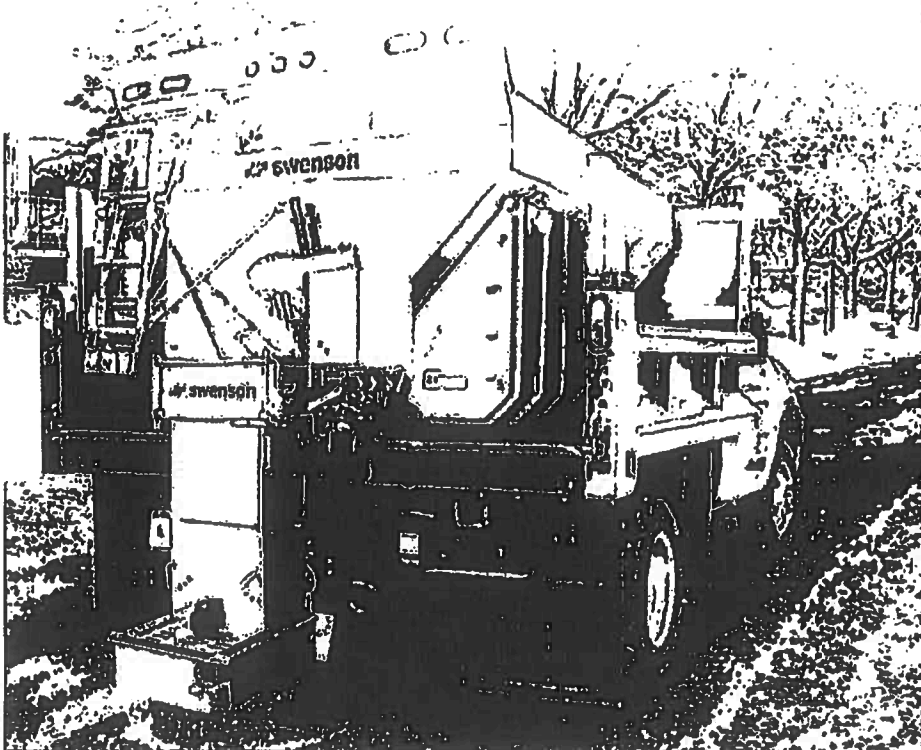
CUSTOM SPREADERS

Built-To-Spec – The Swenson Way

We know that people rely on you to keep them moving all winter long. It's what drives us to make quality spreaders you can depend on season after season. Crafted in the USA by skilled tradesmen, using advanced manufacturing processes, our factory is designed to efficiently build high quality spreaders to your exact specifications. The way we see it, no one knows your stakeholders' needs better than you.

And now, our new EV-SELECT line of V-box spreaders provide you with even more possibilities. With more feature options and cellular manufacturing techniques, Swenson efficiently delivers custom-made equipment when and where you need it. Carbon or steel; hydraulic, electric or gas; dual auger, single auger, belt or chain...

you name it and we can build it... at the most competitive prices available. And once you take delivery of the equipment, you are not alone. Over the course of 80 years we have built an extensive network of authorized Swenson dealers, all certified, all at your beck and call.



Size

Choose the length, width, and height to provide the capacity you need while fitting the equipment you have. *Note:*

Some size combinations may limit the availability of other options.

Liquid Options

Choose from pre-wet and anti-icing options to provide greater versatility for your truck.

Material

Choose from powder coated carbon steel, or from three different grades of stainless steel so that you can have the look and quality that is right for you.

Conveyor

Conveyance options include drag chain, belt-over-chain, auger, and dual auger.

Note: Conveyor options may be limited due to size and drive selected.

Drive

Select from gas, hydraulic, and dual-electric motors to deliver the power you need.

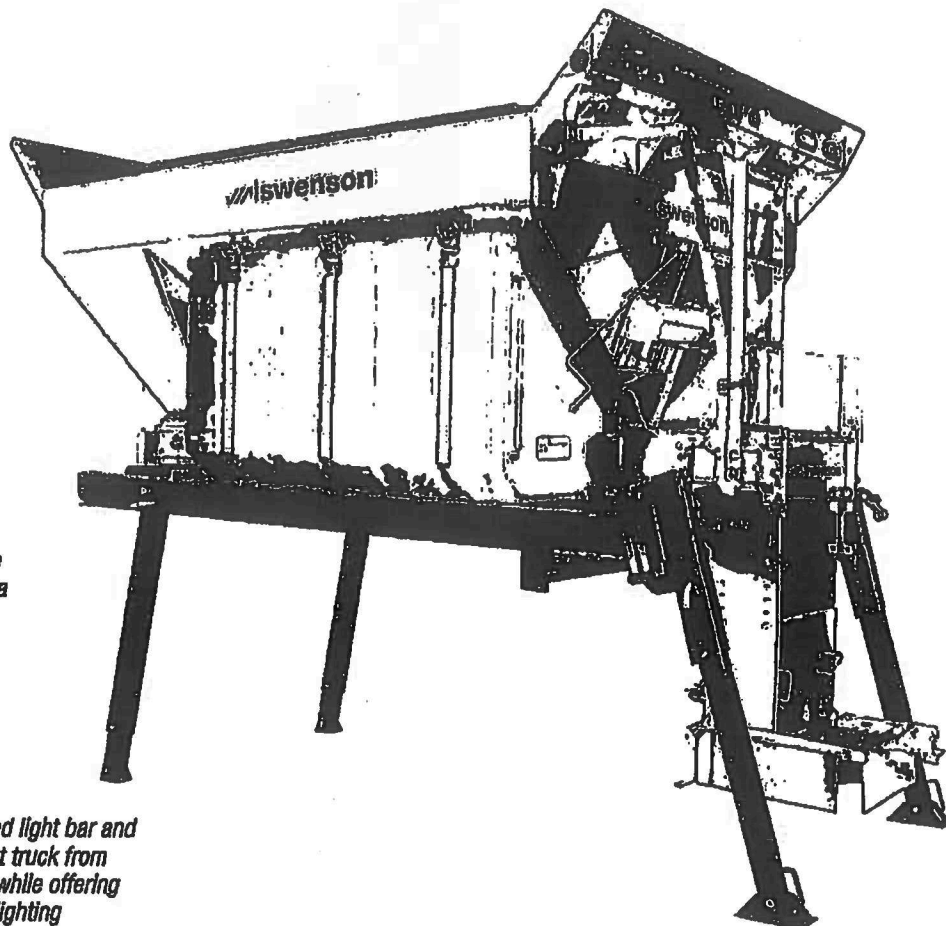
Accessories

Accessories like leg stands, safety lighting, and more allow you to customize your spreader to meet your requirements and to match your fleet.

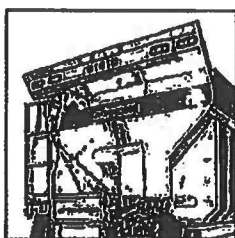
EV SELECT V-BOX

Made For You

The newest generation of Swenson EV-boxes are designed to meet your unique needs, providing more customizable solutions, more maintenance-free parts, and the Swenson quality you rely on.



Maintenance-free poly idler carries a 10 year warranty



Optional integrated light bar and spill shield protect truck from material spillage while offering additional safety lighting

Specifications

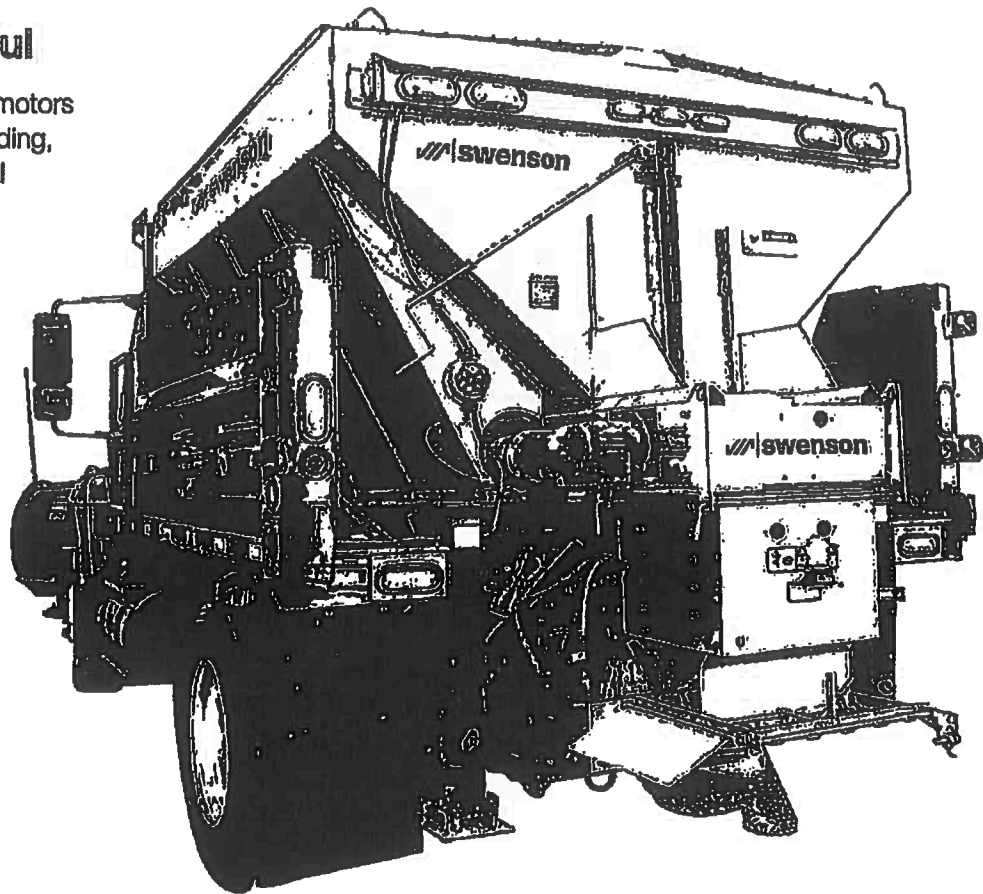
Size	Length: 8 – 22 ft. Width: 80 – 84 in. Height: 45 – 72 in.
Construction	10 ga with 7 ga sides & longitudinals 12 ga with 10 ga sides & longitudinals Carbon or Stainless Steel
Capacity	2.93 – 20.5 cu. yds.
Drive Options	Gas – 19 hp Kohler Hydraulic
Conveyor Options	Drag Chain Belt-over-chain Auger Dual Auger
Safety Features	Drop-n-Loc top screens
Controls	Integrated CAN-bus control system
Warranty	1 year / 10 years on the poly idler

Features

- More maintenance-free parts reduce maintenance costs and labor
- Large hopper and tank capacities increase the total capacity
- Completely customizable with more choices and options available to meet your fleet's unique needs
- Optional leg stands are a convenient addition for loading, unloading and storage
- Optional swing-up spinner is a convenient solution for storage and transport

Clean & Powerful

Two independent electric motors make quick work of spreading, without the need of central hydraulics.



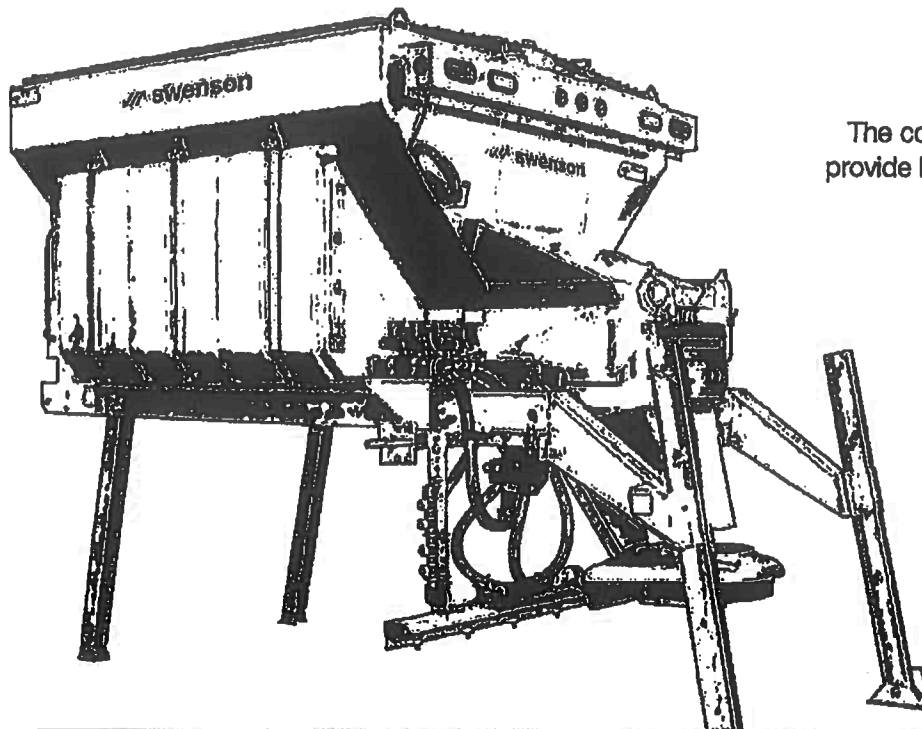
Features

- Electric motors eliminate the need for hydraulics lowering the impact on the environment
- Two ½ horsepower electric motors
- Dual speed, in-cab controls are easy to operate
- Inverted-V keeps weight off the drag for optimal performance
- Optional pre-wet kit available

Specifications

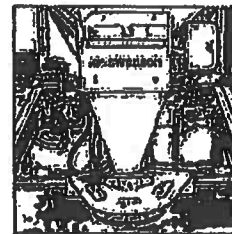
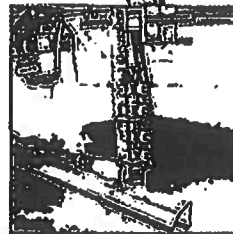
Size	Length: 8 – 12 ft. Width: 64 – 78 in. Height: 45 – 62 in.
Construction	10 ga Carbon 12 ga. Stainless Steel
Capacity	2.93 - 8.59 cu. yds.
Conveyor	Drag Chain
Safety Features	Drop-n-Loc top screens
Warranty	1 year / 10 years on the poly idler

COMBO UNIT



Do It All

The convenience of one unit that can provide liquid anti-icing capabilities and granular and pre-wet de-icing.



Shown with optional G2 spinner assembly

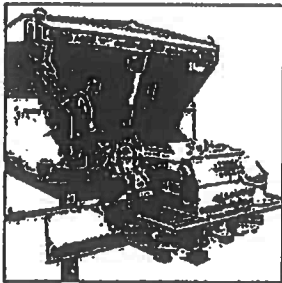
Specifications

Size	Length: 10 – 16 ft. Width: 80 – 84 in. Height: 45 – 72 in.
Construction	12 ga. Stainless Steel
Capacity	Granular 4.61 - 11.46 cu. yds. Liquid 470 gals. 10 ft. minimum hopper length 590 gals. 12 ft. minimum hopper length 750 gals. 14 ft. minimum hopper length 850 gals. 16 ft. minimum hopper length
Conveyor	Drag Chain, Belt-over-chain, Auger, or Dual Auger
Liquid Pumps	Anti-Ice 207 gpm hydraulic driven cast pump Pre-wet 7 gpm
Warranty	1 year / 10 years on the poly idler assembly

Features

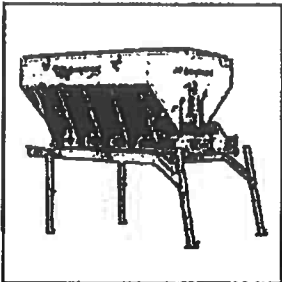
- Capable of liquid anti-icing and both dry and pre-wet de-icing
- Drag chain or dual auger conveyor options
- Spray boom with streamer nozzles provide one to three lanes of liquid coverage
- LED ICC light bar
- Integrated self-storage legs
- Maintenance-free poly idler assembly carries a 10 year warranty

OPTIONS & ACCESSORIES



Aviation Spinner

High volume, high output spreader designed for airport use featuring dual 24" stainless steel spinner discs.



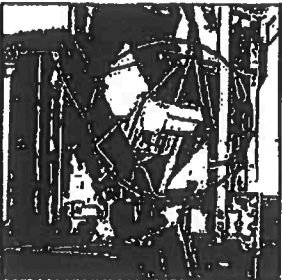
Leg Stands

Designed to simplify loading and unloading and v-box storage. Adjustable height design fits most standard V-box spreaders.



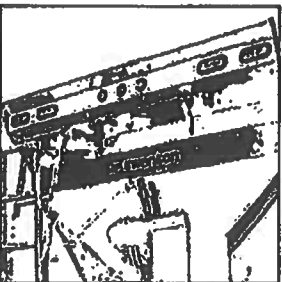
Onboard Liquid Systems

New innovative design offer large capacity without increasing tank width. Optional pre-wet pumps improve material performance and efficiency.



Chain Oiler

Provides added convenience and performance with dual valves that easily oil each side of the chain. The one gallon chain oiler is available in poly, carbon, or stainless steel.



Safety Lighting

Improved LED light bar is located at the top of the rear edge of the hopper, where accessories won't block your light source. Available in three different configurations.



Swenson Spreader LLC
127 Walnut St.,
Lindenwood, IL 61049
Phone: 888-825-7823
Fax: 815-393-3320

www.swensonproducts.com

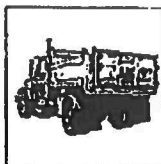
Swenson Genuine Parts

Genuine Swenson Parts and Accessories are in stock to keep you up and running from one season to the next - all year round. We have a large parts and accessories inventory. It is continuously maintained for fast shipment to you or your authorized Swenson distributor.

An experienced Parts and Accessories Manager is always available to provide you with detailed information on chains, belts, sprockets, augers, motors, spinner assemblies, valves, and emergency parts kits. Whether you own a small business or manage an entire fleet, our job is keeping you on the job. Remember, only genuine Swenson parts fit your Swenson equipment exactly.

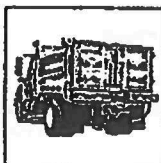
Look to Swenson for all your equipment needs.

Swenson offers a wide range of spreaders, dump bodies and liquid application equipment that can be customized to meet your exact needs. It's what sets us apart from the competition. We know it's critical to make sure you have the proper equipment right from the start.



Dump Bodies

Available in a wide variety of sizes from 9' to 15'; 5 to 16 cu. yds.



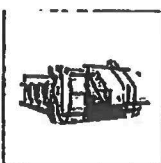
All Purpose Bodies

Available from 9' to 15'; and 2.5 to 16 cu. yds.



Anti-Icers

From 100 to 1000+ gallon; perfect solution for pre-treating pavement.



Pre-Wet Systems

Available in hydraulic or electric; perfect solution for improving material effectiveness.

Aebi Schmidt NA

Aebi Schmidt Group
Marketing and Communications

Technical data is subject to change.
Illustrations are not binding.

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 **aebi schmidt**
group

www.aebi-schmidt.com

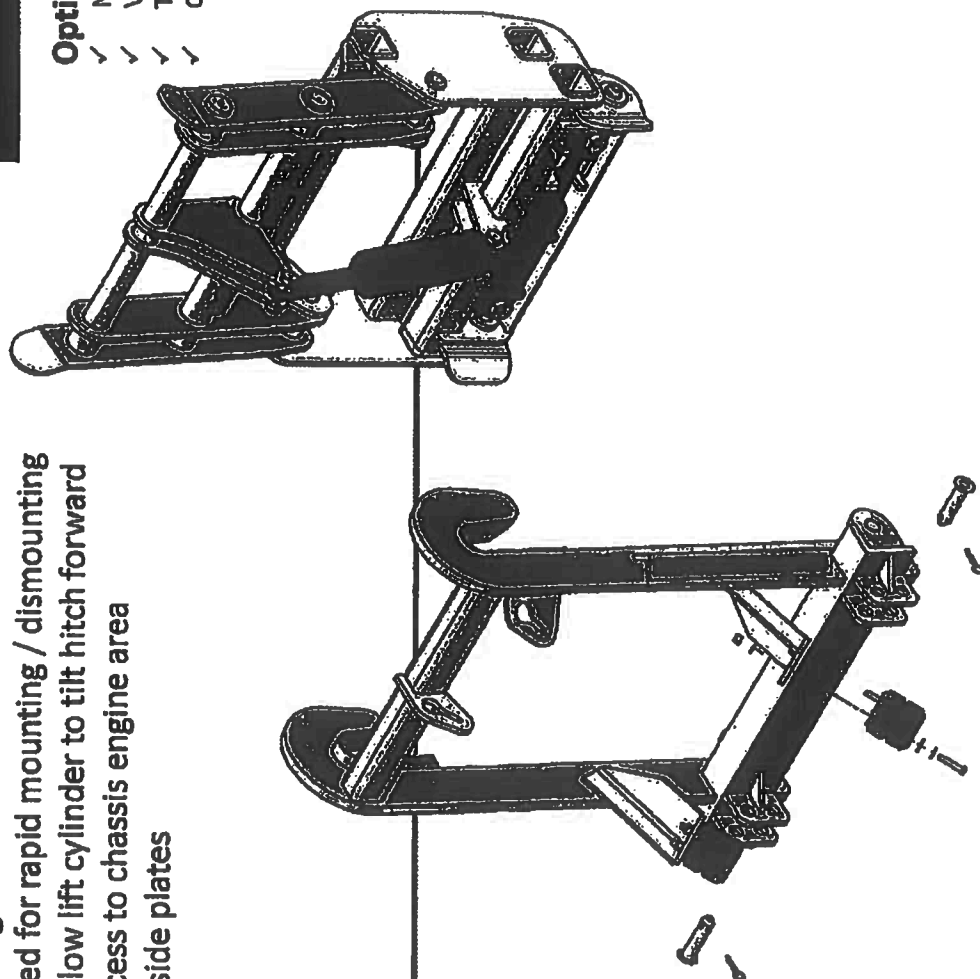
>>> Power Hook Hitch

North America's leading
Innovator of snow & ice
control equipment!
www.vikingcives.com

Power Hook Hitch

Standard Features:

- Custom designed for chassis fit
- Engineered for rapid mounting / dismounting
- Utilizes plow lift cylinder to tilt hitch forward
- Allow access to chassis engine area
- ½" thick side plates



Options:

- ✓ No Wing, Single Wing & Double Wing
- ✓ Various Push Centers Available
- ✓ Thicker Side Plates
- ✓ Custom Pump / PTO Brackets



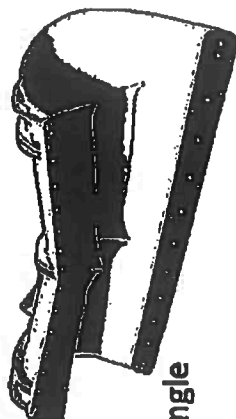
vikingcives.com

**North America's leading
Innovator of snow & ice
control equipment!
www.vikingcives.com**

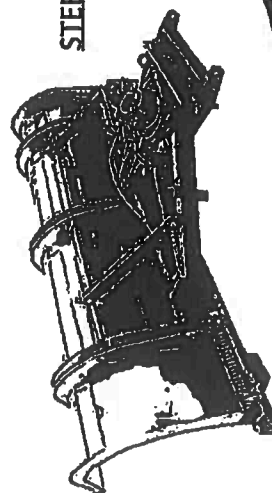
VIKING CLIVES

Options:

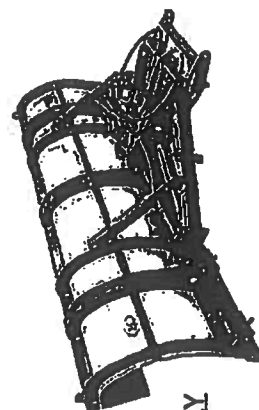
- **Eight gauge brake formed moldboard**
- **Reinforced with a minimum of eight plasma cut ribs**
- **Top of moldboard braced with integral formed channel**
- **Torsion spring trip**
- **Bottom has gusseted 4" x 4" x $\frac{3}{4}$ " blade angle**
- **5" x 5" x $\frac{1}{2}$ " Bottom Angle**



- ✓ Screw adjustable frame shoes
- ✓ Screw adjustable 10" caster wheels
- ✓ Various cutting edge materials
- ✓ Custom moldboard sizes
- ✓ Custom moldboard profiles (RH, LH, Double Flare)
- ✓ Moldboard & Curb shoes
- ✓ Rubber deflector
- ✓ Plow markers
- ✓ Other swivel attachments
- ✓ Various pushframe styles available



TESTS



OR POLY

Plow Model	Path Min/Max	Height	PRWG Weight	PRR Weight	PRRL Weight
R936TE	7'-5" TO 9'	36"	2140	2015	2035
R1036TE/ R1036TEP	8'-2 1/2" to 10'	36"	2240	2115	2135
R1042TE/ R1042TEP	8'-2 1/2" to 10'	42"	2290	2165	2185
R1136TE/ R1136TEP	9' to 11'	36"	2340	2540	2560
R1142TE/ R1142TEP	9' to 11'	42"	2390	2590	2610
R1242TE/ R1242TEP	9'-10" to 12'	42"	2490	2690	2710
R104662TE	8'-2 1/2" to 10'	46" to 62"	2340	2215	2235
R113645TE	9' to 11'	26" to 45"	2440	2640	2660

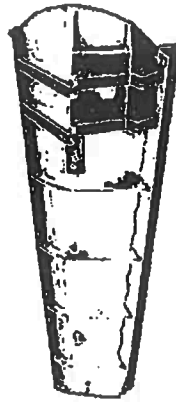
wikingcives.com

>>> Wing

Wing

Standard Features:

- Brake formed moldboard
- Reinforced with a minimum of six plasma cut ribs
- Bottom has gusseted 6" x 4" x 3/4" blade angle
- Heavy duty 3 1/2" diameter tubular outer arm
- Heavy duty 2 1/4" diameter solid inner arm
- Lower arm equipped with heavy duty compression spring



Options:

- ✓ Moldboard & Curb Shoes
- ✓ Spring loaded full trip arms
- ✓ Various cutting edge materials
- ✓ Trip Edge models available

North America's leading
innovator of snow & ice
control equipment!
www.vikingdves.com



Model	Nose Height	Discharge Height	Blade Length	Weight
0910WHD	29"	38"	9'	795
1011WHD	29"	39"	10'	815
1112WHD	29"	40"	11'	850
1213WHD	29"	41"	12'	1100
1314WHD	29"	41"	13'	1250
1415WHD	29"	42"	14'	1400
0910WHDTE	29"	38"	9'	995
1011WHDTE	29"	39"	10'	1020
1112WHDTE	29"	40"	11'	1165
1213WHDTE	29"	41"	12'	1315
1314WHDTE	29"	41"	13'	1465
1415WHDTE	29"	42"	14'	1615

vikingdves.com



CENTRAL MAINE
 9 Green St/P.O. Box 188
 Skowhegan, ME 04976
 P: (207) 474-9836
 F: (207) 474-6526
 Toll Free (800) 356-2813

Sales Quote

IMPORTANT: All invoices are due and payable in U.S. Dollars in Guadalupe County, Texas, or where indicated below. No goods to be returned without our written permission. Goods must be returned transportation charges pre-paid. A handling charge will be made on all returned goods. **LATE CHARGE:** A late charge of 1.5% of any past due balance of the dealers account as of the last day of the month will be billed as of the 15th day of the following month if payment has not been received by that date.

CUSTOMER NO	823158	TERRITORY	390	PAGE 1 of 2
ORDER DATE	09/11/2023	CUSTOMER PO	79297HOLSTON	
QUOTE DATE	09/11/2023	SHIPPED VIA		
SALES ORDER	7095837 - SQ	FREIGHT TERMS	EXW- CUSTOMER FRT ACCOUNT	
		EX2	DIRECT BILL TRANSFER AT ORIGIN	
PAYMENT TERMS	Net 30 Days from Invoice Date	CODE	002	
DELIVERY INSTRUCTIONS:				
		REQUESTED SHIP DATE	09/11/2023	

SOLD TO:
 CITY OF BIDDEFORD CHP
 371 HILL ST
 BIDDEFORD ME 04005-4335

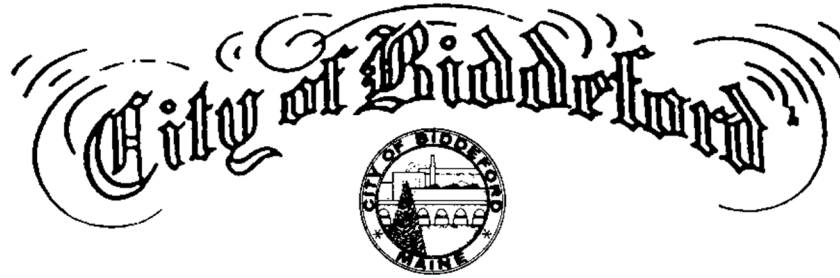
SHIP TO:
 CITY OF BIDDEFORD CHP
 371 HILL ST
 BIDDEFORD ME 04005-4335

DESCRIPTION/REMARKS
LANAU SH 13' STAINLESS STEEL DUMP BODY 48" SIDE HEIGHT, 54" GATE HEIGHT, 78" FRONT HEIGHT, 99" WIDTH, 24" CAB SHIELD, MAILHOT HOIST CYLINDER, 3/16" HARDOX FLOOR, AIR TAILGATE, DRIVE'S SIDE LADDER - FOLD DOWN / 2 STEP, SHOVEL HOLDER
SWENSON EV100 13' STAINLESS STEEL HYDRAULIC DRIVEN SPREADER 62" SIDE HEIGHT, 82" WIDTH, 10.4 CUBIC YARD CAPACITY, INVERTED V OVER CONVEYOR CHAIN, BOLT-IN 6" WIDE FLANGE BEAM, SPRING LOADED CHAIN TAKE-UP, REPLACEABLE BOLT-IN CONVEYOR FLOOR, REAR CHAIN WIPER, 12" ADJUSTABLE HEIGHT SPINNER EXTENSION, STAINLESS STEEL LEG STAND, STAINLESS STEEL LADDER, SENSORED MOTOR, (2) 115 GALLON TANKS W/ STAINLESS STEEL MOUNTING, RUBBER SIDE SKIRT W/ STAINLESS STEEL MOUNTING & LATCHBAR
EVEREST PT-QC-DM QUICK DETACH HITCH EVEREST ACP48QC/ACP48/ST/62 QUICK DETACH HYDRAULIC WING SYSTEM W/ SPRING SAFETY TRIP, WING STAND EVEREST R132TEL39PH POLY REVERSIBLE PLOW W/ CARBIDE & COVER & SHOES EVEREST W-144-10-HD 12' HEAVY DUTY STEEL WING W/ CARBIDE & COVER & SHOE & WING DEMOUNT CASTER
REXROTH LOAD SENSING SYSTEM, A10 PUMP, M4 VALVES. SS VALVE /RES / ENCLOSURE, REXROTH CS CAB CONTROLLER W/PRE-WET, DEL AIR CONTROLS, SS TUBING (FRONT & BACK) W/ SS NUTS, FASTER HYDRAULIC CONNECTORS
HEATED LED FRONT PLOW LIGHTS, WHELEN DOT3704D W/ MCSLED2A & LEDS / SPECIFICATIONS, WING & SPREADER LIGHTS, BODY UP INDICATOR, ICC & PLATE LIGHTS
WOOD RISERS, DONOVAN LOAD COVER W/ ASPHALT TARP & POWER HOOP, FRONT & REAR MUD FLAPS W/ ANTI-SAILS, PINTLE PLATE W/ D-RINGS, 25 TON HOOK, 7 PIN ROUND TRAILER PLUG, BACK UP ALARM
LEAD TIME IS APPROXIMATELY 10-12 WEEKS INSTALLED & PAINTED WHERE APPLICABLE (HITCH, WING SYSTEM PLOW & WING - OMAHA ORANGE) QUOTE VALID FOR 30 DAYS, **A CANCELLATION OF A SIGNED QUOTE WILL BE SUBJECT TO A 10% RESTOCKING FEE**
SIGNATURE _____
PRINT _____ DATE _____
STEVE HOLSTON - 207-468-8453 - SteveHolston@Alamo-Group.com

ITEM NUMBER	BRANCH	DESCRIPTION	PICK SLIP#/ LOT/SERIAL	QUANTITY SHIPPED	LIST PRICE	DISC%	EXTENDED AMOUNT
7HDHPF	9335	TANDEM AXLE GEAR INSTALLED		1	174,187.50	0	174,187.50

R E M A R K S	NET DUE	CASH DISC.	IF PAID BY	SUB-TOTAL	174,187.50
	174,187.50	0.00	10/11/2023	FREIGHT & HANDLING	0.00
				SALES TAX	0.00
				TOTAL(USD)	174,187.50
				PREPAID AMOUNT	

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2023.139 IN BOARD OF CITY COUNCIL...November 21st, 2023

BE IT ORDERED, that the City Manager or his designee be authorized to sign a unit cost contract with Shaw Brothers of Gorham, Maine for the construction of the York-Laonia Riverwalk Sidewalk Improvements project as per the bid submitted and opened on October 26th, 2023 in the amount of \$1,157,153.

BE IT FURTHER ORDERED, that \$92,847 (8%) be allocated for change orders, RFIs, and inspection/administrative fees.

Funding for this \$1,250,000 project will be as follows:

- \$581,568.23 from Community Development Block Grant (CDBG) funds
- \$250,000.00 from FEMA reassignment
- \$418,431.77 from FY22 Surplus Reassignment

NOTE: The Finance Committee will review this item at their November 21st, 2023 meeting.

November 21, 2023

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor LaFountain motion to remove the funding from FY22 unallocated capital expenditures to fund this project.

Second: Councilor Lessard

Vote on the amendment: 5 yeas – Councilors LaFountain, Schlaver, Mills, Ortiz and Whiting.

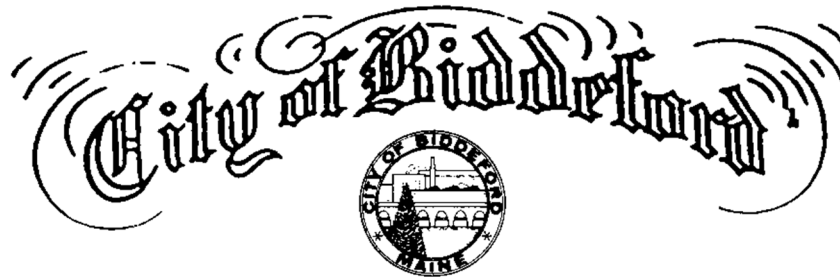
4 nays – Councilors Belanger, Emhiser, Grohman, and Lessard.

Amendment passed.

Vote as amended: 6 yeas – Councilors Belanger, Emhiser, Whiting, Grohman, Ortiz, and LaFountain. 3 nays – Councilors Schlaver, Mills and Lessard.

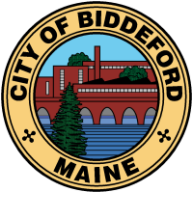
Motion passed as amended.

December 19, 2023



Attest by: _____
Robin Patterson, City Clerk

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Honorable Mayor Grohman Honorable City Council
FROM:	James A. Bennett, City Manager
DATE:	December 14, 2023
RE:	Tabled Item 2023.139 York Laconia Riverwalk Improvements

At your last meeting, there were different concerns/questions that came up regarding this request by staff. This memo is intended to address those as well as provide more historical information. The responses are not listed in any particular order.

- *Need for the project:* A core strategy for the downtown redevelopment included opening up the major mill campuses to the public. For those that grew up in the community, these campuses were always closed. The redevelopment of the vacant mill space has been the major driver in the downtown revitalization; arguably only second to the removal of the MERC facility. As the Council and public has heard in the past, Police Chief Fisk has identified that the lack of lights within the complex is contributing to the increase in crime activity within the district.
- *Identified investment:* The City has identified this capital investment for a few years. In March of 2018, the City Council approved an amendment to the 2008 North Dam Credit Enhancement Agreement that included the addition of very specific easements to guarantee the right for the public to travel (in a non-vehicle fashion) through the property. The investment was to be paid by the City. As outlined later in this memo, on July 19, 2022, the City Council allocated \$450,000 in the FY23 CIP funding for the project.
- *Relationship to the Parking Garage:* In the fall of 2016, a special downtown task force was appointed. This group met nearly every week. A number of the core recommendations of the task force became the blue print to create Biddeford's downtown today. It is doubtful that many would disagree the parking garage recommendations were among the most notable of the recommendations. Among those recommendations was the location for the first garage. Of the other locations considered, the most logical would have been the current Washington Street parking lot. If that location were to have been selected, the capacity of that parking lot would have been lost for the duration of the construction (15 to 18 months). This was an unacceptable outcome. In considering the Lincoln St. location, it was clear that the pedestrian movement through the mill district was critical. The vote to move forward with the current location was with the stated understanding of those improvements being made. The stated intention was to have the improvements contemplated within this order completed by the time the garage opened.
- *Use CDBG funds:* The use of the infrastructure funds from CDBG was always considered a strong financing option for this project. At the time of the deliberations, the housing market was different. The use of CDBG funds for donations to social service agencies is limited to 20% of

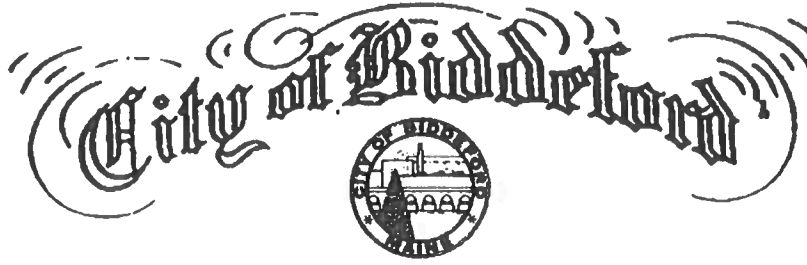
the aggregate. Historically, the City has demonstrated its high priority in this category by allocating funds close to or at this funding level.

- *Revised funding recommended:* Included with this memo is the so-called five box (Capital Funding Analysis dated August 31, 2023) that was presented to the Finance Committee in detail and included with the Council package for the September 5, 2023 meeting (item 2023.112 Award City Hall Renovation project). In box A, based on the assumptions included, it was projected that \$1,903,582 was available for allocation for capital projects beyond current approved projects. Of those funds, \$114,500 was suggested to be used instead of adding to the outstanding lease/purchase balances. Also \$55,457 was recommended (and approved that evening) to close the gap on the City Hall project. This left a projected balance of \$1,733,625. The \$668,431.77 recommended in the original order at the last meeting was to come from these funds. As noted above, the Council had previously unanimously appropriated \$450,000 for this project on July 19, 2022, leaving a balance of \$218,431.77 that would be funded from the capital funds.
- *Other Council priorities:* During the discussion, members of the Council expressed frustration that CDBG funds were not being used for other priorities. Those ranged from supporting specific goals for affordable housing, meeting the needs of unhoused, and/or supporting other capital investments. Supporting this investment is not a zero sum game. The Council has total discretion to use any of the projected funds available for capital (\$1,515,193.22¹). It should be noted, these unrestricted funds have none of the strings that the CDBG funding has, from timing issues to reporting restrictions.
- *Use for matching funding:* As noted Capital Funding Analysis (dated August 31, 2023) memo Box B, this project was included as a part of the \$4,901,875 match requirement for the SS4A (Safer Streets) grant application. Any reduction in the funding for this project, would require the City to come up with the corresponding funds for the 25% match requirement should the City be successful with its nearly \$20,000,000 grant application.

It is my recommendation that the City Council support order 2023.139 in the amount of \$1,250,000 with the funding coming from:

- \$581,568.23 from CDBG funds
- \$450,00 from FY22 CIP funds
- \$218,431.77 from 400-32340-60610 Capital Expenditures (undesignated capital funds Box A)

¹ \$1,733,625 of capital funds less the \$218,431.77 needed to fund order 2023.139



2023.87 **IN BOARD OF CITY COUNCIL... July 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Capital Improvement Projects Master Plan allocation for FY24, in the amount of **\$2,600,000** as recommended by the Capital Projects Committee.

The Capital Projects Committee reviewed the FY24 CIP Allocation at their June 27, 2023 meeting. Councilors Lessard, Grohman and Mills were present. Members Daniel Boucher and Vito Mininni were absent.

BFD-FY24-012	Self Contained Breathing Air Compressor	\$ 35,000
BFD-FY24-016	EMS CPR Compression Devices	30,000
DPW-FY24-001	Vehicle Maintenance – 5 year Veh/Equip Replacement	577,500
DPW-FY24-002	Street Maintenance – Capital Paving Program	300,000
DPW-FY24-015	Digital Printer Sign Plotter	30,000
ENG-FY24-005	General Utility/Road Construction Repairs	75,000
FAC-FY24-CH-001	City Hall Parking – South St & City Hall Lot	100,000
FAC-FY24-DPW-100	DPW Front Doors Replacement	15,000
DPW-FY24-008	Auto Gate	30,000
ENG-FY24-009	Asphalt Repaving for Storm Separation projects/PACTS	170,000
ENG-FY24-010	Sidewalk Replacement/Storm Separation Projects/PACTS	85,000
ENG-FY24-012	Granite Point Culvert Replacement	50,000
FAC-FY24-DPW-101	DPW Hallway/Lunch Room Flooring	17,500
FAC-FY24-DPW-103	DPW Garage Door Replacement	30,000
FAC-FY24-FD-111	FD Rubber Roof Replacement	200,000
ENG-FY24-022	City-Wide ADA Sidewalk Improvements	75,000
FAC-FY24-009	Community ADA Compliance	75,000
FAC-FY24-012	Document Scanning Program	30,000
DPW-FY24-006	Tree Management Plan	20,000
DPW-FY24-003	Pearl Point Park	50,000
ENG-FY24-034	Thatcher Brook 319 Phase III	80,000
	Mill District Pedestrian Bike	450,000
	May St. Traffic Calming	50,000
	Signal Work	25,000
	GRAND TOTAL	\$ 2,600,000

July 18, 2023

Motion: Councilor Mills

Second: Councilor Lessard

Councilor LaFountain – motion to amend the order to remove \$100,000 from the City Hall Parking line item and add \$20,00 each to Capital Paving Program, Sidewalks, Bicycle Rails, Public Art and the Biddeford Ice Arena.

Second: Councilor Whiting.

Vote on the amendment:

3 yeas – Councilors Grohman, Whiting, and LaFountain

4 nays – Councilors Lessard, Ortiz, Belanger and Mills

Amendment fails.

Councilor Lessard – motion to removed \$100,000 from City Hall Parking line item and send it back to the Capital Projects Committee for recommendations to redistribute the funds.

Second: Councilor Mills

Vote on the Amendment: Unanimous in favor.

Vote on the Order as amended: Unanimous in favor.

Motion passes.

Attest by: _____

A handwritten signature in black ink, appearing to be 'R. J. H.', is written over a horizontal line.

Capital Funding Analysis

Sources of Funds

	Available	Uncommitted	Comments	Assigned	Available	Comments
FY22 Surplus	\$2,450,000	\$0	Assigned to 2022 CDS; also possible SAFER Grants match	\$1,751,875	\$698,125	\$114,500 for Vehicles?
FFY23 Surplus (projected)	\$1,000,000	\$1,000,000			\$1,000,000	
FY22 CIP Appropriation	\$2,600,000	\$0		\$2,600,000		
FEMA Reassignment of Reserve	\$400,000	\$150,000	\$250,000 to Mill District work	\$250,000	\$150,000	
FY23 CIP Lapse*	\$482,378	\$482,378	Unassigned	\$426,921	\$55,457	Assigned for City Hall project
	<u>\$6,932,378</u>	<u>\$1,632,378</u>		<u>\$5,028,796</u>	<u>\$1,903,582</u>	

A

Safer Street Match Analysis

	Goal	Possible
Goal: 25% of Grant (\$19,607,500)	\$4,901,875	
Riverwalk		\$3,000,000
Mill District Pedestrian & Bike		\$1,200,000
Pearl Park Pedestrian & Bike		\$150,000
		<u>\$4,350,000</u>
Needed Funds		<u>\$551,875</u>

B

Mill District Funding

	Original	Revised
CDBG	\$150,000	\$750,000
FEMA Reassignment	\$250,000	\$250,000
FY22 Surplus Reassign	\$750,000	\$200,000
	<u>\$1,150,000</u>	<u>\$1,200,000</u>

C

FY22 Surplus Revised Recommendation

FY22 Surplus (Reallocation Recommendation)		
	Original	Revised
2022 CDS (Earmark) US Rt 1	\$2,450,000	\$1,000,000
Safer Street Match		\$1,450,000

D

	New
2022 CDS	\$1,000,000
Safer Streets	\$551,875
Mill District	\$200,000
Subtotal	\$1,751,875
Unassigned FY22	<u>\$698,125</u>

E



City Council

Meeting Date: November 21st, 2023
Meeting Time: 6:00 PM

Agenda Item No: 10.e
Item Description: 2023.139) Approval/York-Laconia Street - Riverwalk Sidewalk Improvements

Submitted by: Jeff Demers (Public Works Director)
Craig Chekan, PE (City Engineer)
Tom Milligan, PE (City Engineer Emeritus)
Gail Wilkerson (HUD Housing Director)

Supporting Information/Documentation:

1. Overall Site Plan
2. Shaw Brothers Bid Tab
3. 2018 Joint Developers Agreement
4. Various Stakeholders Design Approval (7)
 - a. Adjacent businesses, mill owners, CMP, Historic Preservation Commission
5. Detailed Grading Plan Sample

Executive Summary:

For the past three years, the Engineering Department has been designing, permitting, and coordinating a portion of the City's Riverwalk Master Plan that runs down York Street, Laconia Street, and through the Pepperell Mill campus.

After initially receiving no interested bidders for a Fall 2023 construction season, City Staff prepared and reissued a formal bid package in August for a March-July 2024 construction season. One bid was received from Shaw Brothers for \$1,157,153 (which aligns with the City's construction estimate).

Detailed Review:

The City's Engineering Department surveyed and designed in-house a series of new sidewalks, pedestrian lighting, and ADA ramps for the York-Laconia Riverwalk Sidewalk project.

This section of the Riverwalk Master Plan will give pedestrians safe passage through the Pepperell Mill campus from Main Street to the Pearl Street Parking Garage, via York Street, Laconia Street, and the Lincoln Mill. See attached Overall Site Plan.

In accordance with the 2018 Joint Developer Agreement, this project has been closely coordinated with and approved by the Pepperell Mill and Lincoln Mill property owners, as well as the adjacent Main Street business owners. This project received unanimous approval from the Historic Preservation Commission on June 14th, 2023.

After initially receiving no interested bidders for a Fall 2023 construction season, City Staff prepared and reissued a formal bid package in August for a March-July 2024 construction season. One bid was received from Shaw Brothers for \$1,157,153 (which aligns with the City's construction estimate).

A portion of this project will utilize CDBG funding.

Funding Source:

Total Estimated Project Cost = \$1,250,000

- \$1,157,153 for Shaw Brothers' bid
- \$92,847 (8%) for change orders, RFIs, and inspection/administrative fees during construction

Funding for this \$1,250,000 project will be as follows:

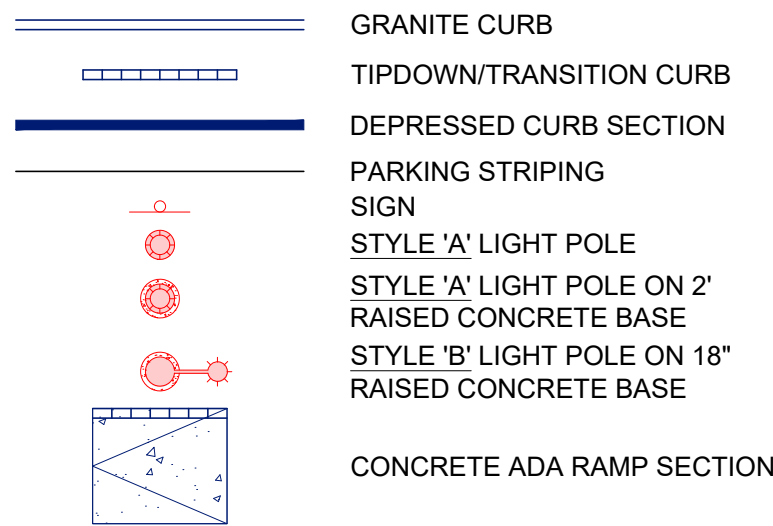
- \$581,568.23 from Community Development Block Grant (CDBG) funds
- \$250,000.00 from FEMA reassignment
- \$418,431.77 from FY22 Surplus Reassignment (original \$200k + \$218,431.77)

Staff Recommendation:

Staff recommends to accept Shaw Brothers' *'York-Laconia Riverwalk Sidewalk Improvements Project'* bid of \$1,157,153 and allot \$92,847 (8%) for change orders, RFIs, and inspection/administrative fees – for a total amount of \$1,250,000.

Plotted By: C:\Users\chris\OneDrive\Documents\2021\2021-020-york-laconia street sidewalk\CAD\Sheets\C-300 - York-Laconia - Overall Site Plan.dwg

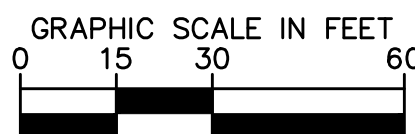
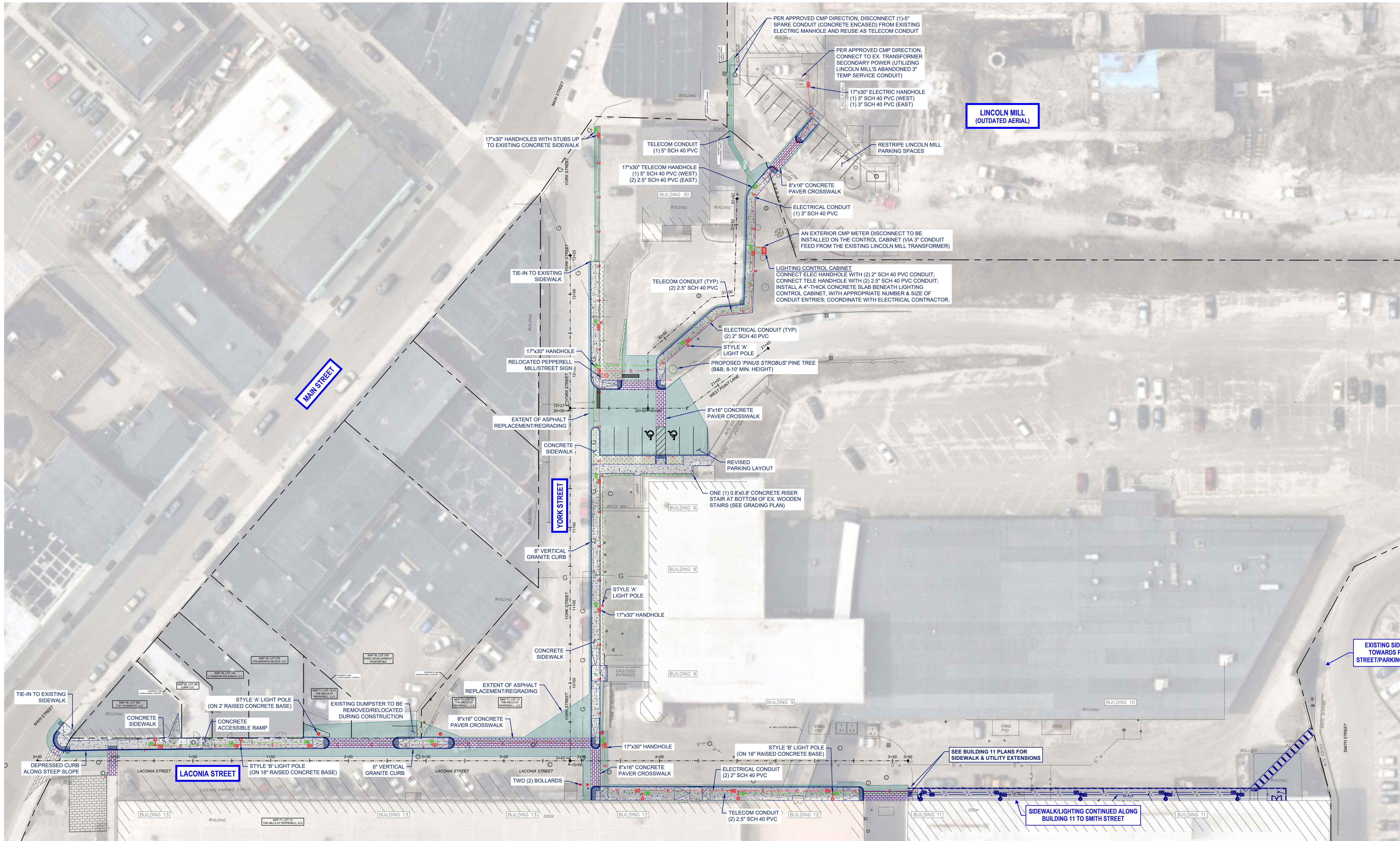
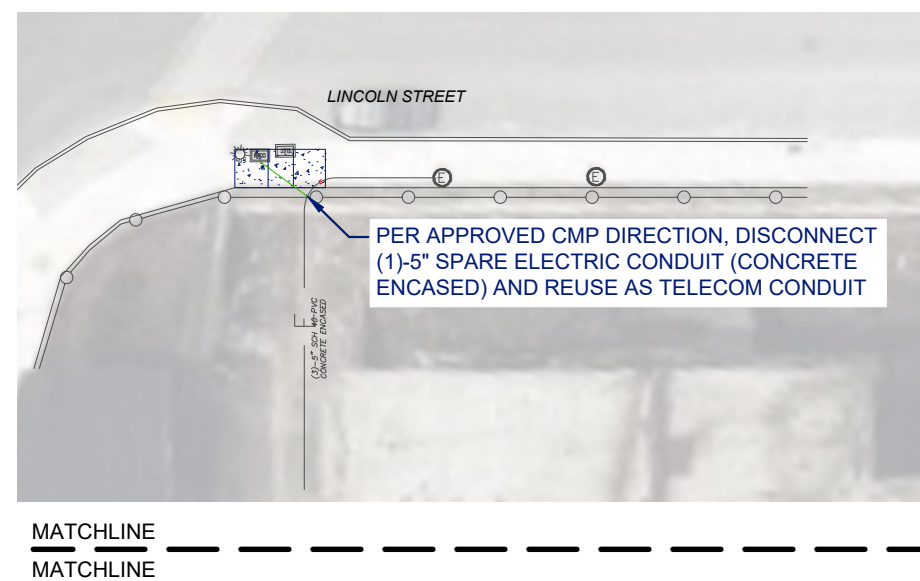
LEGEND



- GRANITE CURB
TIPDOWN/TRANSITION CURB
DEPRESSED CURB SECTION
PARKING STRIPING
SIGN
STYLE 'A' LIGHT POLE
STYLE 'A' LIGHT POLE ON 2' RAISED CONCRETE BASE
STYLE 'B' LIGHT POLE ON 18" RAISED CONCRETE BASE
CONCRETE ADA RAMP SECTION
- CONCRETE SIDEWALK
8"x16" PAVER CROSSWALK
ASPHALT PAVEMENT
LANDSCAPE AREA
2' WIDE CAST IRON DETECTABLE WARNING SURFACE
(2)-2.5" SCH 40 PVC UNDERGROUND TELECOM CONDUIT AND HANDHOLE (UNLESS OTHERWISE NOTED)
(2)-2" SCH 40 PVC UNDERGROUND ELECTRIC CONDUIT AND HANDHOLE (UNLESS OTHERWISE NOTED)

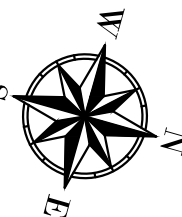
NOTES:

1. HORIZONTAL DATUM: NAD83 MAINE STATE PLANE, WEST, US FOOT (ME83-WF)
2. VERTICAL DATUM: NAVD88



OVERALL SITE LAYOUT PLAN

SCALE: 1" = 30'



NOTE:

1. CONTRACTOR TO RESTORE/RESEED ANY DISTURBED PERVIOUS AREAS.
2. SEE DETAIL 3 ON SHEET C-501 FOR LIGHTPOLE CONDUIT CONNECTIONS.

CITY OF BIDDEFORD, MAINE ENGINEERING DEPARTMENT 205 MAIN STREET, P.O. BOX 586 BIDDEFORD, MAINE 04005 PHONE: 207-284-9118 WWW.BIDDEFORDMAINE.ORG		REVISIONS		DATE		BY	
STATE OF MAINE CRAIG R. CREW LICENSED PROFESSIONAL ENGINEER 08/20/2023		DRAWING INFO		DATE		DATE	
DESIGNED BY		SCALE		AS SHOWN		SCALE	
DRAWN BY		CHECKED BY		DESIGNED BY		SCALE	
YORK-LACONIA STREET SIDEWALK IMPROVEMENTS PREPARED FOR PEPPERELL MILL CAMPUS		OVERALL SITE LAYOUT PLAN		MAINE		SHEET NUMBER C-300	

YORK-LACONIA RIVERWALK SIDEWALK IMPROVEMENTS									
BID TAB / APPROXIMATE SUMMARY OF QUANTITIES									
CITY'S DRAWINGS				PEPPERELL BLDG 11 DRAWINGS		DESIGN TOTAL		UNIT PRICE	COST
ITEM	NAME	QUANTITY	UNITS	QUANTITY	UNITS	QUANTITY	UNITS		
A	SITE PREP/DEMOLITION								
1	MOBILIZATION/TRAFFIC CONTROL	0.9	LS	0.1	LS	1	LS	\$ 278,793.00	\$ 278,793.00
2	INLET PROTECTION	8	EA	0	EA	8	EA	\$ 125.00	\$ 1,000.00
3	EROSION CONTROL/DUST CONTROL/STOCKPILE PROTECTION	0.9	LS	0.1	LS	1	LS	\$ 13,450.00	\$ 13,450.00
4	SITE DEMO	0.9	LS	0.1	LS	1	LS	\$ 48,595.00	\$ 48,595.00
B	SITE WORK								
5	8"x16" CROSSWALK PAVERS (W/ 5" SIDE STRIPING)	1650	SF	0	SF	1650	SF	\$ 32.30	\$ 53,295.00
6	DETECTABLE WARNING PLATES (CAST IRON)	210	SF	24	SF	234	SF	\$ 125.00	\$ 29,250.00
7	0.8"x0.8" CONCRETE STEP RISER (STA 20+80)	1	EA	0	EA	1	EA	\$ 1,000.00	\$ 1,000.00
8	REINFORCED CONCRETE SIDEWALK	6850	SF	1960	SF	8810	SF	\$ 20.25	\$ 178,402.50
9	ASPHALT PAVEMENT	8400	SF	0	SF	8400	SF	\$ 16.25	\$ 136,500.00
10	LOAM & SEED	2000	SF	0	SF	2000	SF	\$ 1.70	\$ 3,400.00
11A	PINE TREE (B&B, 8-10' MIN. HEIGHT); (STA 30+25)	1	EA	0	EA	1	EA	\$ 1,500.00	\$ 1,500.00
11B	PROTECTIVE PIPE BOLLARD (STA 3+50)	2	EA	0	EA	2	EA	\$ 1,600.00	\$ 3,200.00
C	STRIPING/SIGNAGE								
12	PEDESTRIAN SIGN (W11-2 MUTCD, 24"x24" YELLOW)	4	EA	0	EA	4	EA	\$ 250.00	\$ 1,000.00
13	STOP SIGN (R1-1 MUTCD, 30"x30" RED)	4	EA	0	EA	4	EA	\$ 250.00	\$ 1,000.00
14	ADA PARKING SIGN (R7-8 MUTCD)	2	EA	0	EA	2	EA	\$ 225.00	\$ 450.00
15	24" STOP BAR (WHITE THERMOPLASTIC)	2	EA	0	EA	2	EA	\$ 1,500.00	\$ 3,000.00
16	PARKING STALL STRIPING (WHITE THERMOPLASTIC)	16	SPACES	0	SPACES	16	SPACES	\$ 400.00	\$ 6,400.00
17	ADA PARKING STRIPING (LIGHT-BLUE THERMOPLASTIC)	2	SPACES	0	SPACES	2	SPACES	\$ 1,200.00	\$ 2,400.00
18	6' WIDE CROSSWALK STRIPING (BUILDING 11 TO SMITH ST)	0	LF	52	LF	52	LF	\$ 15.00	\$ 780.00
19	RELOCATE EXISTING SIGNAGE (STA 12+50; STA 20+65)	1	LS	0	LS	1	LS	\$ 800.00	\$ 800.00
D	CURBING								
20	VERTICAL GRANITE CURB (STRAIGHT SECTION)	700	LF	230	LF	930	LF	\$ 50.35	\$ 46,825.50
21	VERTICAL GRANITE CURB (10.0' RADII LOCATION)	2	EA	0	EA	2	EA	\$ 526.75	\$ 1,053.50
22	VERTICAL GRANITE CURB (6.0' RADII LOCATION)	1	EA	0	EA	1	EA	\$ 478.25	\$ 478.25
23	VERTICAL GRANITE CURB (3.0' RADII LOCATION)	1	EA	0	EA	1	EA	\$ 740.85	\$ 740.85
24	TRANSITION GRANITE CURB (STRAIGHT SECTION)	180	LF	18	LF	198	LF	\$ 50.30	\$ 9,959.40
25	TRANSITION GRANITE CURB (7.5' RADII LOCATION)	1	EA	0	EA	1	EA	\$ 1,481.00	\$ 1,481.00
26	DEPRESSED/FLUSH GRANITE CURB (STRAIGHT SECTION)	150	LF	0	LF	150	LF	\$ 50.00	\$ 7,500.00
27	DEPRESSED/FLUSH GRANITE CURB (7.5' RADII LOCATION)	1	EA	0	EA	1	EA	\$ 1,015.00	\$ 1,015.00
28	DEPRESSED/FLUSH GRANITE CURB (3.75' RADII LOCATION)	3	EA	0	EA	3	EA	\$ 988.00	\$ 2,964.00
29	DEPRESSED/FLUSH GRANITE CURB (3' RADII LOCATION)	7	EA	0	EA	7	EA	\$ 430.00	\$ 3,010.00
30	ASPHALT CURB (STA 20+60)	12	LF	0	LF	12	LF	\$ 100.00	\$ 1,200.00
E	UTILITIES								
31	17"x30" ELECTRIC HANDHOLE	16	EA	5	EA	21	EA	\$ 1,100.00	\$ 23,100.00
32	17"x30" TELECOM HANDHOLE	16	EA	5	EA	21	EA	\$ 1,100.00	\$ 23,100.00
33	STYLE 'A' LIGHT POLE (NON-RAISED CONCRETE BASE)	5	EA	0	EA	5	EA	\$ 7,400.00	\$ 37,000.00
34	STYLE 'A' LIGHT POLE (2' RAISED CONCRETE BASE)	3	EA	0	EA	3	EA	\$ 7,400.00	\$ 22,200.00
35	STYLE 'B' LIGHT POLE (18" RAISED CONCRETE BASE)	5	EA	5	EA	10	EA	\$ 7,900.00	\$ 79,000.00
36	LIGHTING CONTROL CABINET PACKAGE (STA 31+35)	1	EA	0	EA	1	EA	\$ 12,600.00	\$ 12,600.00
37	(2) 2" SCH 40 PVC CONDUIT (ELECTRIC)	1125	LF	250	LF	1375	LF	\$ 34.00	\$ 46,750.00
38	(1) 3" SCH 40 PVC CONDUIT (ELECTRIC)	140	LF	0	LF	140	LF	\$ 39.00	\$ 5,460.00
39	(2) 2.5" SCH 40 PVC CONDUIT (TELECOM)	1175	LF	250	LF	1425	LF	\$ 36.00	\$ 51,300.00
40	(1) 5" SCH 40 PVC CONDUIT (TELECOM)	100	LF	0	LF	100	LF	\$ 48.00	\$ 4,800.00
41	CONDUIT CONCRETE ENCASEMENT (SUBJECT TO VEHICLE LOADS)	440	LF	0	LF	440	LF	\$ 22.50	\$ 9,900.00
F	PROJECT CLOSEOUT								
42	AS-BUILT DRAWINGS	0.9	LS	0.1	LS	1	LS	\$ 1,500.00	\$ 1,500.00
								TOTAL COST	\$ 1,157,153.00

*QUANTITIES PROVIDED ARE BEST ESTIMATES BASED ON CAD FILES. CONTRACTOR TO VERIFY QUANTITIES INDEPENDENTLY & NOTE ANY DISCREPANCIES.

JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement (“Agreement”), dated March 28, 2018 is executed by **NORTH DAM, LLC**, a Maine limited liability company (“North Dam”), **THE MILLS AT PEPPERELL, LLC**, a Maine limited liability company (“Pepperell”) and the **CITY OF BIDDEFORD, MAINE** (“City”). North Dam, Pepperell and the City are referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, North Dam entered into a Credit Enhancement Agreement with the City of Biddeford, dated as of August 1, 2008 (the “Credit Enhancement Agreement”); and

WHEREAS, North Dam and Pepperell, have granted various easements to the City for the development of the RiverWalk; and

WHEREAS, North Dam seeks to amend the terms of the Credit Enhancement Agreement to assist North Dam with financing for further development of its property; and

WHEREAS, the City seeks additional easements over the North Dam and/or Pepperell property to provide pedestrian access to the RiverWalk and to the City’s property located at 3 Lincoln Street.

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I DEFINITIONS

The terms defined in this Article I shall, for the purposes of this Agreement, have the meanings herein specified unless the context clearly requires otherwise:

“Credit Enhancement Agreement” shall mean the Credit Enhancement Agreement as amended from time to time between the City and North Dam dated as of August 1, 2008.

“Credit Enhancement Payments” or “TIF Payments” shall mean that portion of the tax incremental financing, payable to North Dam for reinvestment.

“Pepperell Share Dedicated Parking Fund” shall mean that portion of the Dedicated Parking Fund paid by North Dam equal to 5% of recaptured taxes from the portion of the 50% Credit Enhancement Payments paid to North Dam held by the City as a deposit towards pre-purchased parking in a City parking garage.

ARTICLE II COMMITMENTS

1. City Commitments

The City will amend the current Credit Enhancement Agreement for North Dam, LLC to provide as follows:

- (a) In Year 10 of the Credit Enhancement Agreement, the Credit Enhancement payment shall be seventy five percent (75%). Beginning in Year 11 of the Credit Enhancement Agreement, the Credit Enhancement Payment shall be fifty percent (50%) and shall continue at that percentage until the maximum amount payable under the Credit Enhancement Agreement, Two Million Seventy Seven Thousand Three Hundred Sixty One Dollars and 18/100 (\$2,077,361.18) shall have been paid to North Dam or upon expiration of The North Dam Mills [CEA] Amendment #3 Route 111-Mill Redevelopment TIF District Agreement as may be further amended, whichever occurs first. The City agrees that it shall not amend said TIF District Agreement to shorten the term applicable to North Dam. Provided, however, that the City’s obligations to make any further payments to North Dam under the Credit Enhancement Agreement shall not commence until North Dam has satisfied the following criteria:

- (i) North Dam has pulled building permits with the City in excess of two million dollars (\$2,000,000.00) with a benchmark date of January 1, 2018; and
 - (ii) The overall taxable value of North Dam's property shall have increased by an aggregate value of five million dollars (\$5,000,000.00) with the April 1, 2017 taxable value as the baseline value.
- (b) The Parties recognize that effective upon the execution of this Agreement and the Amendment to the Credit Enhancement Agreement, the City will recapture 100% of the incremental increase in the value within the TIF District (rather than 75% in year 10 and 50% for the balance of the Credit Enhancement Agreement).
- (c) At North Dam's sole discretion, up to 5% of the future Credit Enhancement Payments payable to North Dam may be directed into a Pepperell Share Dedicated Parking Fund established by the City. For the avoidance of doubt, if North Dam elects to pay 5% into a Dedicated Parking Fund, in Year 10 the maximum amount of Credit Enhancement Payments payable directly to North Dam shall be reduced to 70% and in Year 11 and beyond 45%. The fund shall be used exclusively for North Dam parking needs including North Dam parking fees at City owned parking facilities.
- (d) The balance of the TIF funds not otherwise paid in Credit Enhancement Payments to North Dam and/or into the Pepperell Share Dedicated Parking Fund will be paid into the City's tax increment account for downtown improvements, including but not limited to supporting parking, pedestrian access, RiverWalk development and other improvements consistent with the City's current Municipal Development Tax Increment Financing District and the Biddeford Downtown Mill District.

2. North Dam and Pepperell's Permanent Easement Commitments

North Dam and Pepperell agree to deed the following permanent pedestrian easements to the City for the construction and maintenance of pedestrian connections at the sole cost of the City (including design, survey, construction, maintenance, and signage costs):

- (a) From Saco Falls Way along the so-called Lot D to York Street, (as identified by the red line on the attached map);
- (b) From the Lincoln Mill property to the pedestrian way identified in 2(a) above (as identified by the yellow line on the attached map);
- (c) Along so-called York and Laconia Streets (as identified by the red line on the attached map);
- (d) From the intersection of York and Laconia Streets running along Buildings 9 and 10; along Buildings 11 and 12; and between the four Buildings; connecting to the access road from Saco Falls Way to the Lofts at Saco Falls (as identified by the green line on the attached map).
- (e) North Dam and Pepperell shall provide all necessary temporary construction easements to enable the City to install the pedestrian only walkways. The temporary construction easements shall require that the City minimize inconvenience and disruption to the other activities of North Dam and Pepperell and their tenants.
- (f) The City shall meet with representatives of North Dam and Pepperell for the purpose of soliciting input on material, landscaping, security and features of the pedestrian connections. At a minimum, the City agrees that the connections shall be complementary to the existing RiverWalk improvements and adjacent areas. The City further agrees that the improvements shall be consistent with the aesthetics, design features and quality of surrounding improvements.

- (g) The easements shall require that the City construct all improvements in a workmanlike manner and that the City at all times keep such improvements in good repair and free of ice and snow. The City further agrees to develop a plan for timely winter maintenance of the easements.
- (h) None of the easements and the development of the pedestrian connections shall be inconsistent with current municipal approvals, including without limitation that the proposed connection from the Lincoln Mill (as identified by the yellow line on the attached map) shall not involve physical construction that impairs the use of North Dam, Pepperell and their tenants' existing parking lot.

3. North Dam and Pepperell's Temporary Easement Commitments

North Dam and Pepperell agree that they shall deed to the City a temporary pedestrian easement from Laconia Plaza to Laconia Street and/or Saco Falls Way for pedestrian connection (as identified by the blue line on the attached map). The temporary pedestrian easement shall provide as follows:

- (a) Access to the temporary pedestrian easement will be restricted from 7:00 a.m. to 5:00 p.m. and to the period of March 15 to December 1;
- (b) The temporary pedestrian easement will cease to exist once the RiverWalk is expanded to connect Laconia Plaza to Saco Falls Way or December 31, 2021, whichever occurs first;
- (c) The City agrees that prior to allowing pedestrian access, the City will physically delineate the area available for pedestrian use in a manner reasonably satisfactory to North Dam and Pepperell through physical improvements, pavement markings or other acceptable means;
- (d) During the period that the temporary pedestrian easement is available to the public, the City shall maintain the temporary easement and keep it free of ice and snow.

ARTICLE III
INDEMNIFICATIONS

The City agrees to indemnify, defend and hold North Dam and Pepperell harmless from any claims, damages, costs, liabilities and expenses (including attorney's fees) arising from the City and/or the public's use of the temporary and permanent easements. Each Party shall indemnify, defend, and hold the other Party harmless from any claims, damages, costs, liabilities and expenses (including attorney's fees) arising from the negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its agents, servants, officers, directors, employees and affiliates.

ARTICLE IV
TIME OF PERFORMANCE

1. The Parties recognize and agree that all easements identified in this Agreement shall revert back to North Dam or Pepperell on December 31, 2021 unless prior to that date:

- (a) The City or another party at the direction of the City, has entered into a construction agreement to build a city parking garage of at least 400 spaces in the downtown area; and
- (b) Construction of the City parking garage has commenced.

In the event that the easements revert back to North Dam or Pepperell, any improvements to the easement areas shall become the property of the original owner. In addition, all funds within the Pepperell Share Dedicated Parking Fund will be forfeited to the City.

2. The Parties agree to the following deadlines related to this Agreement:

- (a) All Parties shall approve and execute the Joint Development Agreement on or before April 1, 2018;

- (b) The Biddeford City Council shall vote to approve the amendments to the Credit Enhancement Agreement on or before April 30, 2018;
- (c) All easements identified in this Agreement shall be executed by the Parties on or before May 15, 2018. The easements shall be held in escrow by the Biddeford City Solicitor until all provisions of the Joint Development Agreement are satisfied including but not limited to the Credit Enhancement Agreement Amendment and approval by the Maine Department of Economic and Community Development.

ARTICLE V LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their Affiliates, by reason of any of their respective acts or omissions relating to this Agreement be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE VI MISCELLANEOUS

1. Representations and Warranties:

Each Party represents and warrants to the other that:

- (a) It is duly qualified to do business and is in good standing in the State of Maine; and
- (b) It has full power and authority to execute, deliver and perform its obligations under this Agreement; and

- (c) The execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and
- (d) The execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the articles of incorporation or by-laws of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.

2. Right to Require Performance:

The failure of any Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce the same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. Governing Law:

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. Relationship of Parties:

- a) This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's Planning, Zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the actions required under this Agreement.

- b) The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City, North Dam and Pepperell agree to cooperate in good faith with regard to each and every aspect required for the completion of all obligations contemplated by this Agreement. The Parties recognize, however, that the land use regulatory agencies of the City must perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Agreement. The City, North Dam and Pepperell further agree to negotiate in good faith and to enter such other and further agreements as may be necessary to implement any aspect of design, engineering, construction or operation contemplated under this Agreement.
- c) This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. Material Breach by North Dam and Pepperell:

- a. If North Dam and/or Pepperell cause a material breach of the terms or conditions of this Agreement, and any agreements, arrangements or other legal instruments that are entered into as a direct result of this Agreement, and fail to cure such breach within the cure period set forth below, then any credit enhancement payment otherwise payable to North Dam shall be delayed until such time as the breach is corrected. If the breach lasts longer than one (1) year, North Dam shall no longer be entitled to receive any credit enhancement payments that are otherwise duly authorized by this Agreement.
- b. The City shall provide notice to North Dam and Pepperell of a material breach in writing, identifying the nature of the alleged breach and requested remedy. A material breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

6. Material Breach by City:

- a. North Dam and Pepperell shall provide notice to the City of a material breach in writing, identifying the nature of the alleged breach and requested remedy. A material breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- b. If a material breach is not cured as set forth above, North Dam and Pepperell may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. Integration:

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written regarding the matters addressed in this Agreement. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement

8. No Oral Modifications:

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and

assigns. This Agreement and any of the rights, interests or obligations under this Agreement may not be assigned or delegated by any Party, without the prior written consent of the other Party. This Agreement is not intended to confer any rights or benefits to any entity other than to the City, North Dam and Pepperell, and their affiliates.

9. Mutual Cooperation and Further Agreements:

The Parties acknowledge that the obligations set further herein may be further described in other agreements as agreed to by the Parties. The City, North Dam and Pepperell agree to cooperate in good faith with regard to each and every aspect required for the completion of all objections contemplated by this Agreement. The Parties recognize, however, that the land use regulatory agencies of the City must perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Agreement. The City, North Dam and Pepperell further agree to negotiate in good faith and to enter such other and further agreements as may be necessary to implement any aspect of design, engineering, construction or facility operation contemplated under this Agreement.

10. Notice:

All notices required to be given to City, North Dam or Pepperell under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City: City of Biddeford
 c/o James A. Bennett, (or the then current) City Manager
 P.O. Box 586
 205 Main Street
 Biddeford, Maine 04005,

With a copy to: City Attorney as designated in writing by the City

North Dam Douglas Sanford
and Pepperell: Pepperell Mill Campus
2 Main Street, Suite 17-301-E
Biddeford, ME 04005

With a copy to: North Dam and Pepperell's attorney as designated in
writing by North Dam and Pepperell

11. Severability:

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

12. Survival:

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

13. Mediation/Arbitration:

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

14. Consents:

North Dam and Pepperell shall use commercially reasonable efforts to obtain the consents of its mortgage holders and other lien holders to this Agreement and the easements contemplated herein.

15. Tunnels:

The Parties agree that they shall explore in good faith the potential inclusion of the tunnels located on North Dam and Pepperell's property into the long range planning of additional pedestrian access ways over North Dam and Pepperell's property.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals as of the day, month and year first above written.

Judie Marcotte
Witness

North Dam, LLC

By: [Signature]
Name: William Sanford
Title Member

Judie Marcotte
Witness

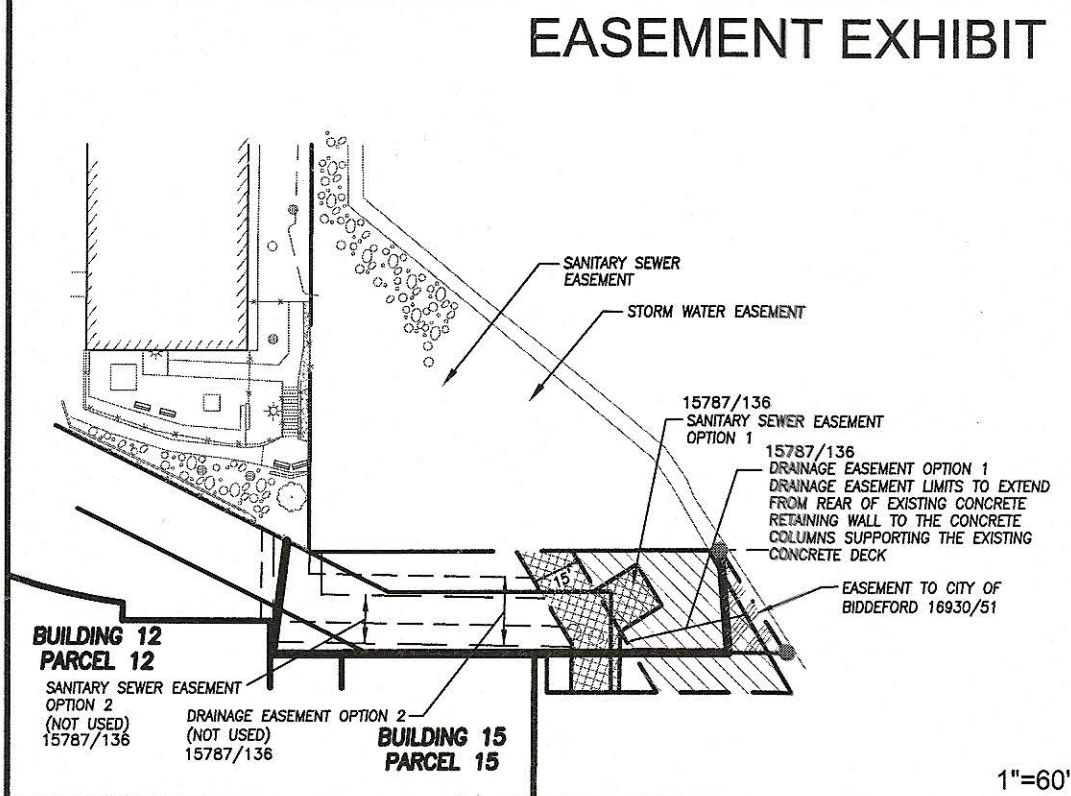
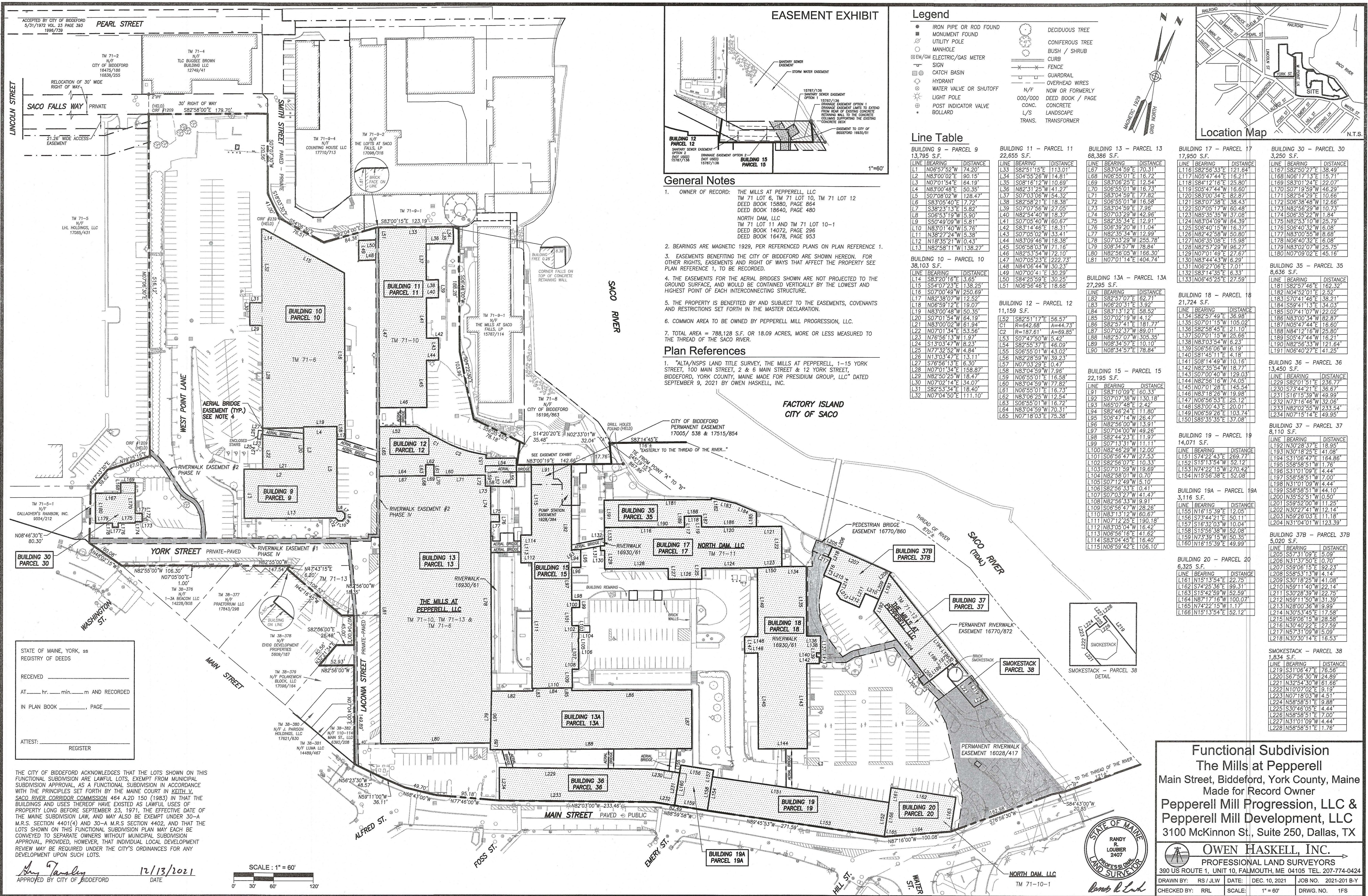
The Mills at Pepperell, LLC

By: [Signature]
Name: William Sanford
Title Member

City of Biddeford

Kendi L. Norton
Witness

By: James A. Bennett
Name: James A. Bennett
Title: City Manager



- Legend**
- IRON PIPE OR ROD FOUND
 - MONUMENT FOUND
 - UTILITY POLE
 - MANHOLE
 - ELECTRIC/GAS METER
 - SIGN
 - CATCH BASIN
 - HYDRANT
 - WATER VALVE OR SHUTOFF
 - LIGHT POLE
 - POST INDICATOR VALVE
 - BOLLARD
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - BUSH / SHRUB
 - CURB
 - FENCE
 - GUARDRAIL
 - OVERHEAD WIRES
 - N/F
 - 000/000
 - CONC.
 - L/S
 - TRANS.

Line Table

BUILDING 9 - PARCEL 9
13,795 S.F.

LINE	BEARING	DISTANCE
L1	N06°57'52"W	74.20'
L2	N83°00'02"E	90.15'
L3	N07°01'54"E	64.19'
L4	N83°00'48"E	50.35'
L5	S07°08'02"W	128.47'
L6	S83°05'40"E	7.72'
L7	S38°23'13"E	5.82'
L8	S06°53'19"W	5.90'
L9	S50°49'09"W	5.81'
L10	N83°01'40"W	5.76'
L11	N38°27'24"W	5.38'
L12	N18°35'21"W	0.43'
L13	N82°58'11"W	138.27'

BUILDING 10 - PARCEL 10
38,103 S.F.

LINE	BEARING	DISTANCE
L14	S83°20'16"E	3.65'
L15	N84°40'23"E	138.25'
L16	S07°00'49"W	250.69'
L17	N82°38'07"W	12.52'
L18	N06°59'12"E	19.07'
L19	N83°00'48"W	50.35'
L20	S07°01'54"W	64.19'
L21	N83°00'02"E	61.94'
L22	N07°13'54"E	64.59'
L23	N65°56'13"W	8.23'
L24	S1°30'34'47"E	8.23'
L25	N77°32'52"W	4.84'
L26	N1°30'34'47"E	13.11'
L27	S76°56'13"E	6.30'
L28	N07°01'34"E	158.87'
L29	N82°50'05"W	18.47'
L30	N07°02'14"E	54.07'
L31	S82°53'34"E	18.40'
L32	N07°04'50"E	111.10'

BUILDING 11 - PARCEL 11
22,655 S.F.

LINE	BEARING	DISTANCE
L33	S82°51'15"E	113.01'
L34	S04°55'26"W	14.81'
L35	S08°16'12"W	10.69'
L36	N82°31'25"W	41.27'
L37	S07°03'06"W	54.32'
L38	S82°58'21"E	18.38'
L39	S07°07'56"W	27.05'
L40	N82°54'40"W	18.37'
L41	S07°05'40"W	60.67'
L42	S83°14'46"E	18.31'
L43	S07°05'02"W	33.41'
L44	N83°09'46"W	18.38'
L45	S06°58'03"W	71.16'
L46	N82°53'54"W	72.10'
L47	N07°05'23"E	222.73'
L48	N84°06'44"W	30.29'
L49	N07°00'41"E	30.23'
L50	S84°25'59"E	30.25'
L51	N06°56'46"E	18.68'

BUILDING 12 - PARCEL 12
11,159 S.F.

L52	S82°51'17"E	56.57'
C1	R=642.68'	A=44.73'
C2	R=187.61'	A=69.85'
L54	S07°47'50"W	5.42'
L55	S82°55'37"E	46.09'
L56	S06°55'01"W	43.02'
L57	N82°28'59"W	39.23'
L58	N07°03'29"E	0.47'
L59	N83°04'59"W	7.96'
L60	N06°55'01"E	16.58'
L61	N83°04'59"W	77.82'
L62	N06°55'01"E	16.73'
L63	N83°06'25"W	12.54'
L64	S06°55'01"W	16.72'
L65	N83°04'59"W	70.31'
L66	N07°18'03"E	75.38'

BUILDING 13
68,388 S.F.

LINE	BEARING	DISTANCE
L67	S83°04'59"E	70.31'
L68	N06°55'01"E	16.72'
L69	S83°04'59"E	77.82'
L70	S06°55'01"W	16.58'
L71	S83°04'59"E	7.96'
L72	S06°55'01"W	16.73'
L73	S83°04'59"E	70.31'
L74	S06°55'01"W	16.72'
L75	S83°04'59"E	77.82'
L76	S06°55'01"W	16.58'
L77	S83°04'59"E	7.96'
L78	S06°55'01"W	16.73'
L79	S83°04'59"E	70.31'
L80	N08°34'57"E	10.10'
L81	N08°34'57"E	78.84'

BUILDING 14
27,295 S.F.

LINE	BEARING	DISTANCE
L82	S83°04'59"E	70.31'
L83	N06°55'01"E	16.72'
L84	S83°04'59"E	77.82'
L85	S06°55'01"W	16.58'
L86	S83°04'59"E	7.96'
L87	S06°55'01"W	16.73'
L88	S83°04'59"E	70.31'
L89	N08°34'57"E	10.10'
L90	N08°34'57"E	78.84'

BUILDING 15
22,195 S.F.

LINE	BEARING	DISTANCE
L91	S83°10'09"E	60.33'
L92	S07°07'38"W	130.18'
L93	N65°07'48"E	2.42'
L94	S82°46'24"E	11.80'
L95	S06°47'14"W	26.47'
L96	N82°55'00"W	13.91'
L97	S07°04'00"W	49.26'
L98	S82°44'23"E	1.57'
L99	S07°13'31"W	11.11'
L100	N82°46'28"W	12.00'
L101	S06°56'47"W	27.53'
L102	S82°56'07"E	10.33'
L103	S07°01'59"W	19.69'
L104	N82°58'01"W	10.70'
L105	S06°55'01"W	16.73'
L106	S83°04'59"E	77.82'
L107	S06°55'01"W	16.58'
L108	S83°04'59"E	7.96'
L109	S06°55'01"W	16.73'
L110	N82°58'01"W	10.70'
L111	N06°55'01"E	16.72'
L112	N82°58'01"W	10.70'
L113	N06°55'01"E	16.73'
L114	S83°04'59"E	77.82'
L115	N06°55'01"W	16.58'

THREAD OF ROVER
81° ±

SACO

Chekan, Craig

From: Eben Sumner <eben@cascobayhemp.com>
Sent: Thursday, December 8, 2022 12:10 PM
To: Chekan, Craig
Subject: Re: Lot 380 - 124 Main St.

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes sir, that is the door. Thank you for the prompt follow up.

Please reach out if you need anything from me that could help in your progress.

Have a great week.

Best,
Eben

On Thu, Dec 8, 2022 at 11:12 AM Chekan, Craig <Craig.Chekan@biddefordmaine.org> wrote:

Hi Eben

Thanks for reaching out. I assume you are talking about the metal door circled in the attached picture.

Yes – all doors along this façade will be fully functional with the adjacent sidewalk/accessible ramps. I confirmed all elevations via the attached design drawings.

Hope this helps clarify your concerns

Craig

Craig Chekan, PE

City of Biddeford | P.O. Box 586, Biddeford, ME 04005
207-571-0636 | craig.chekan@biddefordmaine.org

From: Eben Sumner [mailto:eben@cascobayhemp.com]
Sent: Thursday, December 8, 2022 10:46 AM
To: Chekan, Craig <Craig.Chekan@Biddefordmaine.org>
Subject: Lot 380 - 124 Main St.

Chekan, Craig

From: Chekan, Craig
Sent: Thursday, December 15, 2022 12:41 PM
To: 'tjbyrne1@gmail.com'
Cc: Demers, Jeff
Subject: FW: Biddeford Riverwalk Project Laconia Street - 110 Main Street Coordination
Attachments: 2022-12-07_York-Laconia Riverwalk - 110 Main Street Coordination.pdf

Tom

Thanks for the call and confirming you have no issues with the upcoming sidewalk project, including replacing the existing asphalt within your fire nook with flush concrete.

Attached are the plans for your reference.

Thanks again
Craig

Craig Chekan, PE
City of Biddeford | P.O. Box 586, Biddeford, ME 04005
207-571-0636 | craig.chekan@biddefordmaine.org

From: Chekan, Craig
Sent: Thursday, December 15, 2022 11:40 AM
To: 'nathan.foran18@thorntonacademy.org' <nathan.foran18@thorntonacademy.org>
Cc: Demers, Jeff <jeff.demers@biddefordmaine.org>
Subject: RE: Biddeford Riverwalk Project Laconia Street - 110 Main Street Coordination

Good Morning Nathan

Following up on my email from last week. Can you kindly confirm your receipt and approval of the sidewalk design adjacent to your property along Laconia Street?

Thanks in advance
Craig

Craig Chekan, PE
City of Biddeford | P.O. Box 586, Biddeford, ME 04005
207-571-0636 | craig.chekan@biddefordmaine.org

From: Chekan, Craig
Sent: Wednesday, December 7, 2022 10:05 AM
To: 'nathan.foran18@thorntonacademy.org' <nathan.foran18@thorntonacademy.org>
Cc: Demers, Jeff <jeff.demers@biddefordmaine.org>
Subject: Biddeford Riverwalk Project Laconia Street - 110 Main Street Coordination

Good Morning Nathan
My name is Craig Chekan and I am Biddeford's City Engineer.

As you may know, the City is working with the Pepperell Mill to put new concrete sidewalks and pedestrian lighting throughout their campus and York/Laconia streets (known as the Riverwalk project).

Chekan, Craig

From: Steve Ebling <eblingsteve24@gmail.com>
Sent: Tuesday, December 20, 2022 1:39 PM
To: Chekan, Craig
Subject: Re: Biddeford Riverwalk Project Laconia Street - 140 Main Street Coordination

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Perfect
Thanks

Sent from my iPhone

On Dec 20, 2022, at 1:29 PM, Chekan, Craig <Craig.Chekan@biddefordmaine.org> wrote:

Steve

Thanks for the call and confirming you are okay with the proposed scope of work and minor impacts to your dumpster/parking area.

The City needs to confirm funding but are planning to go out to bid in Spring for Summer construction. We'll make sure your tenants have continued access to the parking area throughout construction

Craig Chekan, PE

City of Biddeford | P.O. Box 586, Biddeford, ME 04005

207-571-0636 | craig.chekan@biddefordmaine.org (Office Hours: Mon-Thu, Closed Fri)

From: Chekan, Craig
Sent: Tuesday, December 20, 2022 9:37 AM
To: 'eblingsteve24@gmail.com' <eblingsteve24@gmail.com>
Cc: Demers, Jeff <jeff.demers@biddefordmaine.org>; 'jim albert' <jimmygreek@hotmail.com>
Subject: Biddeford Riverwalk Project Laconia Street - 140 Main Street Coordination

Good Morning Steve

My name is Craig Chekan and I am Biddeford's City Engineer.

As you may know, the City is working with the Pepperell Mill to put new concrete sidewalks and pedestrian lighting throughout their campus and York/Laconia streets (known as the Riverwalk project).

As an adjacent property owner (per Jimmy's feedback), I wanted to reach out to you prior to construction to make you aware of a couple of details:

1. To make the sidewalks handicap accessible, a small area of your asphalt parking along Laconia Street will need to be repaved and restriped
2. The existing dumpster in this parking area along Laconia Street will need to be relocated (especially during construction)

I've attached a proposed demolition plan and site plan to facilitate your review. All areas will be restored to their existing conditions, if not better once the City's new sidewalk project is complete.

Chekan, Craig

From: Matt Assia <Massia@Chinburg.com>
Sent: Wednesday, May 31, 2023 8:26 AM
To: Chekan, Craig; Demers, Jeff; Mitchell, Gregory; Galbraith, David
Subject: FW: York-Laconia Riverwalk - Lincoln Mill Coordination
Attachments: 2023-05-09_Subdivision Plan Markup.pdf; 2023-05-23_York-Laconia Riverwalk - Lincoln Mill Coordination.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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No comments. Looks good. The design is acceptable.

Matt Assia

Vice President, Development & Asset Management
Chinburg

Mobile: (603) 969-9148

Email: massia@chinburg.com

From: Chekan, Craig <Craig.Chekan@Biddefordmaine.org>
Sent: Tuesday, May 23, 2023 10:19 AM
To: Matt Assia <Massia@Chinburg.com>
Cc: Demers, Jeff <Jeff.Demers@Biddefordmaine.org>; Mitchell, Gregory <gregory.mitchell@biddefordmaine.org>; Galbraith, David <David.Galbraith@biddefordmaine.org>
Subject: York-Laconia Riverwalk - Lincoln Mill Coordination

Good Morning Matt

The City is wrapping up its bid package for the Riverwalk project and I wanted to confirm a couple of items with you:

- 1) We are working with Owen Haskell to formalize an easement for the sidewalk connection within the Lincoln Mill; see attached markup
 - a. Please let me know if you have any concerns with this easement; I will forward the easement/description from OH once complete
- 2) I'd like to get Chinburg's design approval one last time to make sure we are all on the same page
 - a. Can you review the attached draft set of drawings and confirm the proposed design is acceptable?

Thanks in advance for your feedback/help
Craig

Craig Chekan, PE

City of Biddeford | P.O. Box 586, Biddeford, ME 04005

207-571-0636 | craig.chekan@biddefordmaine.org (Office Hours: Mon-Thu, Closed Fri)

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Chekan, Craig

From: Megan Higgins <mhiggins@presidiumre.com>
Sent: Tuesday, June 6, 2023 3:00 PM
To: Chekan, Craig
Cc: Demers, Jeff; Mitchell, Gregory; Galbraith, David
Subject: RE: York-Laconia Riverwalk - Building 11 Coordination

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Sounds good on all items.

Thank you,
Meg



Megan Higgins | **General Manager**
2 Main St., Suite 17-301-E
Biddeford, ME 04005
Office: 207.282.5577
PepperellMillCampus.com | mhiggins@presidiumre.com



Professionally managed by:



From: Chekan, Craig <Craig.Chekan@Biddefordmaine.org>
Sent: Tuesday, June 6, 2023 1:01 PM
To: Megan Higgins <mhiggins@presidiumre.com>
Cc: Demers, Jeff <Jeff.Demers@Biddefordmaine.org>; Mitchell, Gregory <gregory.mitchell@biddefordmaine.org>; Galbraith, David <David.Galbraith@biddefordmaine.org>
Subject: RE: York-Laconia Riverwalk - Building 11 Coordination

Thanks for the feedback, Megan

1. Still coordinating bid/project dates internally; will keep you in the loop

Chekan, Craig

From: Howes, Jeffrey <Jeffrey.Howes@cmpco.com>
Sent: Wednesday, October 18, 2023 10:00 AM
To: Chekan, Craig
Cc: jbrochu (jbrochu@camilleselectric.com); Demers, Jeff
Subject: RE: Lincoln Mill Electrical Ductbank

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes it is.



Jeff Howes
Alfred Line /Construction Supervisor

438 Sanford Road Alfred Maine 04002
(207) 629-2552
Cell (207) 242-0723
jeffrey.howes@cmpco.com

Take care of the environment. Print only if necessary

Internal Use

From: Chekan, Craig <Craig.Chekan@Biddefordmaine.org>
Sent: Wednesday, October 18, 2023 9:47 AM
To: Howes, Jeffrey <Jeffrey.Howes@cmpco.com>
Cc: jbrochu (jbrochu@camilleselectric.com) <jbrochu@camilleselectric.com>; Demers, Jeff <Jeff.Demers@Biddefordmaine.org>
Subject: FW: Lincoln Mill Electrical Ductbank
Importance: High

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

Good Morning Jeff H.

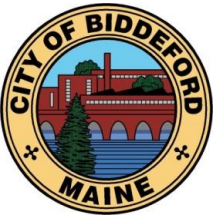
Just following up on Biddeford's Riverwalk project around the Lincoln Mill.

This project is slated to begin in March 2024, which includes re-using (1)-5" spare conduit for the City's CCTV and pulling lighting power from the Lincoln Mill's existing transformer.

If you could confirm this is still acceptable/on your radar – I'd appreciate it.

Have a good day – thanks

Craig



CITY OF BIDDEFORD

PLANNING DEPARTMENT

HISTORIC PRESERVATION COMMISSION

REQUEST FOR CERTIFICATE OF APPROPRIATENESS

NOTICE OF DECISION

June 14, 2023

Applicant: City of Biddeford
Craig Chekan, City Engineer
205 Main Street
P.O. Box 586
Biddeford ME 04005

File # 2023.07 HPC

Project Address: York and Laconia Streets

Map/Lot: 71-6, 6/2, 10, 10/2, 10/6

Project Zone: MSRD-3

☒ Contributing ☐ Not Contributing

Nature of Application:

The City of Biddeford proposes to install new sidewalks, crosswalks and lighting along York and Laconia streets to facilitate pedestrian movement in the Mill District. These improvements are located within the Biddeford Saco Mills Historic District and are on easements granted by private property owners.

Findings:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	City of Biddeford 205 Main Street P.O. Box 586 Biddeford ME 04005
2.	Owner of Property:	The Mills at Pepperell LLC
3.	Agent:	N/A
4.	Engineer/Architect:	City of Biddeford
5.	Project Location:	40 Main Street 50 Laconia Street 15 York Street 30 York Street
6.	Project Tax Map #/Lot #:	Tax Map 71 Lots 10, 10/2, 10/6, 6, 6/2
7.	Existing Zoning:	MSRD-3
8.	Overlay Zoning:	Biddeford Saco Mills Historic District
9.	Contributing?	No
10.	National Register of Historic Places?	No
11.	Existing Use:	Mixed Use
12.	Proposed Use:	Mixed Use
13.	Uses in the Vicinity:	Mixed-use
14.	Parcel Size:	Approx.. 0.37 acres
15.	Front Setback Required:	None
16.	Side Setbacks Required:	None
17.	Rear Setback Requires:	None
18.	Height Requirements:	Minimum 2 stories or 26 feet
19.	LDR Attachment A: Fess Paid:	Yes
20.	Historic Preservation Commission Review History:	June 14, 2023 Meeting Date. Posted June 7, 2023; Mail Notices to all abutters within 100' Sent 9 notices June 7, 2023.

Decision:

The Certificate of Appropriateness has been **approved** by the Historic Preservation Commission conditioned on the materials and assertions presented, and:

All permits must be obtained from the Code Enforcement department prior to beginning work.

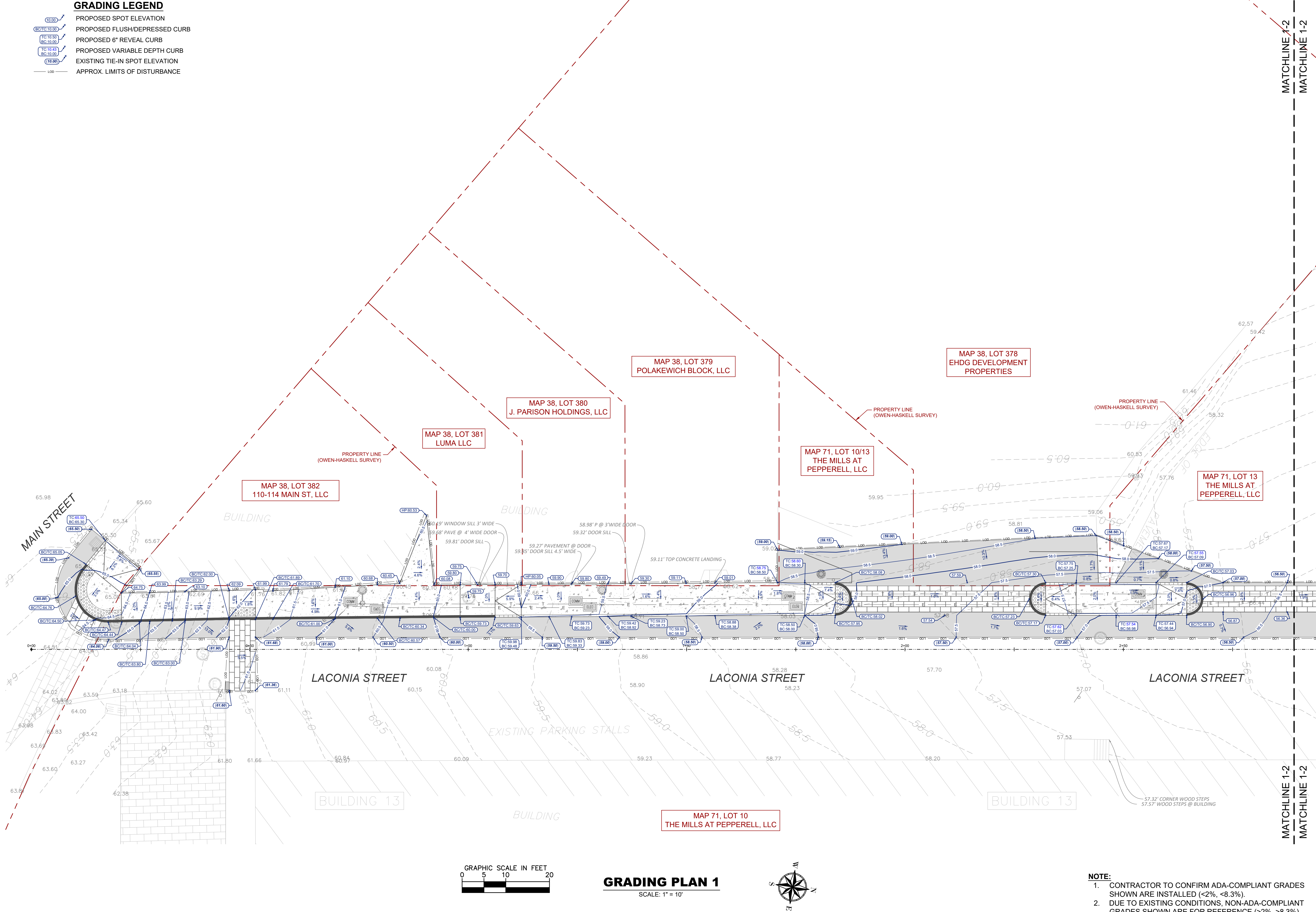
Sincerely,



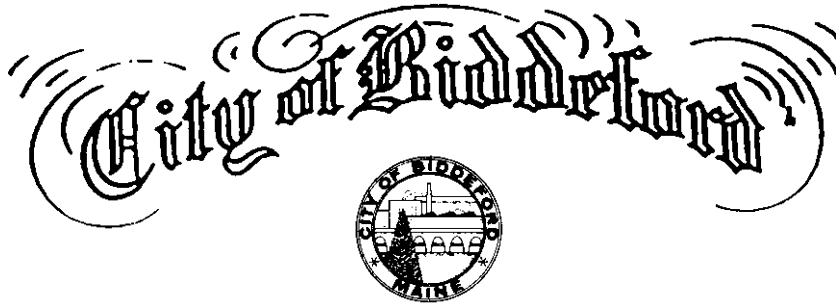
Brad Favreau
Biddeford Economic Development Coordinator

Cc: HPC, R. Fecteau, Code Enforcement Office, M. Fenton Code Enforcement Office
S. Welton, Code Enforcement Office, N. Whitten, Planning and Development, HPC

Plotted By: C:\Users\chris\OneDrive\Desktop\YORK-LACONIA STREET SIDEWALK IMPROVEMENTS Layout\Grading Plan 1 August 29, 2023 07:50:26am X:\task directory\2021-2023-york-laconia street sidewalk CAD Sheets\C-401 - York-Laconia - Grading Plan.dwg



CITY OF BIDDEFORD MAINE ENGINEERING DEPARTMENT 205 MAIN STREET, P.O. BOX 586 BIDDEFORD, MAINE 04005 PHONE: 207-284-9118 WWW.BIDDEFORDMAINE.ORG		No.		REVISIONS		DATE		BY	
STATE OF MAINE CRAIG R. CREHAN LICENSED PROFESSIONAL ENGINEER 08/29/2023		DRAWING INFO		DATE		SCALE		AS SHOWN	
DESIGNED BY		CIRC		DRAWN BY		CHECKED BY		-	
YORK-LACONIA STREET SIDEWALK IMPROVEMENTS PREPARED FOR PEPPERELL MILL CAMPUS		GRADING PLAN 1		MAINE		BIDDEFORD		C-401	



2023. 164

BOARD OF CITY COUNCIL..... December 19, 2023

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of \$1,740.00 in U.S. currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case YKDCD-23-1049. These funds shall be transferred to the City of Biddeford Police Department, Asset Forfeiture Account 31119-40576.

Attest by: _____



City Council

Meeting Date: December 19, 2023

Meeting Time: 5:15 p.m.

Agenda Item No: 9.f

Item Description: 2023.164) Approval/Acceptance of Police Asset Forfeiture Funds

Submitted by: JoAnne W. Fisk, Chief of Police

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

BPD is eligible to receive Criminal Forfeiture dollars pursuant to 15 M.R.S.A 5824(3) and 5826(6) as outlined in court order York County Unified Criminal Court Doc. No. CR-23-1049. The Council must vote to accept the funds before funds can be transferred.

Detailed Review:

15 M.R.S.A. 5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) if subsequently ordered forfeited by the Court. The Court has ordered in State of Maine v. Justin Neves, York County Unified Criminal Court Doc. No. CR-23-1049 the forfeiture of \$1,740.00 to Biddeford Police Department.

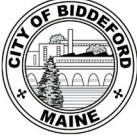
Funding Source:

N/A – This is a revenue received as court ordered funds to be transferred to the Police Department's Asset account 31119-40576.

Staff Recommendation:

Acceptance of funds.

City of Biddeford

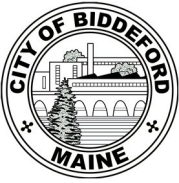
The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on an island, with a ship in the water. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. The seal is flanked by two decorative, symmetrical scroll-like flourishes.

2023.165

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council hereby directs the City manager to calculate and issue retroactive sewer bills through calendar year 2021 for sewer service provided to the property located at 17 Yates Street, Map 59-115.

Attest by: _____



City Council

Meeting Date: December 19, 2023

Meeting Time: 5:15 PM

Agenda Item No: 9.g.

Item Description: 2023.165) Authorization/3 Year Retroactive Sewer Billing for 17 Yates Street, Map 59 Lot 115

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Key Terms:

N/A

Executive Summary:

During a routing inquiry staff discovered that the property at 17 Yates Street is connected to the city sewer system and has not been receiving sewer bills for sewer service. Staff is requesting authorization to calculate and issue sewer bills retroactive to CY 2021.

Detailed Review:

During a routing inquiry staff discovered that the property at 17 Yates Street (Biddeford Pool Yacht Club) is connected to the city sewer system and has not been receiving sewer bills for sewer service. Staff is requesting authorization to calculate and issue sewer bills retroactive to CY 2021.

There is no specified limit on the number of years for such a retroactive calculation. Staff is recommending three (3) years to coincide with the limitation on property tax assessments.

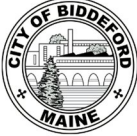
Funding Source:

N/A – revenue to the Wastewater Fund

Staff Recommendation:

Staff recommends authorizing retroactive sewer billing to CY2021 - three years.

City of Biddeford

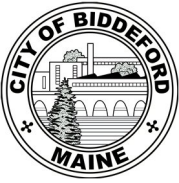
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2023.166

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council hereby directs the City manager to calculate and issue retroactive sewer bills through calendar year 2021 for sewer service provided to the property located at 15 Beaudoin Avenue, Map 18-61-2.

Attest by: _____



City Council

Meeting Date: December 19, 2023

Meeting Time: 5:15 PM

Agenda Item No: 9.h.

Item Description: 2023.166) Authorization/3 Year Retroactive Sewer Billing for 15 Beaudoin Avenue, Map 18 Lot 61-2

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Key Terms:

N/A

Executive Summary:

During a routing inquiry associated with the sale of a home staff discovered that the property at 15 Beaudoin Avenue is connected to the city sewer system and has not been receiving sewer bills for sewer service. Staff is requesting authorization to calculate and issue sewer bills retroactive to CY 2021.

Detailed Review:

During a routing inquiry associated with the sale of a home staff discovered that the property at 15 Beaudoin Avenue is connected to the city sewer system and has not been receiving sewer bills for sewer service. Staff is requesting authorization to calculate and issue sewer bills retroactive to CY 2021.

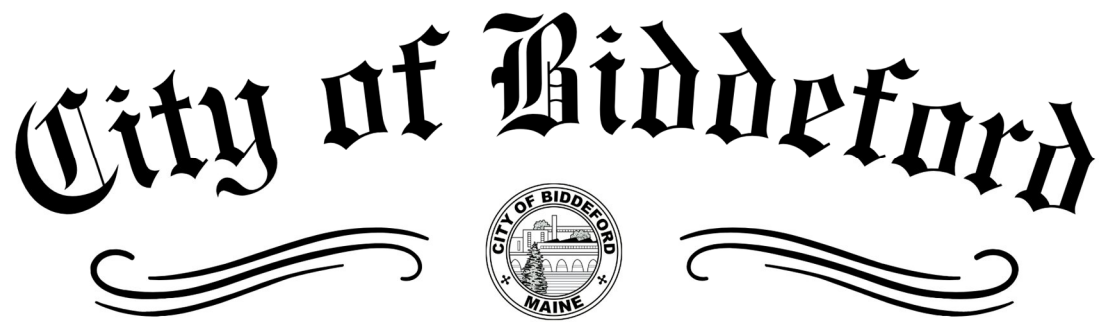
There is no specified limit on the number of years for such a retroactive calculation. Staff is recommending three (3) years to coincide with the limitation on property tax assessments.

Funding Source:

N/A – revenue to the Wastewater Fund

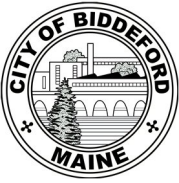
Staff Recommendation:

Staff recommends authorizing retroactive sewer billing to CY2021 - three years.



2023.167 IN BOARD OF CITY COUNCIL... December 19, 2023
BE IT ORDERED, that by the City Council of the City of Biddeford does hereby
approve an abatement in the amount of three hundred nineteen dollars and twenty-seven
cents (\$319.27) for real estate taxes assessed upon the parcel identified as Map 13 Lot 31-
3 (0 JABEZ LN) for the fiscal year 2021 and 2022.

Attest by:_____



COUNCIL MEETING

Meeting Date: December 19, 2023

Meeting Time: 5:15 pm

Agenda Item No: 9.i.

Item Description: 2023.167) Approval/Tax Abatement 0 Jabez Lane, Parcel 13/31/3

Submitted by: Deanne Vail, Deputy Assessor, City of Biddeford

Supporting Information/Documentation:

Warranty Deed – Book 17753 Page 312 recorded July 13, 2018 with the York County Registry of Deeds

Key Terms:

N/A

Executive Summary:

Deed Bk 17753 Pg 312, recorded July 13, 2018, with the York County Registry of Deeds, states that Param Dasana and Nalini Dasana transferred two parcels of land to Hatem Obaid Mohammed and Gaziyah Shihab Ahmed. Both described parcels are included in 13/31/1, 3 Jabez Lane.

Detailed Review:

An additional parcel was created for the description of the roadway 13/31/3, 0 Jabez Lane which should not be assessed. It has now been deleted and this abatement is for the assessment of that roadway to Hatem Obaid Mohammed and Gaziyah Shihab Ahmed.

Pursuant to M.R.S. Title 36 §841, The Assessor, within one year of commitment, can make reasonable abatement as they consider proper to correct any illegality, error, or irregularity in the assessment. After one year but within three years from commitment, the municipal officers may make reasonable abatement as they consider it proper to correct any illegality, error, or irregularity in assessment but may not grant an abatement to correct an error the valuation of the property.

To correct the erroneous assessment, an abatement for the tax years 2021 and 2022 to be issued to Hatem Obaid Mohammed and Gaziyah Shihab Ahmed as follows:

Assessment for abatement:

Fiscal Year:	Abatement Amount:
2022	\$188.79
<u>2021</u>	<u>\$130.48</u>
Total	\$319.27

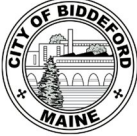
Funding Source:

N/A

Staff Recommendation:

Approval of tax abatement as presented.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2023.168

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, by the City Council that the City Manger enter into negotiations with 3 Lincoln LLC to amend the November 17, 2020 Master Plan Development Agreement (MPDA) as proposed.

Attest by:_____

Master Plan Development Agreement

This Master Plan Development Agreement (this “Agreement”) dated November 17, 2020 (“Effective Date”), is executed between 3 Lincoln, LLC, a Maine limited liability company (the “Developer”), having an address at P.O. Box 7486, Portland, Maine 04112 and the City of Biddeford, Maine, a Maine municipal corporation and body politic with offices at 205 Main Street, Biddeford, Maine (the “City”). The Developer and the City are collectively referred to as the “Parties.”

RECITALS

WHEREAS, the City owns the parcel of land in Biddeford, Maine commonly known as the “MERC” site located at 3 Lincoln Street, a plan of which is attached hereto as Exhibit A and a legal description of which is attached as Exhibit B (the “Site”). The Site is an irregularly shaped parcel containing approximately 8.4 acres of land bound to the west by Lincoln Street, the east by the Saco River, to the north by the Boston & Maine Railroad, Gooch Street, and to the south by Pearl Street and several commercial/industrial buildings.

WHEREAS, the City, working with a team established by the City Council, developed the 3 Lincoln Street Redevelopment Market and Feasibility Study in conjunction with Camoin Associates (the “Camoin Study”), to establish a blueprint for the redevelopment of the Site (the “Project”).

WHEREAS, the City has selected the Developer to serve as the master developer for the Project.

WHEREAS, the goals of the Project are to develop up to 400,000 square feet of new, mixed use commercial space, create between 800 and 1,800 new jobs, and increase the City’s base property value by up to \$63,000,000.

WHEREAS, the Project is expected to become an anchor within the City’s so-called “Mill District,” with the goal that the Project will support activities in the existing surrounding buildings, the RiverWalk and its amenities, and associated business development in the surrounding area.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other consideration, the receipt and adequacy of which is hereby acknowledged, and intending to be bound hereby, the Parties agree as follows:

ARTICLE I

GENERAL TERMS & COMMITMENTS

1.1 Purpose. This Agreement sets forth the major terms and conditions under which the Parties intend to pursue the Project. The Parties recognize that, as the Project progresses, further definitions and agreements expanding the terms of this Agreement may be warranted and/or necessitated. The Parties have sought in this Agreement to (i) provide a sufficient degree of definition to facilitate planning, design and implementation within a broad scope and (ii) make certain commitments that are necessary to achieve the successful realization of the Project.

1.2 Description of the Project. The Project consists of the planning, permitting, and development of the Site, including coordination of the development by the City of a municipal parking garage (the “Municipal Parking Garage”) on the portion of the Site shown on Exhibit A as the site for those improvements (“Garage Site”) and the development of buildings adjacent to the Municipal Parking Garage generally located on the east and west sides of that structure on the development sites shown on Exhibit A (collectively the “Development Sites”) as commercial, residential, academic, hospitality, retail or other uses (collectively the “Adjacent Buildings”). The Parties shall progress through each stage of the Project, consistent with Section 1.3 below, giving due consideration to Site conditions, financial feasibility, and other commercially reasonable development considerations. The Parties expressly acknowledge the need to provide reasonable flexibility to the Developer to enable the Developer to respond to changing market conditions and intend that the scope of the Project be interpreted and adjusted by the City and the Developer in a manner that will promote, and not hinder, a commercially reasonable and economically viable redevelopment of the Site. Without limitation of the foregoing, as of the date of the Agreement, the Project and its various elements are envisioned to be generally consistent with the Camoin Study. In the course of modifying and refining these initial plans throughout the development process, the Developer will seek to incorporate a mixture of residential, retail, office, hospitality, education and service uses with the adjacent Municipal Parking Garage, park area, street system, the RiverWalk and other amenities intended to foster the creation of an economically vibrant, urban style mixed use destination, generally as contemplated by the Camoin Study and in accordance with the principles enumerated in Section 3.1 of this Agreement.

1.3 Project Schedule. The Project shall proceed in accordance with the following schedule (the “Project Development Schedule”):

As of the Effective Date, the City shall deliver to Developer a garage concept plan deemed suitable by the Developer (as set forth in Section 3.2 below) including, without limitation, all four elevations, a section plan, parking space count, structural plan, and other AIA standard elements (“Garage Concept Plan”) (the date of delivery referred to as the “Start Date”).

1.3.2 Within three (3) months following the Start Date, the Developer shall prepare (or have prepared) and present to the City a concept plan for the development of each of the Development Sites (the “Preliminary Concept Plan”). In the event that the City determines that the Preliminary Concept Plan is not suitable, and the City and the Developer are unable to

agree to revisions to the Preliminary Concept Plan that make such plan suitable to the City, the City shall be permitted to terminate this Agreement in accordance with Article VI; provided, that in the event that the City terminates this Agreement pursuant to this Section 1.3.2, the City shall reimburse the Developer for all costs and expenses incurred prior to the date of termination, plus twenty percent (20%) to partially compensate the Developer for its time and effort.

1.3.3 Within the six (6) month period following written notice of acceptance of the Preliminary Concept Plan by the City, the Parties shall agree to a financial plan and, utilizing design plans associated with the Municipal Parking Garage, shall work together to create concept plans depicting the layout and design of the Development Sites and the Site as a whole, including site design concepts, internal layout, and building use scenarios (the “Site Concept Plans”). The Site Concepts Plans also shall set forth a timetable by which Developer shall complete the improvements described in the Site Concept Plans with agreed upon financial penalties if such timetables are not reasonably accomplished. In the event that the City or the Developer determines that the proposed Site Concept Plans are not suitable, and the City and the Developer are unable to agree to revisions to the Site Concept Plans that make such plans suitable to the City or the Developer, the City or Developer shall be permitted to terminate this Agreement in accordance with Article VI; provided, that in the event that the City terminates this Agreement pursuant to this Section 1.3.3, the City shall reimburse the Developer for all costs and expenses incurred prior to the date of termination, plus twenty percent (20%) to partially compensate the Developer for its time and effort.

1.3.4 During the six (6) month period following the approval by the City and Developer of the Site Concept Plans, each of the City and the Developer shall use commercially reasonable efforts to obtain all federal, state and municipal permits and approvals (“Governmental Approvals”) necessary to proceed with the development and improvements described in the Site Concept Plans. The City shall have primary responsibility for the Governmental Approvals required for the Municipal Parking Garage and related improvements and the Developer shall have primary responsibility for the Governmental Approvals required for the buildings and related improvements to be located on the Development Sites; provided that the Parties acknowledge that as an integrated master development the Governmental Approvals are likely to be highly integrated and interdependent, and therefore agree to work cooperatively and on a coordinated basis to obtain the Governmental Approvals.

1.3.5 Throughout the period specified in Sections 1.3.2-1.3.4 above, the Parties shall work together to identify candidates as potential tenants, joint venture participants, co-developers, or other users for the Development Sites.

1.3.6 The milestone dates set forth in Sections 1.3.2, 1.3.3 and 1.3.4 shall be extended in the event the Municipal Parking Garage has not achieved the same milestone as specified in each Section for the Project. The extension of the applicable milestone shall be coterminous with the date the Municipal Parking Garage achieves its corresponding milestone, in order to assure that the pace of development of the Project does not proceed at a substantially

more rapid rate than the development of the Municipal Parking Garage, which is an critical element in the Developer's ability to successfully develop the Project.

1.4 Exclusive Development. The Parties shall work exclusively with each other, in good faith, to develop the Project. This Agreement shall not extend to any other activities, transactions or relationships other than with respect to the Project and the transactions contemplated by this Agreement. Nothing in this Agreement shall preclude or restrict either Party from conducting its business as it determines in its sole and absolute discretion other than in connection with the Project, and neither Party shall have any rights or obligations in and to the other Party's independent ventures or the income or profits derived therefrom, including any ventures located proximate to the site.

1.5 Personnel and Resources. Each Party shall make available, at all reasonable times and location, the personnel and resources reasonably necessary to complete such Party's responsibilities with respect to the development of the Project.

1.6 Manner of Development. The Parties acknowledge and agree that the development of the Adjacent Buildings may be undertaken by the Developer through whatever means or transaction structure the Developer determines appropriate, including through direct ownership and development by Developer, leasing or re-sale to third parties, co-development with joint venture partners, subdivision and sale for development of all or portions of the Development Sites or Adjacent Buildings, declaration of one or more condominiums or through use of any other means or transaction structures as Developer determines appropriate, with the overall goal of developing the Development Sites on the basis described herein (the foregoing being referred to herein as "Development Relationships"). Developer agrees that in the event the development of the Adjacent Buildings is undertaken by anyone other than Developer or its related entities, Developer shall first obtain the written consent of the City to the involvement of any third party individuals or entities, which consent shall not be unreasonably withheld.

ARTICLE II PURCHASE OPTION

2.1 Purchase Option. The City hereby grants to the Developer an exclusive option (the "Option") to purchase either or both of the Development Sites, including all rights, privileges, easements and appurtenances thereto existing or as necessary or convenient for the construction, development and operation of the Adjacent Buildings and other improvements identified and defined in the Site Concept Plans, but specifically excluding the cell tower site (the "Subject Property"). This Option applies to the Subject Property both in its current state and in the event it is further developed. The Subject Property shall be conveyed together with all improvements thereon, all easements and rights of way relating thereto, all appurtenances thereto, as well as any common element interests therein, and subject to the terms and conditions set forth in this Agreement.

2.2 Terms of the Option. The Option granted hereby shall have the following terms and conditions:

2.2.1 Term: The Option shall have a term beginning on the Effective Date and expiring eighteen (18) months following receipt of all Governmental Approvals pursuant to Section 1.3.5 hereof, unless the same shall sooner be exercised or terminated in accordance with the terms hereof ("Option Term").

2.2.2 Purchase Price: The total purchase price for the Subject Properties if they are purchased together shall be One Million Two Hundred Thousand Dollars (\$1,200,000) (the "Purchase Price").

2.2.3 Exercise of Option: Upon satisfaction of the Condition of Exercise described in Section 2.2.4 below, the Option may be exercised by the Developer by the transmittal of a signed written notice of the Developer's exercise of the Option ("Notice of Exercise"), and specifying the date, time and place for closing on the purchase of the Subject Property, which shall not be later than ninety (90) days following the date of the Notice of Exercise ("Closing Date"). The Developer shall have the right to exercise the Option with respect to either or both Subject Properties, and if exercised for one of the Subject Properties the Option shall continue in force for the other Subject Property for the remainder of the Option Term. If the Developer exercises the Option separately, the purchase price for the first property shall be Seven Hundred Thousand Dollars (\$700,000) and the purchase price for the second property shall be Seven Hundred Thousand Dollars (\$700,000) for a combined purchase price of One Million Four Hundred Thousand Dollars (\$1,400,000).

2.2.4 Condition of Exercise: It shall be a condition of exercise of the Option that the Site Concept Plans shall have been completed pursuant to Section 1.3.3 above.

2.2.5 Closing: The closing of the purchase of each Subject Property hereunder shall be conducted in accordance with the following provisions:

(a) The City shall sell, assign, convey, transfer and deliver title to the Subject Property together with all easements, licenses, rights of way and appurtenant rights reasonably required in order to develop the Subject Property in accordance with the Site Concept Plan, and together therewith all surveys, plans, specifications, title commitments or policies and other records, files or information related to the development of the Subject Property in accordance with the Site Concept Plan, free and clear of any liens, encumbrances or restrictions of any nature, except for the Permitted Real Property Liens. "Permitted Real Property Liens" means: (i) real property taxes for the current tax year that are not due and payable as of the Closing date, (ii) any liens, encumbrances or other title exception or nonconformity accepted by, or not expressly objected to in writing by, the Developer at or before Closing, and (iii) local, state and federal laws, ordinances or governmental regulations, including but not limited to, building and zoning laws, ordinances and regulations.

(b) The Developer shall pay the Purchase Price by wire transfer to an account specified by the City, as increased or decreased by applicable prorations and adjustments, including (i) all real and personal property taxes and similar ad valorem obligations levied with respect to the Subject Property for a taxable period that includes (but does not end on) the Closing Date based on the number of days of such taxable period included in the period ending with and including the Closing Date, (ii) any and all other income and expenses items that relate to the Subject Property that are incurred during a period beginning before the Closing Date and ending after the Closing Date, including but not limited to (i) water, sewer, electricity, gas, oil, telephone and other utility expenses, and (ii) payments under any contracts or agreements related to the Subject Property that Developer agrees to accept an assignment (collectively, the “Prorations”). The Prorations shall be apportioned as of the Closing Date such that the City shall be liable for that portion of such Prorations relating to, or arising in respect of, periods through and including the Closing Date and Developer shall be liable for (and shall reimburse the City to the extent City shall have paid) that portion of such expense items relating to, or arising in respect to, periods after the Closing Date.

2.3 Memorandum of Option. The Parties agree that upon request of either Party, a Memorandum of Option incorporating the terms hereof may be filed in the York County Registry of Deeds in lieu of the filing of the whole of this Agreement.

ARTICLE III RESPONSIBILITIES OF PARTIES

The Developer and the City have agreed to implement the vision and objectives embodied in the Camoin Study by agreeing to complete the responsibilities of each Party enumerated in this Agreement. The Parties acknowledge that this is a joint public and private enterprise in which the Parties will work closely together to further the completion of the Project. The following responsibilities are hereby assigned to the Parties:

3.1 Developer Responsibilities. The Developer shall use commercially reasonable efforts to:

3.1.1 Perform its obligations pursuant to Article I hereof.

3.1.2 Design, develop and construct the Adjacent Buildings in accordance with the Site Concept Plans, or arrange for their design, development and construction through one or more Development Relationships. The Parties agree that the development of the Adjacent Buildings may be phased.

3.1.3 In designing and developing the Adjacent Buildings, the Developer shall consider the following factors:

- a. Site use plans that incorporate urban mixed use principles;

b. Transit and pedestrian orientation with existing or future facilities in the Mill District;

c. Connection to surrounding properties, including cross track connections to the Saco-Lowell Building, potential use of buildings and building sites on Elm Street and the potentially re-aligned Lincoln and Pearl Streets; and

d. Coordination with mill owners in the Mill District, particularly as it relates to energy self-sufficiency.

3.2 City Responsibilities. Perform its obligations pursuant to Article I hereof.

3.2.2 The City shall continue to move forward with and make progress on the development of the Municipal Parking Garage and shall use best efforts to keep the Developer apprised of all design plans and changes. The Developer's responsibilities under this Agreement shall be conditional upon the Developer's deeming suitable the Garage Concept Plan, which shall include the Developer having sufficient time and opportunity to review the Garage Concept Plan and to exercise the Developer's judgment, at its sole discretion, regarding the suitability of such Garage Concept Plan. In the event that the Developer determines that the Garage Concept Plan is not suitable, and the City and the Developer are unable to agree to revisions to the Garage Concept Plan that make such plan suitable to the Developer, the Developer shall be permitted to terminate this Agreement with no further obligation and without penalty, as specified in Article VI.

3.2.3 The City shall continue to move forward on the planning, design and construction of the next phase of the RiverWalk.

3.2.4 The City shall pursue the planning and design of smart infrastructure for the benefit of 3 Lincoln Street and downtown Biddeford, including without limitation, gigabit internet service, wireless broadband mesh network, LED lighting, video and sensor technology, and the software required to store, analyze and secure data transmitted through this smart infrastructure.

3.2.5 The City and Maine Energy Recovery Company, LP, the former owner of the Site, pursuant to a Voluntary Response Action Plan ("VRAP"), completed environmental remedial actions on the Site resulting in a Maine Department of Environmental Protection Certification of Completion of a Voluntary Response Action Plan. The Certification of Completion is recorded in the York County Registry of Deeds in Book 17072, Page 169. Developer recognizes and agrees that the Certification of Completion and the Declaration of Environmental Covenant recorded in the York County Registry of Deeds in Book 17098, Page 898 imposes certain covenants, conditions and restrictions on the Site that are binding upon Developer and its successors and assigns. Developer agrees that the Certification of Completion is satisfactory evidence that all required environmental remediation on the Site was completed as of the date of the Certification of Remediation and that the City's obligations to complete any additional environmental remediation at the Site required in order to allow for the development of the Site contemplated hereby, including the financing of such development with financial institutions, is limited to environmental conditions occurring after the date of the Certification of

Completion. In the event that any such remediation is necessary, the City will provide to Developer, on or before the Closing Date for each Subject Property, evidence of the required remediation in form reasonably acceptable to Developer and any financial institutions financing the Municipal Parking Garage and Adjacent Buildings, including the environmental clearances listed on Exhibit C hereto.

3.2.6 The City shall provide the Developer with all environmental site assessments (phase 1 and 2 together with any additional test results), geotech studies, the results from test borings, soil samples, monitoring wells, and all other background information in the City's possession, or under its control, pertaining to the Site.

3.2.7 The City will assist the Developer in any local or state reviews necessary for the development of the Site.

3.2.8 The City shall exercise best efforts to assure that the Developer is not required to bear the cost of all offsite improvements necessary to support the contemplated development of the Project, including any costs necessary to ensure that utilities adequate to support the contemplated development are delivered to the Subject Property.

3.2.9 The City will work with the Developer to identify a full range of financial, tax, and development incentives for the redevelopment of the Site; provided, that the City's obligations under this Section 3.2.9 are subject to the Developer's cooperation in providing reasonably requested financial and project-level information. Any such financial information provided by the Developer shall be treated as confidential information pursuant to this Agreement and as confidential business information to the extent allowed by law and protected as such.

3.2.10 The City shall promptly provide to the Developer all information it has related to potential Development Relationships.

3.3 Joint Party Responsibilities.

3.3.1 Performance: Time is of the essence and a material provision of this Agreement. The Developer and the City shall exercise commercially reasonable efforts to coordinate their development efforts and recognize that meeting the timelines contained herein are, in part, contingent upon the overall success of developing their respective portions of the Projects and market trends. The Parties may agree to mutually extend the timeframes specified herein as appropriate based on overall development progress; provided, however, that if one or more of the Parties does not meet a timeframe specified in this Agreement and the Parties cannot mutually agree upon an extension of such timeframe, such failure to meet the original timeframe shall be treated as an Event of Default, as defined below.

3.3.2 Access to Information: Upon reasonable request, each Party shall provide the other Party with full and complete access to data, documents, and any other information pertinent to the Project in order to permit each Party to perform an adequate due diligence review of matters related to the Project at each stage of development.

3.3.3 Cooperation: In addition to the actions recited herein and contemplated to be performed, executed and delivered by each Party, each Party shall perform, execute and deliver or cause to be performed, executed and delivered hereafter any and all further acts, deeds and assurances as the other Party may reasonably require to consummate or evidence the consummation of the transaction and/or the discharge of the obligations contemplated herein. The City and the Developer shall use reasonable efforts to coordinate the timing and installation/construction of all offsite improvements, if any, required in connection with the development of the Project.

3.3.4 Confidentiality: Neither Party, nor any permitted affiliate, agent or advisor of either Party shall: (a) disclose to any third party any information concerning the Project, the Site, prospective or actual Developer Relationships, the other Party, its affiliates or this Agreement; or (b) use any such information in any manner which may directly or indirectly negatively impact the Project, the other Party, or its affiliates, except that such information may be disclosed by such Party if required by law or, following written notice to the Party whose information is to be disclosed, to any lender or prospective lender or other entity necessary to develop or finance each portion of the Project. This confidentiality requirement shall not restrict the release of information which: (i) is or becomes generally available to the public other than as a result of disclosure by the other Party or its representatives, (ii) was or becomes available to the receiving Party on a non-confidential basis from a source other than the disclosing Party or its representatives; provided, that, to the receiving Party's knowledge and after due inquiry, such source is not prohibited from disclosing such information to the receiving Party by a contractual, legal or fiduciary obligation to the disclosing Party or its representatives, or (iii) is independently developed by the receiving Party without violating its obligations hereunder. In the event that this Agreement terminates prior to the purchase of the Subject Property by the Developer pursuant to Article 2 herein, then all such data, plans, proposals, and other materials furnished hereunder shall be returned to the Party from whom received, with an appropriate assurance that all copies thereof have been destroyed, except for those materials that were presented to the Developer, the Biddeford City Council or other governing body of the Parties. The obligations established pursuant to this section shall survive any termination of this Agreement and the withdrawal of a Party for a period of three (3) years.

ARTICLE IV LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their Affiliates, by reason of any of their respective acts or omissions relating to the development, negotiation, design, financing, ownership, construction, operation or maintenance of the Project, or relation to any of their obligations under this Agreement, be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE V

INDEMNIFICATION

Each Party shall indemnify, defend, and hold harmless the other Party and its agents, servants, officers, directors, employees and Affiliates from and against any loss, cost, liability, claim, damage, expense (including, without limitation, all out-of-pocket expenses, reasonable attorneys' and paralegal fees, disbursements and costs), penalty or fine incurred in connection with any claim or cause of action arising from or in connection with any claim or cause of action arising from or in connection with the Project or this Agreement to the extent caused by the negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its Affiliates.

The City's duty to indemnify shall not waive any defense, immunity or limitations of liability, which may be available to the City, its officers, agents, or employees, under the Maine Tort Claims Act, 14 M.R.S. §8101, et seq., or any other privileges or immunities as may be provided by law.

The Developer shall maintain commercial general liability insurance with coverage for personal injury liability and/or property damage liability with minimum limits of not less than \$1,000,000 per occurrence, and shall name the City as an additional insured on such policies.

ARTICLE VI

DEFAULT AND REMEDIES

6.1 Events of Default. The following shall each constitute an event of default under this Agreement (each, an "Event of Default"),

6.1.1 The Developer's failure to observe or perform any covenant, agreement, or obligation of the Developer set forth in this Agreement, whether or not specifically identified in this Agreement as an Event of Default.

6.1.2 The City's failure to observe or perform any covenant, agreement, or obligation of the Developer set forth in this Agreement, whether or not specifically identified in this Agreement as an Event of Default.

6.1.3 The filing by the Developer of any petition or the initiation of any proceedings under the United States Bankruptcy Code or under any act or acts, state or federal, dealing with, or relating to the subject or subjects of bankruptcy or insolvency, or under any amendment of such act or acts, either as a bankrupt or as an insolvent, or as a debtor, or in any similar capacity, by the Developer; or any involuntary petition in bankruptcy is filed against the Developer and the same is not stayed or discharged within sixty (60) days from such filing; or any other petition or any other proceedings of the foregoing or similar kind or character is filed or instituted or taken against the Developer, or a receiver of the business or of the property or assets

of the Developer, is appointed by any court, except a receiver appointed at the insistence or request of the City; or the Developer makes any assignment for the benefit of its creditors;

6.2 Opportunity to Cure. If an Event of Default occurs, the non-breaching Party shall give the breaching Party written notice of the Event of Default and an opportunity to cure of not less than thirty (30) days, and if the default is, of its nature, not curable within 30 days, then a reasonable period to effect a cure given the nature of the default.

6.3 Remedies. In the event that the breaching Party fails to cure an Event of Default within the cure period set forth in Section 6.2, then the non-breaching Party shall be entitled to pursue any and all legal or equitable remedies available to it under the circumstances.

ARTICLE VII REPRESENTATIONS AND WARRANTIES

7.1 Representations and Warranties. Each Party represents and warrants to the other that:

7.1.1 it is duly qualified to do business and is in good standing in the State of Maine;

7.1.2 it has full power and authority to execute, deliver and perform its obligations under this Agreement;

7.1.3 the execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and

7.1.4 the execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the articles of incorporation or by-laws of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.

ARTICLE VIII FORCE MAJEURE

The timeframes and deadlines for performance of the obligations of the Parties shall be specified herein shall be extended during the period of any force majeure. For the purposes of this Agreement, “force majeure” shall mean and include all factors, circumstances, transactions, occurrences and other actions beyond the direct control of the Party, including without limiting the generality of the foregoing, labor disputes, civil disturbance, war, war-like operations, invasions, rebellion, hostilities, military or usurped power, sabotage, fires or other casualty, or acts of God that have the effect of rendering practically unavailable materials or labor or other resources necessary to perform the obligation or responsibility in a timely manner.

ARTICLE IX
MISCELLANEOUS

9.1 Right to Require Performance. The failure of either Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

9.2 City Agencies and Regulators. This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Such regulatory boards and agencies must perform their responsibilities in accordance with the law governing that performance. Therefore, nothing in this Agreement shall be construed or implied to require the City's planning, zoning, land use or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the Project or other action required under this Agreement. Such boards and agencies are not obligated in any way by this Agreement

9.3 Relationship of Parties This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

9.4 Affiliates. The Developer may form or employ related Affiliates for purposes of participating in the Project. It is expressly recognized that the Developer contemplates use of one or more special purpose entities to develop the Adjacent Buildings.

9.5 Definition of Terms. It is agreed by the Parties hereto that reference in this Agreement to the City and the Developer, and all expressions referring thereto, shall mean the party, person, or persons named above as the City and the Developer, as the case may be, their successors and assigns, or any person, persons, or parties claiming by, through or under them.

9.6 Integration. This Agreement encompasses the entire Agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of

any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

9.7 No Oral Modifications. This Agreement may not be amended or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. Except for an affiliated single purpose entity organized by the Developer to construct and operate the Project, neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any Party, without the prior written consent of the other Party. This Agreement is not intended to confer any rights or benefits to any entity other than to the City and to the Developer, its affiliate entity organized to construct and operate the Project, and its affiliates.

9.8 Mutual Cooperation and Further Agreements. The Parties acknowledge that the obligations set further herein may be further described in other agreements as agreed to by the Parties. The City and the Developer agree to cooperate in good faith with regard to each and every aspect required for the completion of all operations contemplated by this Agreement. The Parties further agree to negotiate in good faith and to enter such other and further agreements as may be necessary to implement any aspect of design, engineering, construction or facility operation contemplated under this Agreement.

9.9 Expenses. Each Party shall pay all charges and fees in connection with employment of its respective attorneys relating to the negotiation of this Agreement, the Option, and the Definitive Agreement.

9.10 Notice. All notices required to be given to the City or the Developer under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. priority, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City	City of Biddeford c/o James A. Bennett, (or the then current) City Manager P.O. Box 586 205 Main Street Biddeford, Maine 04005
With a copy to	Keith R. Jacques, Esq. Woodman Edmands Danylik Austin Smith & Jacques, P.A. P.O. Box 468 234 Main Street Biddeford, Maine 04005
Developer	3 Lincoln LLC

c/o James H. Brady, manager
P.O. Box 7486
Portland, ME 04112-7486

With a copy to Christopher E. Howard
Pierce Atwood LLP
254 Commercial Street
Portland, Maine 04101

9.11 Governing Law. This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

9.12 Severability. Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

9.13 Survival. All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

9.14 Mediation/Arbitration. The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

[Remainder of page intentionally blank]

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals as of this
17 day of Nov, 2020.



Witness Jonathan Benoit

DEVELOPER:
3 Lincoln, LLC

By: 

Its: manager

CITY OF BIDDEFORD

Witness

By: _____
Name: James A. Bennett
Title: City Manager

City of Biddeford, Maine

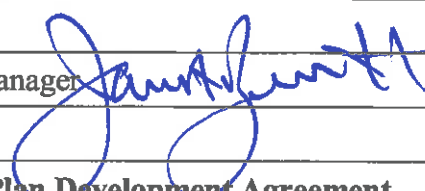


The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	BE Fidler LLC
FROM:	James A. Bennett, City Manager 
DATE:	December 19, 2019
RE:	Clarification to Master Plan Development Agreement

This memo issued to clarify .section 1.3.6 of the Master Plan Development agreement. That section contemplates that milestone dates within the agreement shall be extended if the parking garage was unable to meet its milestone. This section shall be broadly interpreted to include any delays that might occur that are a result of any infrastructure design, approval or construction required to serve the parking garage, including, but not limited to:

- Pearl Street Road Design and Construction;
- Pearl Street Utilities Design and Construction, including water and sewer improvements;
or
- Pearl Street Pedestrian and Landscape design and construction, including direct links to the Riverwalk.

Finally, nothing within the agreement, nor within this memo prohibits the parties to mutually extend any deadline contained within the agreement. Any extension shall be done in writing.

Principles of a JDA: 3 Lincoln Street

Brady/Eng responsibilities:

1. The developer will use best efforts to design and construct two high end multi-use buildings on both sides of the parking garage. The buildings may be phased, one at a time.
2. In the design, the Developer shall consider such factors as:
 - a. Site use plans that imbibe live, work, plan principles;
 - b. Transit and pedestrian orientation with existing or future facilities in the Mill District;
 - c. Connection to surrounding properties, including cross track connections, potential use of buildings and sites on Elm Street (potentially re-aligned Lincoln and Pearl Streets; and,
 - d. Coordination with Mill owners in the district, particularly as it relates to energy self-sufficiency.
3. During the option period and consist with this agreement, the Developer shall present the concept plan for the site to City Council and if appropriate, begin the local site review process.
 - a. Within three months, present to the City a concept plan of the two sites
 - i. Site A: westerly side of the parking garage
 - ii. Site B: the easterly side of the parking garage but contained to not include the proposed green space from approximately the current former stack of Maine Energy to the river
 - b. Within nine months, present a financial plan and utilizing design plans associated with the parking garage, will create concept plans depicting the layout and design of a re-developed 3 Lincoln Street, including site design concepts, internal layout, and building use scenarios
 - c. Within twelve months, the developer will work with the City to identify key tenants for the 3 Lincoln Street;
 - d. No later than 18 months, the developer will have received all approvals necessary to proceed with the first buildings.

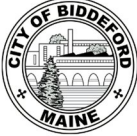
City responsibilities:

1. The city will provide an option to develop the 3 Lincoln Street site for up to 18 months (based on the phasing with this agreement) from the effective date of this agreement;
2. The city may terminate the agreement if said benchmarks are not reached within the time frames specified
3. The City shall continue to move forward on the development of a parking garage;
4. The city shall continue to move forward on the planning and design of the Riverwalk;
5. The City shall deliver 3 Lincoln Street with all appropriate environmental clearances;
6. The City shall provide results from test borings, soil samples, or any other background information it may have pertaining to 3 Lincoln Street;
7. The City will assist in any local or state reviews necessary for the development of 3 Lincoln to move forward;
8. The City will work with the developer to identify key financial incentives necessary for the redevelopment of 3 Lincoln Street to move forward; and,

9. The city shall forward to or make connections with potential tenants it has identified for 3 Lincoln Street to the developer.

4.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

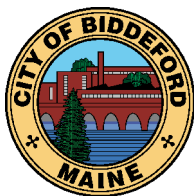
2023.169

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council directs the City Manager to amend the September 21, 2021 Joint Development Agreement with Eon Entities to clarify the terms of the agreement as proposed.

Attest by: _____

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Honorable Mayor Grohman Honorable City Council
FROM:	James A. Bennett, City Manager
DATE:	December 15, 2023
RE:	Clarification of Sewer Capacity for Eon Associates et. al JDA

Late last week Mr. Eon met with me to discuss the issue of sewer capacity within the Barra Road business park and the planned expansion within.

On September 21, 2021, a Joint Development Agreement (JDA) was duly executed between Mike Eon Associates, Indian Cliff Development Corporation, Sawmill Park Properties (which for the purposes of the agreement became known as 'Eon Entities') and the City. The execution of the agreement was authorized by a vote of the City Council.

The agreement contained several components. The major points from the City perspective were that Eon Entities agreed to:

1. Work with the City to develop a master plan for the balance of the undeveloped lands in the area that would ensure the development of public easements for bike and pedestrian trails from South Street towards Alfred St (limited to properties owned/controlled by the parties) to connect easily with the Eastern Trail.
2. Extend protection of natural resources within the properties.
3. Construct 35 to 45 affordable housing units for seniors.

The Council may recall that Mr. Eon, at his expense, significantly upgraded the sewer capacity within this area some years ago. That upgrade provided the capacity that was necessary for any development envisioned for his land and facilitated additional development including the Robert G Dodge Industrial Park. In exchange for that upgrade, the City agreed to allow Mr. Eon to hook into the sewer without incurring additional fees. Mr. Eon's full development did proceed as envisioned. His agreement with the City has since expired because of an agreed to date.

As you can see from his December 11, 2023 letter to me (along with the supporting documents), there is a clear understanding from his perspective when he entered into the 2021 JDA that the identified ability to serve capacity would remain available for the planned projects covered by the JDA. As a party to some of those conversations, I would agree with his understanding. The Ability to Serve Letters issued by the Engineering/Wastewater Department expire after one year. The letter in question carries an expiration date of April 2024.

As noted in Mr. Eon's letter the ability to serve capacity is crucial to his ability to secure partners and financing. Since Mr. Eon's proposed projects are multi-year endeavors it is reasonable that he be provided an assurance that the ability to serve capacity contemplated for the projects is available at the time of construction. This would be for a period of not less than 10-years.

205 Main Street

Biddeford, ME 04005

Phone: 207.284.9313

Fax 207.571.0678

The City of Biddeford is an equal opportunity provider. To file a complaint, write to

Diana Depaolo, Human Resource Director, 205 Main Street Biddeford, ME 04005, or call (207) 286-0593.

As you know, staff has changed within the DECD offices. The new staff and PWD staff has raised questions that the JDA does not clearly spell out that understanding.

Before you on Tuesday is a request to allow me to execute a clarifying documentation that covers this understanding. To be clear, the documentation would guarantee the ability to serve capacity (80,000 gpd) at the wastewater treatment plant for the projects so referenced.

As projects move forward Mr. Eon would pay the applicable sewer impact fees in place at that time applicable to the type of development. The typical infrastructure assessment would also take place during the review phase of the proposed development(s) to determine the impact on sewer line capacity. The reasonable costs for such impacts would also be applicable, i.e., a pump station pump upgrade.



260 MAIN STREET · P.O. BOX 444 · BIDDEFORD, MAINE 04005
OFFICE: 207-283-3000 · FAX: 207-283-4140
E-MAIL: Office@MikeEonAssoc.com

December 11, 2023

James Bennett, City Manager
City of Biddeford
205 Main Street
Biddeford, ME 04005

Re: Sewer Capacity for Master Plan (Barra Road and Extension)

Hi Jim,

This is a follow up to our meeting on Tuesday December 5th to discuss the Master Plan status under the provisions of the Joint Development Agreement (JDA) dated September 21, 2021, a copy of which is included. As you know, the development obligations of the Eon Entities as defined in the JDA will require a substantial future investment for various types of housing. Crucial to our ability to meet the goals and requirements of the JDA is sufficient dedicated sewer capacity in order to support the properties and to achieve whatever borrowing needs we will have to finance the various developments which contemplate approximately 400 additional units of housing. This need is in addition to the 250 studio and one-bedroom units of housing already under construction at 60 Barra Road.

Based on our earlier discussions with you and Mathew Eddy during the creation of the JDA, it was agreed that we would use the same basic language as prior agreements with Eon entities. These Agreements were generated to reflect the substantial investments we were to make to upgrade the pump station on Main Street at Thatcher's Brook and to install larger sewer pipes from the pump station on Main Street to facilitate the sewer needs of the Robert Dodge Park as well as our developable land. With respect to the 400 units, we agreed to use the general outline of the past agreements with the understanding that the fees would be based on the current fee structure and not a reduced schedule as was contained in the earlier agreements.

I have attached an email dated March 22, 2022 to Mathew Eddy which set forth what we had discussed and agreed to regarding the sewer needs for our remaining land which is planned to include both affordable elderly and family units. I never heard back from Matt before he left the City, although I do understand the information was forwarded on.

We relied on our agreement for the reserved sewer capacity and have invested a considerable amount of money in the design to upgrade the infrastructure improvements to serve the 60 Barra Road project as well as contemplated elderly and affordable housing projects. These developments are of a long-term nature which will require substantial up-front investments. Without some commitment that sewer capacity will be available at the time of construction, we would not be able to negotiate with our lenders or prospective entities such as Avesta Housing. We would respectfully request that you provide us with a letter confirming our reserved capacity for a ten-year period. In our commitment to completing the JDA process, we have already completed a number of steps to upgrade the Barra Road extension which is part of the 60 Barra Road project to public street standards including room for bicycles. However, we do need to make sure that permits are available when required. Thank you for your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. R. Eon', written over the word 'Sincerely,'.

Michael R. Eon, President

From: Mike Eon [mailto:meon@mikeeonassoc.com]
Sent: Tuesday, March 22, 2022 11:42 AM
To: Eddy, Mathew <Mathew.Eddy@Biddefordmaine.org>
Cc: Bonine, Hannah <Hannah.Bonine@Biddefordmaine.org>; James Bennett <James.Bennett@Biddefordmaine.org>; David Gould <david@gouldmaine.com>; Mike <meon@mikeeonassoc.com>; Jan Eon <jan@mikeeonassoc.com>
Subject: Joint Development Agreement

Hi Mat:

In connection with our obligations under the terms of the Joint Development Agreement with the City of Biddeford, I have had discussions with Avesta Housing with an end goal of entering into an Option Agreement for the development of affordable housing. There are a couple of items which are crucial to making it a viable deal and I have discussed these with you. You have indicated that these would be acceptable to the City, subject, of course, to the Planning Board Review process. They are:

1. The extension of Barra Road would be paved to a width of 24 feet with a 5 foot sidewalk behind the curb on the southerly side as I showed you, Hannah and Greg at our meeting last week.
2. The City would allocate sewer capacity to handle 400 units of housing for the Avesta Project and the rest of our land calculated at 200 gallons per day to the Joint Development area. Fees for each hookup would be at the normal cost for the same. It is just that we need to know that the capacity would be there when the developments are ready for them.

If you could please confirm that this is your understanding also by return email, I would appreciate it. I will be in your office at 2:00 today to discuss this in more detail.

Thanks,

Mike

JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement ("Agreement"), dated September 21, 2021 is executed by Mike Eon Associates, Ltd., Indian Cliff Development Corporation and Sawmill Park Properties, LLC. (collectively the "Eon Entities"), their successors and assigns and the CITY OF BIDDEFORD, MAINE (the "City") (each a "Party" and, collectively, the "Parties").

RECITALS

WHEREAS, Saxon Partners ("Saxon") wishes to enter into a Credit Enhancement Agreement with the City dated as of September 21, 2021 (the "Credit Enhancement Agreement"); and

WHEREAS, the development of the property owned by the Eon Entities as outlined herein is contingent upon the approval and development of the adjacent Saxon property as currently contemplated; and

WHEREAS, the City seeks to expand its connections to the Eastern Trail, bringing it closer to the terminus of the Riverwalk, so-called; and

WHEREAS, the Eon Entities and the City have a mutual interest in protecting segments of the Thatcher Brook that run through the Eon Entities' property; and

WHEREAS, the City desires to create additional housing options in the community, including affordable housing and "next homes", to meet its 5-year Housing Goals and Strategies; and

WHEREAS, it is the intent of the Eon Entities to further develop the remaining properties in a mixed commercial and residential fashion, including the creation of new affordable housing for seniors being persons over the age of 55 ("Senior Housing");

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I
COMMITMENTS

1. Eon Entities Commitments.

- a. **Mixed Use Master Plan.** The Eon Entities shall draft a mutually acceptable Mixed Use Master Plan, in collaboration with the City, for the remainder of the Eon Entities property to create additional Senior Housing options for the City, add protections around segments of Thatcher Brook, and create easements for a pedestrian connection through its property with the Eastern Trail between Barra Road and Village Lane. The Master Plan is intended to become the basis for future development of the area and any zoning ordinance changes required to meet Housing Development Goals and Strategies.
- b. **Permanent Easement Commitment.** Eon Entities agree to grant the following permanent pedestrian easement to the City in connection with the Eastern Trail by continuing the trail from its end in and around Barra Road through the Eon Entities property to South Street via local roads, sidewalks and dedicated pathways:
 - i. A pedestrian easement, for use by the public, of a certain area generally enumerated and to be identified as the "City Pedestrian Easement Area" on the concept plan attached hereto as Exhibit A; the easement area shall be further determined during the Master Planning process. The exact location and dimensions of the Pedestrian Easement Area shall be mutually agreed upon by the Eon Entities and the City through good faith negotiations.

By execution of this Agreement, the City hereby represents that the City Council has authorized the City Manager to accept, on behalf of the City, the Pedestrian Easement Area on the terms and conditions set forth above.

- c. **Housing Commitments.** The Eon Entities agree to carve out 2 +/- acres of land adjacent to the Saxon project land (see Exhibit A below), owned by the Eon Entities (the "Housing Parcel"), to create between 35-45 affordable housing units serving seniors at 80% or less of area median income. Eon Entities shall work with an appropriate low-income senior housing developer to create said units. The final unit count and size of the Housing Parcel shall be subject to the findings and goals of the mixed use Master Plan.

d. **Schedule.** The Eon Entities shall adhere to the following performance schedule:

- i. Commence work on a mixed use Master Plan for the Eon Entities' property within 18 months of execution of the Credit Enhancement Agreement with Saxon;
- ii. Complete the mixed use Master Plan within 18 months of the issuance of a Certificate of Occupancy for the Saxon project;
- iii. Grant the permanent pedestrian easement to the City within 3 years of the issuance of the Certificate of Occupancy for the Saxon project; and,
- iv. Within 2 years of the issuance of the Certificate of Occupancy for the Saxon project, commence, in conjunction with an appropriate senior low income housing agency, planning for 35-45 housing units on the 2+/- acre Housing Parcel and complete construction within 2 years of obtaining financing and necessary permits. Further:

1. With the exception of the property needed for the Saxon project and property to be conveyed to abutters shown on Assessor's Map at lots 17-3 and/or 17-5, no other residential housing construction on any Eon Entities properties which use Barra Road as its primary access (specifically, Tax Map 7, Lots 15 and 17-2), shall commence until the affordable Housing Parcel and the Housing Parcel access road are established.
2. Eon Entities' failure to move forward with the Senior Housing project within the schedule prescribed above shall result in the forfeiture of the 2+/- acre Housing Parcel to the City for the primary intended purpose of affordable housing development. The City agrees that the completion of construction of affordable Senior Housing units on the 2+/- acre Housing Parcel shall satisfy the requirements hereof.

2. **City Commitments.** The City commits to the following:

- a. The establishment of a 20 year Credit Enhancement Agreement with Saxon that will provide as follows:

- i. For years 1-5, Saxon shall pay taxes to the City totaling \$255,000 in Year 1, escalating at the annual rate of 2% in Years 2-5.
 - ii. For Years 6-20, taxes shall be assessed at the full fair market value. Sixty five percent (65%) of the taxes paid by Saxon or its successor shall be retained by the City and thirty five percent (35%) shall be returned to the property owner.
- b. Coordination of the Master Planning activities with key departments, committees, and agencies to ensure a sound planning process and completion within the specified period above.
- c. Based on the Master Planning process, make recommendations to the Planning Board and City Council for zoning adjustments, including but not limited to, height restrictions, reduction in yard setbacks, or adjusting density requirements, consistent with the standards of the Saxon project.
- d. Assist Eon Entities and an associated developer in obtaining financing in support of the housing project as contemplated herein, including due consideration of a Credit Enhancement if the City determines that it is necessary to obtain financing to complete the project. The Eon Entities recognize that the City may decline to provide any such financial assistance at its sole discretion. The City, for its part, recognizes that the primary, if not exclusive source, of funding for the housing project contemplated herein comes from the Maine State Housing Authority and funds currently are allocated based on a certain level of municipal support including but not limited to some form of Credit Enhancement.

ARTICLE II

INDEMNIFICATIONS

The City agrees to indemnify, defend and hold Eon Entities harmless from any claims, damages, costs, liabilities and expenses (including attorney's fees) arising from the City and/or the public's use of the "City Pedestrian Easement Area" as outlined in Article I, Section 1(b)(i). Each Party shall indemnify, defend, and hold the other Party harmless from any claims, damages, costs, liabilities and expenses (including reasonable attorney's fees) arising from the gross negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its agents, servants, officers, directors, employees and affiliates.

ARTICLE III
LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their affiliates, by reason of any of their respective acts or omissions relating to this Agreement be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE IV
MISCELLANEOUS

1. Representations and Warranties.

Each Party represents and warrants to the other that:

- a. It is duly qualified to do business and is in good standing in the State of Maine; and
- b. It has full power and authority to execute, deliver and perform its obligations under this Agreement; and
- c. The execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and
- d. The execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the articles of incorporation or by-laws of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.

2. Right to Require Performance.

The failure of any Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce the same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. Governing Law.

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. Relationship of Parties.

- a. This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's planning, zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the actions required under this Agreement;
- b. The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City, and the Eon Entities agree to cooperate in good faith with regard to each and every aspect required for the completion of all obligations contemplated by this Agreement; and
- c. This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. Breach by the Eon Entities.

- a. The City shall provide notice to the Eon Entities of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- b. If a breach is not cured as set forth above, the City may bring an action, in law or in equity, to enforce this Agreement or for damages, or both. During the period of any such breach, the Eon Entities recognize and agree that the City will not issue any approvals or building permits for Lots 7-17-2 and 7-15 other than for the projects contemplated herein.

6. Breach by City.

- a. Eon Entities shall provide notice to the City of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- b. If a breach is not cured as set forth above, the Eon Entities may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. Integration.

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written regarding the matters addressed in this Agreement. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

8. No Oral Modifications; Assignment.

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. This Agreement and any of the rights, interests or obligations under this Agreement may not be assigned or delegated by any Party, without the prior written consent of the other Party, provided, however, that it is hereby agreed and acknowledged that the Eon Entities shall have the right to assign this Agreement to an affiliate or related entity of the Eon Entities, without having to obtain the prior written consent of the City for such assignment. This Agreement is not intended to confer any rights or benefits to any entity other than to the City and the Eon Entities, and their affiliates and/or assignees.

9. **Notice.**

All notices required to be given to City or Eon Entities under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City: City of Biddeford
c/o James A. Bennett, (or the then current) City Manager
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

With a copy to: Keith R. Jacques, Esq.
Woodman Edmands Danylik Austin Smith & Jacques, P.A.
234 Main Street
P.O. Box 468
Biddeford, ME 04005

Eon Entities: Mike Eon Associates, Ltd.,
PO Box 444
Biddeford, ME 04005

Indian Cliff Development Corporation
PO Box 444
Biddeford, ME 04005

Sawmill Park Properties, LLC
PO Box 444
Biddeford, ME 04005

With a copy to: Richard A. Hull, III
Hull Law Office, LLC
409 Alfred Road
Biddeford, ME 04005

10. Severability.

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

11. Survival.

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

12. Mediation/Arbitration.

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

13. Consents.

Eon Entities shall use commercially reasonable efforts to obtain all necessary consents of its mortgage holders and other lien holders to this Agreement and the easements contemplated herein.

14. Memorandum of Joint Development Agreement.

The Parties shall execute a Memorandum of Joint Development Agreement in the form attached hereto that shall be recorded in the York County Registry of Deeds.

IN WITNESS WHEREOF, The Eon Entities and the City have set their hands and seals as of the day, month and year first above written.

Richard M. [Signature]

Witness

MIKE EON ASSOCIATES, LTD

By: [Signature]

Michael Eon

Title: President

to

Witness

INDIAN CLIFF DEVELOPMENT CORP.

By: [Signature]

Michael Eon

Title: President

all three

Witness

Richard M. [Signature]

Witness

SAWMILL PARK PROPERTIES, LLC

By: [Signature]

Michael Eon

Title: Member

By: [Signature]

David Gould

Title: Member

Kendi L. Norton

Witness

CITY OF BIDDEFORD

By: [Signature]

James A. Bennett

Title: City Manager

Exhibit A

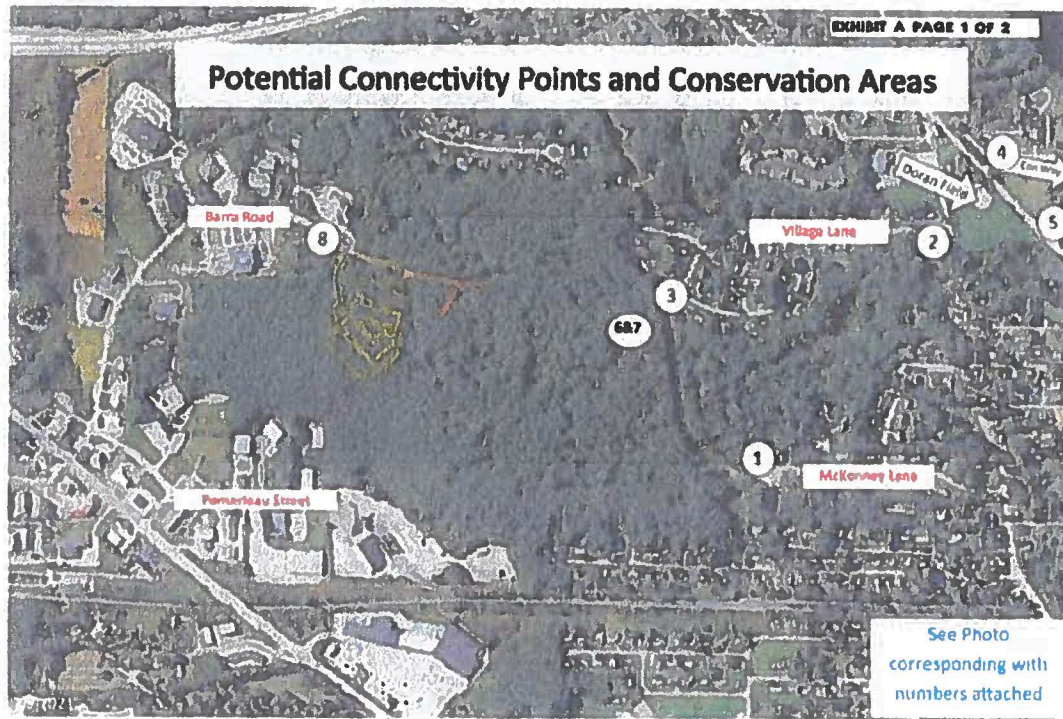
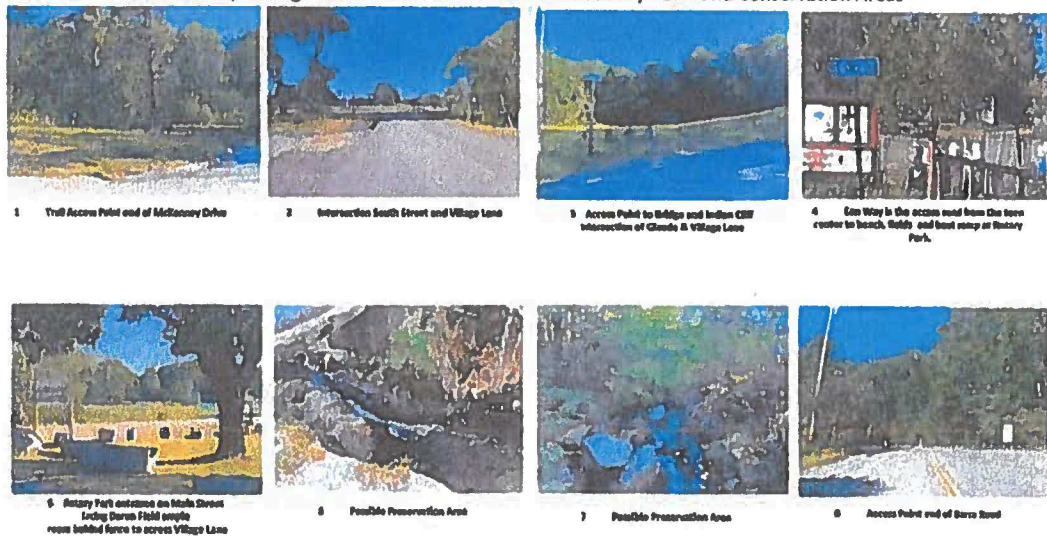
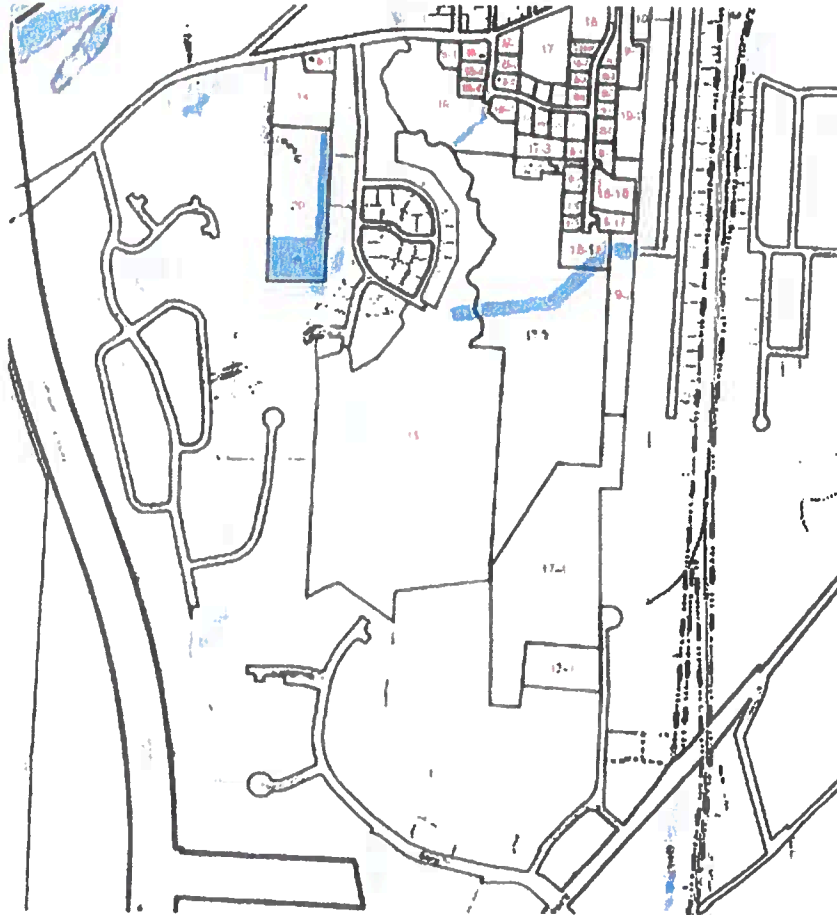


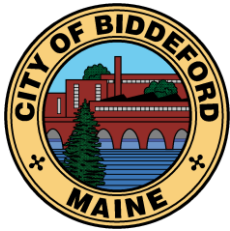
EXHIBIT A PAGE 2 OF 2

Photos Corresponding with Numbers on Potential Connectivity Point and Conservation Areas



Tax Map 7, Lots 15 and 17-2, as referenced in Article I, Section 1(d)(iv)(1) above





City of Biddeford, Maine

City of Biddeford

Public Works Department / Engineering Division/Wastewater Administration Division
P.O. Box 586 • 205 Main Street, Suite 301
Biddeford, ME 04005
Phone: (207) 284-9118 • Fax: (207) 571-0662

Letter of Wastewater Treatment Plant Capacity to Serve 400 Unit Subdivision Off end of Barra Road Updated 4/24/23

Michael Eon
Main Street
Biddeford, Maine, 04005

April 24, 2023

Brief description of project: **Proposed Mixed Use Development off the end of Barra Road
Biddeford, Maine-** Estimated flows: **80,000 gpd.** Updated from Original ATS letter April 29, 2022

Determination

The applicant is proposing a mixed use development off the end of Barra Road. This mixed use project requires the preparation of a Master Plan for the future development of the lands of Eon Entities, as is outlined in the Joint Development Agreement between Eon Entities and the City. Eon Entities is currently projecting that the mixed use development will serve up to 400 commercial, residential and elderly units.

The City of Biddeford Wastewater Department has reviewed the request to serve the above described project. It has been determined that at this time, once the flow reaches the treatment facility, the City has sufficient capacity at the City's Wastewater Treatment Facilities to treat flows from the above described project. It is estimated that 80,000 gpd of flow will be added from the project. Changes to the project from that presented to this department may require a new review of the request for ability to serve. This determination will be effective for a period of one year from the updated date above.

Upon approval of the Planning Board, the applicant must make application for sewer service. Flow amounts for the project will be determined at the time application is made and may or may not be the amount stated above. The applicant will be required to pay all fees based on the flow amount calculated at the time application is made and prior to the issuance of any building permits and/or the issuance of a certificate of occupancy.

205 Main Street, Biddeford, ME 04005 P: 207.284.9313 F: 207.571.0678 www.biddefordmaine.org

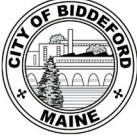
*The City of Biddeford is an equal opportunity provider. To file a complaint, write to
Human Resource Director, 205 Main Street Biddeford, ME 04005, or call (207) 286-0593.*

This Capacity to Serve Letter is intended only to indicate that the City of Biddeford Wastewater Treatment Facilities has the ability to handle and treat the flow from the above stated project once it is received at the treatment facility. Design Plans must be submitted to the City for review and comment. The Planning Department, Engineering Department or other persons from the Wastewater Department may require further studies, calculations or documentation to determine any actions that may need to be taken to address any impacts/capacity issues this project may have on the City's sewer collection and conveyance system(s) or its components.

Thomas Milligan, PE
City Engineer Emeritus
City of Biddeford Engineering Department
Tom.milligan@biddefordmaine.org
207-284-9118

CC: Jeff Demers, Public Works/Wastewater Director
Roby Fecteau, Code Enforcement
David Galbraith, City Planner
Alex Buechner, Superintendent
Craig Chekan, City Engineer
E&R Development, applicant
Greg Mitchell, Dir. Planning and Economic Development

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2023.158

IN BOARD OF CITY COUNCIL... December 19, 2023

BE IT ORDERED, that the City Council authorize the City Manager to purchase to purchase (1) 2024 Ford F-2500 for the price of \$51,641.00 from Quirk Auto group.

Attest by: _____



City Council

Meeting Date: December 19, 2023

Meeting Time: 5:15 PM

Agenda Item No: 9.I.

Item Description: 2023.158) Authorization/Purchase of Public Works Ford F-2500

Submitted by: Jeff Demers - Public Works Director
Jerry Court, Garage Supervisor

Supporting Information/Documentation:

Bill Dodge price sheet
Quirk Auto Group price sheet
Arundel Ford price sheet
Bid Tabulation sheet

Executive Summary:

Approval to purchase an Ford F-2500 HD pickup truck.

Detailed Review:

The Public Works Department is requesting approval to purchase a 2024 Ford F-2500 HD pickup truck for the Public Works Department. Public Works posted and RFP on December 2, 2023. Three vendors supplied bids. The bids and tabulation sheet are attached. This vehicle will replace unit 553. The trade vehicle has 170,000 miles and is a 2007 GMC 250.

Funding Source:

This vehicle was budgeted in FY2023 CIP Vehicles

Staff Recommendation:

2024 Ford F-250	\$60,516.00
2007 GMC 250 trade	<u>-\$ 8,875.00</u>
Total Price:	\$51,641.00

Staff recommends going forward with purchase from Quirk Auto for a total of \$51,641.00. Staff will be available for any further questions.



City of Biddeford, Maine
Public Works Department
371 Hill Street Biddeford, Maine 04005
Phone: (207) 282-1579 Fax: (207) 286-9395

November 21, 2023

Bid Opening for a ¾ Ton Pick-Up

Present: Joseph Lovejoy – Public Works
Kara Cote – Public Works

Bids were opened at the Public Works Department on November 21st at 11:30am.

<u>QUIRK AUTO GROUP</u>	2024 Ford F-250	\$60,516.00
	Trade in:	\$8,875.00
	Total:	\$51,641.00

<u>BILL DODGE</u>	2024 GMC Sierra	\$64,194.60
	NO TRADE	

<u>ARUNDEL FORD</u>	2024 Ford F-250	\$55,394.00
	Trade in:	\$2,000.00
	Total:	\$53,394.00