

City of Biddeford
City Council
November 01, 2022 6:00 PM Council Chambers and via Zoom

Please click this URL to join:
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Passcode: 384199

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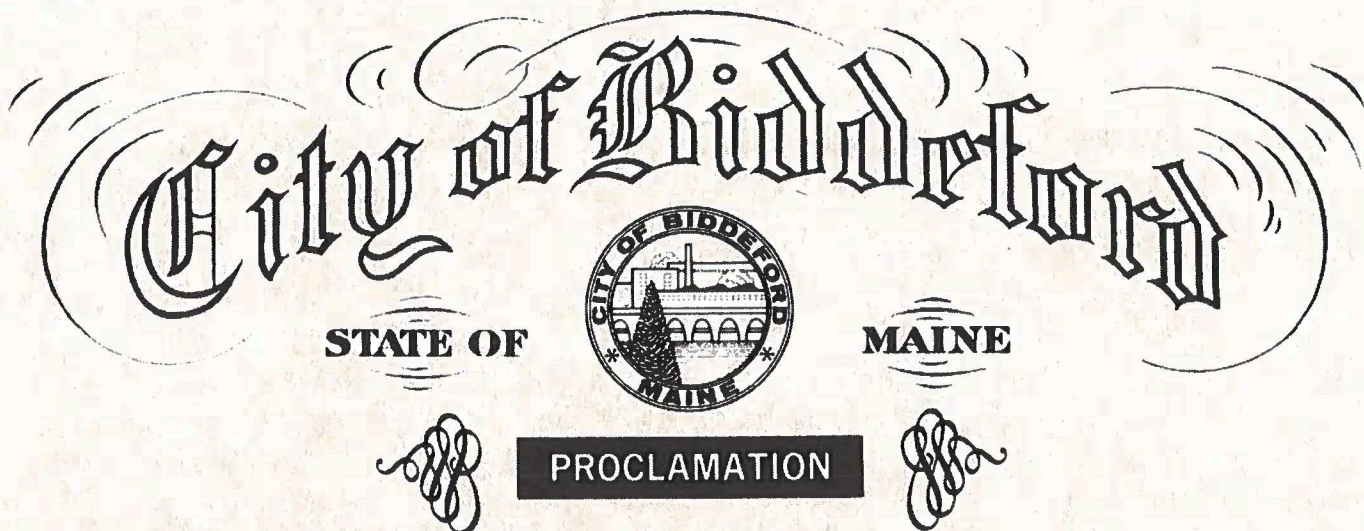
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Status: In-Person and via Zoom; Council Chambers; 6:00 p.m.

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - ADD: 4b. November Homelessness Awareness Month -PROCLAMATION
 -
 - Add: 9d. Discission - Approval/Denial - Flag Display Appeal
 -
 - REMOVE: 8a. Second Reading-- 2022.86) Allocation of Undesignated ARPA Funds
- 4. Proclamation:**
 - 4a. November 2022 - Lung Cancer Awareness Month - PROCLAMATION
[Lung Cancer proclamation 2022](#)
 - 4b. November 2022 - Homelessness Awareness Month - PROCLAMATION
[20221101 Homelessness Awareness Month-RESOLUTION](#)
- 5. Public Hearing**
 - 5a. Public Input Session on Police Chief Recruitment Process
- 6. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
- 7. Consideration of Minutes:**
 - 7a. October 18, 2022 Meeting Minutes
[20221018 Council Meeting Minutes](#)

8. **Second Reading: (Public Comment - 3 minute limit)**
 - 8a. 2022.86) Allocation of undesignated ARPA Funds {REMOVED}
9. **Orders of the Day: (Public Comment - 3 minute limit)**
 - 9a. Committee-of-the-Whole: Special Assessment District
[20221101 Special Assessment District Legal Review and Guidance-MEMO](#)
[20221101 Draft Special Assessment District-MAP](#)
 - 9b. 2022.92) Acceptance / Cricket Lane as a Public Way
[20221101 Crickett Lane Acceptance as Public Way - ORDER](#)
[20221101 Crickett Lane Acceptance - MEMO](#)
[20221101 Cricket Lane locus Plan](#)
[20221101 D-2003 Buzzell Road Estates Expansion Second Amended Subdivision Street Plan](#)
[20221101 Draft Warrantee Deed](#)
[20221101 Suggested offer of Cession-Property Description](#)
 - 9c. 2022.93) Acceptance/No Trespassing Policy-Andrews Rd. Landfill-RESOLVE
[20221101 No Trespassing Policy-Andrews Road Landfill - RESOLVE](#)
[20221101 No Trespassing Policy- Andrews Road Landfill - MEMO](#)
[20221101 Andrews Road Landfill and Surrounding Area-MAP](#)
 - 9d. 2022.94) Discussion-Approval/Denial - Flag Display Appeal
[20221101 Discussion-Approval/Denial - Flag Display Appeal - MEMO](#)
[20221101 Flag Display Policy](#)
10. **Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
11. **City Manager Report: (James Bennett)**
12. **Other Business; (Councilors' Comments; Updates; Announcements)**
13. **Council President Addressing the Council: (Councilor Norman Belanger)**
14. **Mayor Addressing the Council: (Mayor Alan Casavant)**
15. **Executive Session**
 - 15a. Executive Session -MRS 405(6)(A) -Personnel Matter
16. **Adjourn**



Whereas Lung cancer is the leading cause of cancer death among men and women in the United States and in 2022, accounting for more deaths than colon cancer, breast cancer and prostate cancer combined; and

Whereas, screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial; and

Whereas, funding for lung cancer research trials is far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities; and

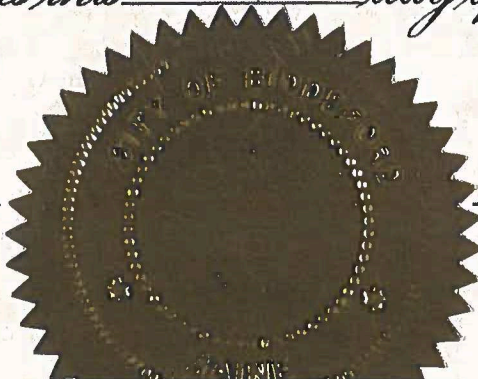
Whereas, women diagnosed with lung cancer are more likely to be younger and never-smokers; lung cancer incidence and mortality rates in women are rising. More women die from lung cancer than breast cancer every year and by 2035, it is expected that more women will die from lung cancer than men; and

Whereas, organizations working in the community, such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating people about lung cancer and lung cancer screening while working to increase lung cancer screening rates.

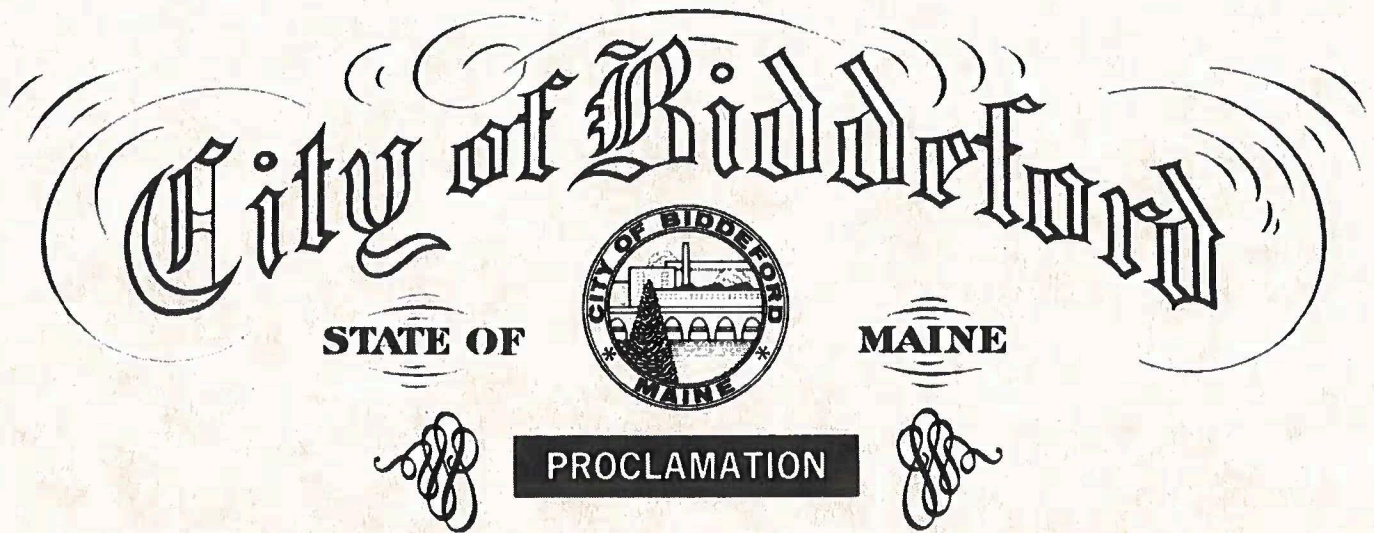
Now Therefore, I, Alan Casavant, Mayor of the City of Biddeford, Maine do hereby proclaim November 2022 as **LUNG CANCER AWARENESS MONTH** and encourage all citizens to educate themselves about the need for research, screening and early detection of lung cancer affecting women and men.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 1st day of November 2022*

Carmen Bernier
City Clerk



Alan Casavant
Mayor



Whereas Biddeford joins the nation in recognizing November as Homelessness Awareness Month; and

WHEREAS, the purpose of this proclamation is to educate the public about the many reasons people are homeless, and to encourage support for homeless assistance service providers and other service organizations; and

WHEREAS, there are several local organizations committed to sheltering, providing supportive services, as well as providing meals and food to those experiencing homelessness including: Seeds of Hope, York County Community Action, Bon Appetit Community Meal Program, Biddeford Food Pantry; and

WHEREAS, Seeds of Hope estimates there are between 50-60 people experiencing homelessness in our community and Biddeford schools have identified 50-75 students currently couch surfing due to housing insecurity, the Biddeford City Council recognizes that homelessness continues to be a serious problem for many individuals and families in our community; and

WHEREAS, public symbols of support for those experiencing homelessness can make a lasting impact on members of the homeless community who otherwise feel isolated and alone. The Biddeford City Council stands with the homeless community in their struggle for housing and to ensure dignity for all;

NOW, THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim, November as Homelessness Awareness Month in Biddeford and encourage all residents to recognize that many people do not have housing and need support from citizens and private/public nonprofit service entities.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 15th day of November 20 22*

City Clerk

Mayor



**COUNCIL MEETING
OCTOBER 18, 2022**

{The meeting was held in a hybrid model – in person and via Zoom}

Mayor Casavant called meeting to order at 6:00 p.m.

Roll Call: William Emhiser, Scott Whiting, Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard.
Martin Grohman joined the meeting at 6:35pm

The Council and all who were present recited the Pledge of Allegiance.

No Adjustments to the Agenda

Proclamation: Support of Extra Mile Day, November 1, 2022

Mayor Casavant read the following Proclamation.

Biddeford is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Biddeford is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and

WHEREAS, Biddeford is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Biddeford acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2022.

NOW THEREFORE, I, Alan M. Casavant, Mayor of Biddeford do hereby proclaim November 1, 2022 to be ***Extra Mile Day***. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Presentation: York County Commissioners’ Recommended Use of ARPA Funds

Presented by Commissioner Richard Dutremble

Commissioner Dutremble read the cover letter to the York County Commissioners’ Presentation on ARPA Fund Recommendations, which can be found on the City’s website.

Commissioner Dutremble answered a few questions from the Council.

Public Addressing the Council... (3 minute limit per speaker for up to 15 minutes)
Three citizen addressed the Council.

Consideration of Minutes: **October 4, 2022**

Motion by Councilor Belanger, seconded by Councilor Emhiser to accept the minutes as printed.
Vote: Unanimous

Second Reading:

2022.83) Amendment/Ch. 42, Motor Vehicle & Traffic, Section 42-90. No Parking/Add on St. Joseph Street

Motion by Councilor Belanger, seconded by Councilor Whiting.
Vote: Unanimous

2022.84) Amendment/Ch. 58, Solid Waste, Section 58-7. Regulated Activities and Administration/Add Language for Noncompliance of Recycling Program

Motion by Councilor Clearwater, seconded by Councilor Whiting.
One public comment

Vote: 7/1; Councilor Lessard Opposed
Councilors Emhiser, Whiting, Mills, Clearwater, Belanger, LaFountain, Ortiz in Favor. Motion carries.

Orders of the Day:

2022.86) Approval/Allocation of Undesignated ARPA Funds

Motion by Councilor Whiting, seconded by Councilor Clearwater.
Chairman of the Policy Committee Norman Belanger gives a summery.
1 Public Comment

Vote: 8/1; Councilor Mills Opposed
Councilors Emhiser, Grohman, Whiting, Mills, Clearwater, Belanger, LaFountain, Ortiz in Favor. Motion carries.

2022.87) Transfer of Tax Increment Financing Credit Enhancement Agreement, plans and permits related to the 60 Barra Rd from SOME Barra, LLC to Tom Watson & Co, LLC

Motion by Councilor Belanger, seconded by Councilor Clearwater.
Two Public Comments

Vote: 8/1; Councilor Mills Opposed
Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain, Ortiz in Favor. Motion carries.

2022.88) Acceptance/RESOLUTION – Net Zero Carbon Emissions in Biddeford by 2050

Motion by Councilor Clearwater, seconded by Councilor Whiting.
Vote: 6/3; Councilors Belanger, Mills, Lessard Opposed.
Councilors Emhiser, Whiting, Grohman, Clearwater, LaFountain, Ortiz in Favor. Resolution accepted with second reading at next Council Meeting November 1, 2022.

Council Motion to suspend the rules and allow a presentation.

Motion by Councilor Grohman, seconded by Councilor Clearwater.

Vote: Unanimous

Presentation: Race to Zero Pledge: Endorsing Science-based Targets and High Impact Actions.

Presented by Dr. Meaghan Daly

Eight Public Comments

Motion by Councilor Belanger to table until schedule a committee workshop, seconded by Councilor Lessard.

Vote: 5/4; Councilors Belanger, Grohman, Lessard, Mills in Favor.

Councilors Emhiser, Whiting, Clearwater, LaFountain, Ortiz Opposed. Motion defeated.

Motion by Councilor LaFountain to allow a member of the Climate Task Force to speak, seconded by Councilor Mills. Motion withdrawn by Councilor LaFountain, second withdrawn by Councilor Mills.

Motion by Councilor Belanger to allow Councilor Lessard to speak a third time, seconded by Councilor Emhiser.

Vote: Unanimous

Motion by Councilor LaFountain to allow resident from Ward 7 to answer a question as a member of the Climate Task Force, seconded by Councilor Mills.

Vote: 8/1; Councilor Lessard Opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain, Ortiz in Favor. Motion carries.

Motion by Councilor Mills to go into Committee-of-the-Whole, seconded by Councilor Lessard.

Vote: 6/3; Councilors Belanger, Mills, Lessard in Favor.

Councilors Emhiser, Whiting, Grohman, Clearwater, LaFountain, Ortiz Opposed. Motion defeated.

Motion by Councilor Lessard to include an Amendment that states that this will have zero impact on future budgets, seconded by Councilor Mills.

Vote: 7/2; Councilors Lessard, Mills in Favor.

Councilors Emhiser, Belanger, Whiting, Grohman, Clearwater, LaFountain, Ortiz Opposed. Amendment defeated.

Motion by Councilor Lessard to allow Councilor Mills to speak a third time, seconded by Councilor Clearwater.

Vote: Unanimous

Motion by Councilor Belanger that the rules of the Council be suspended and that this item has a second reading, seconded by Councilor Lessard.

Vote: Unanimous

Motion by Councilor Lessard to amend the last paragraph of the Proclamation, replacing Community with Municipal, seconded by Councilor Mills.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the ICLEI's Race to Zero campaign, the Biddeford City Council does hereby commit to ~~community-wide~~ **municipal** net-zero emissions by 2050, with a reduction of 62.6% below the 2019 emissions baseline by 2030

Four Public Comments

Vote as Amended: 7/2; Councilors Lessard, Mills in Favor.

Councilors Belanger, Emhiser, Whiting, Grohman, Clearwater, LaFountain, Ortiz Opposed.
Amendment defeated.

2022.89) Acceptance/RESOLUTION – In support of Maine Water Co plans to create a 250 acre conservation easement on their property

Motion by Councilor Clearwater, seconded by Councilor Belanger

Vote: Unanimous

2022.90) Acceptance/RESOLUTION – Support for changes Proposed by Saco River Corridor Commission

Motion by Councilor Clearwater, seconded by Councilor Whiting.

Vote: Unanimous

2022-91) Acceptance/RESOLUTION – In Support of South Street Connector to improve transportation access to the Downtown

Motion by Councilor Whiting, seconded by Councilor LaFountain

Four Public Comments

Vote: 5/4; Councilors Emhiser, Clearwater, LaFountain, Ortiz Opposed.

Councilors Belanger, Whiting, Grohman, Mills, Lessard in Favor. Resolution passes.

Committee-of-the-Whole: Planning Board Land Conservation Designation – Clifford Park

Motion to begin Committee-of-the-Whole made by Councilor Clearwater, seconded by Councilor LaFountain.

Vote: 7/2; Councilors Mills, Whiting Opposed.

Councilors Belanger, Emhiser, Grohman, Clearwater, LaFountain, Ortiz in Favor. Motion carries.

Time: 8:52pm

Motion to end Committee-of-the-Whole made by Councilor Mills, seconded by Councilor Clearwater.

Vote: Unanimous

Time: 9:14pm

Point of Order: Motion to continue the meeting and suspend the rules to allow the meeting to go beyond 9:00pm

Motion by Councilor Belanger to suspend the rules, seconded by Councilor Clearwater.

Vote: 8/1; Councilor Mills Opposed.

Councilors Belanger, Emhiser, Whiting, Grohman, Clearwater, LaFountain, Ortiz in Favor.

Motion carries.

Appointment: Stephen Beaudette to Downtown Development Commission

Motion made by Councilor Belanger, seconded by Councilor Clearwater.

Vote: Unanimous

Appointment: Councilor Scott Whiting to Citizens Advisory Committee

Motion made by Councilor Clearwater, seconded by Councilor Belanger

Vote: Unanimous

Public Addressing: There were no comments from the public.

City Manager report:

Jim Bennett reports on receiving the first payment of the thirty year annual payments for the opioid lawsuit, which annually is \$38,472.03. This is going to be brought to the Council to discuss how they would like to use these funds. The original motion when Biddeford was one of the first communities to do this in the State, was that the Council's intent at the time was to use that money to help members of our community that have been impacted by opioids.

Received notice that one of the grants the Police Department put together for \$125,000 has been awarded.

Lastly, he spoke about mill rates and the growth of the City. He provided some interesting numbers in regards to the mill rates and the growth of the City. Based on the audit that was done two years ago, the financial position of the City has improved by 265% or just under 14 million dollars and up until this last bill, the median single family household paid \$179.04 less than what they were paying in 2014. He feels that this community, the people that work in this community and the people serving on the Board have been good stewards of balancing growth and development and protecting green space, he feels there is a lot to be proud of.

Other Business:

Councilor Mills mentions that he has his Ward 4 neighborhood meeting at the Community Center on Monday, October 24th at 5:30pm, he's hoping for a good turnout.

Councilor Mills also wanted to explain why he didn't support the ARPA Funds vote and that was because playgrounds were left out.

Councilor Grohman thanked Patrick Conlon for leading the "Bicycle to School Day" on October 12th, together with Apex and the Biddeford School Department. There were about 15 kids that participated and it was a great success. They learned some lessons that there needs to be more free helmets out there and the need to do some bike repairs but all-in-all it was a good day.

Council President Addressing the Council:

Council President Norman Belanger did not address the Council.

Mayor Addressing the Council:

Mayor Alan Casavant did not address the Council.

Adjourn

Motion made by Councilor Clearwater to adjourn, seconded by Councilor Belanger

Vote: Unanimous

Time: 9:19

Memorandum

To: City Manager, James Bennett
Director of Planning & Development Department, Greg Mitchell

From: Shana Cook Mueller, Esq.

Date: October 11, 2022

Re: Information Regarding Special Assessment District Establishment and Process

Introduction

This memo will provide a general overview of the special assessment districts allowed under Maine law and the process to establish an assessment district. The purpose of a special assessment district is to collect assessments for specific purposes that go beyond what the City collects in regular property taxes. The assessments in this case would be used to make stabilization payments in accordance with the Joint Development Agreement between the City and Biddeford Riverwalk Community 1, LLC dated February 12, 2020 (the “Agreement”) related to the recently constructed parking garage. In relation to such Agreement, the Council previously approved an order authorizing the City Manager to begin the process of establishing a special assessment district (the “Council Order”).

Special Assessment District Generally

Under Maine law, a special assessment district is a type of development district municipalities are authorized to designate under Title 30-A M.R.S.A. Section 5228. State statute allows for three types of assessment districts: development assessments, maintenance assessments, and implementation assessments. Development assessments are made upon properties that have benefited from improvements constructed or created under the district’s development program. Maintenance assessments are made upon all properties receiving benefits from the district’s development program and the continued operation of public facilities. Lastly, implementation assessments are made upon all properties in the district and may be used to fund activities that are reasonably necessary to achieve the purpose of the development program. The statute requires that (1) for those properties required to pay a development assessment, the benefit

derived from the improvements constructed or created may not exceed a just and equitable proportionate share of the cost, and (2) for those properties required to pay a maintenance assessment or implementation assessment, the assessments must be made equally and uniformly on all properties in the district. There are likely a variety of ways the assessments on individual lots can be calculated to meet these requirements. Assessed value has been used to achieve the required apportionment rules in other existing special assessment districts. The City could also look to other approaches, such as square footage of commercial buildings or creating adjusted allocations for groups of properties based on location within a special assessment district.

Finally, once a special assessment district is established, the City's Tax Collector has all the authority and powers by law to collect the assessments as though such assessments are property taxes, including collection procedures applicable to delinquent taxes.

Process to Establish a Special Assessment District

The special assessment district being contemplated by the City could meet the guidelines for a special assessment district under Maine law. The City will need to designate the boundaries of the special assessment district and adopt a development program related thereto. The development program will need to include the following:

- a) The location of the district, through a list of parcels and a district map,
- b) The duration of the district,
- c) A financial plan for the district,
- d) A description of public facilities, improvements, or programs to be financed by the development program,
- e) A description of commercial facilities, improvements, or projects to be financed by the development program,
- f) The proposed plan for the operation of the district, and
- g) A description of how the assessments will be determined and allocated to lots and identification.

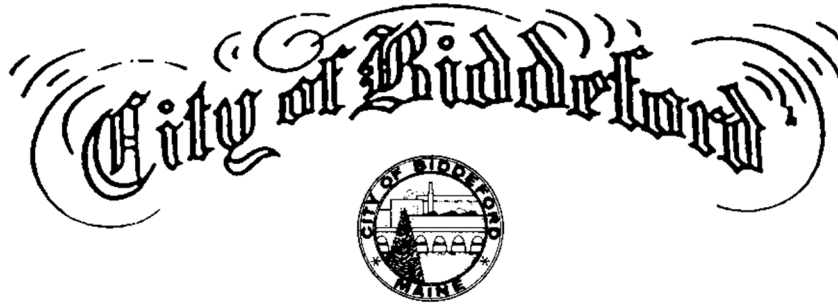
Additionally, the statute provides that a municipality designating a special assessment district "may adopt ordinances apportioning the value of improvements within a development district according to a formula that reflects actual benefits that accrue to the various properties because of the development and maintenance." 30-A M.R.S.A. Section 5228(3). We recommend that the assessment ordinance include the following items:

- a) Reference to the designated district and adopted development program,
- b) Description of the location of the district,
- c) The purpose of the district,
- d) The formula for apportionment and allocation of the assessment on each property in the district.

Once a district area, development program and ordinance have been prepared, the City is required to hold two public hearings. One hearing will address whether to designate the district and adopt the development program, and another hearing will address whether to enact the assessment ordinance. Both hearings require a 10-day public hearing notice be published and require the notices to contain specific information. In addition to the required hearing notice under State Statute, the Council Order stated explicitly that the process for establishing a special assessment district shall include “direct notice to all effected property owners”.

Following the public hearings, the City is then permitted to vote to designate the district, adopt the development program, and enact the assessment ordinance. While the Maine Department of Economic and Community Development (DECD) reviews and approves tax increment financing districts, it has no authority to do so with respect to special assessment districts. A copy of the district and development program is required to be sent to DECD to be kept on file. We suggest that once a special assessment district is designated, the City record a notice of such assessment in the registry of deeds to put future purchasers of any properties in the district on notice of its existence.

I look forward to answering any follow-up questions that may arise and to assist the City with this process to the extent the Council chooses to pursue this option.



2022.92

IN BOARD OF CITY COUNCIL... November 1, 2022

BE IT ORDERED, that the City Manager be authorized to receive, execute, and record a deed from HOME INNOVATIONS, LLC, a Maine Limited Liability Company, and BIG LEDGE, LLC, a Maine limited liability company to accept **Crickett Lane** as a public way subject to the conditions outlined in the memo dated November 1, 2022.

Attest by: _____



City Council

Meeting Date: November 1, 2022
Meeting Time: 5:00 PM
Agenda Item No: 2022.92
Item Description: Crickett Lane, Acceptance as a Public Way

Submitted by: Tom Milligan, PE (City Engineer Emeritus)
Craig Chekan, PE (City Engineer)
Jeff Demers (Public Works Director)

Supporting Information/Documentation:

1. Project Location Map
2. Subdivision Street Plan
3. Tax Map of Locus
4. Deed of Conveyance to City

Executive Summary:

1. During the course of the project, staff performed periodic inspections of the construction of the road
2. Staff has performed a final inspection of the roadway and its elements and find that the road has been constructed in substantial compliance with the approved plans, except that a portion of the drainage elements were not constructed within the road's right-of-way (see bullet #4 below which addresses this).
3. Final paving has been placed
4. An acceptable road deed has been supplied by the developer to convey the road to the city; see attachment #4. It should be noted that the city will take over the road for plowing, maintenance, and trash pickup; however, the homeowner's association will be responsible for the maintenance and repair of the drainage facilities and for the underground electric/utility lines.

Detailed Review:

See above

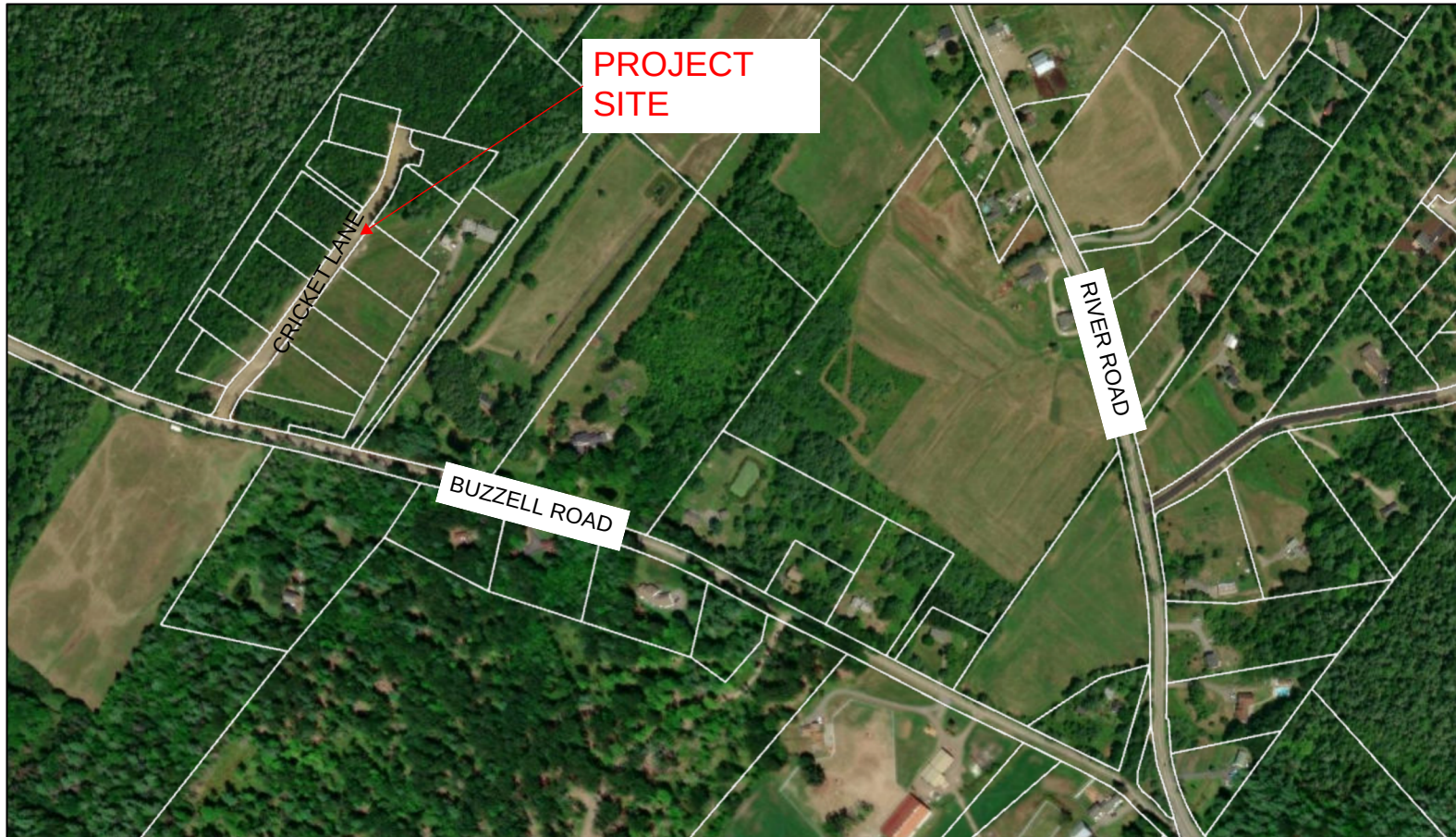
Funding Source:

None required

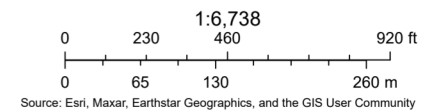
Staff Recommendation:

Staff recommends that Crickett Lane be accepted as a public way.

CRICKET LANE



October 19, 2022



Data and scale shown on this map are provided for planning and informational
Powered by Esri Technology

NOTES:

1. OWNER: BIG LEDGE, LLC
57 SMUTTY LANE
SACO, MAINE
2. APPLICANT: JASON LABONTE
57 SMUTTY LANE
SACO MAINE
3. ENGINEER: ANDREW MORRELL PE# 13285
BH2M
28 STATE STREET
GORHAM, MAINE
4. SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
BH2M
5. WETLANDS/ SOILS: MARK HAMPTON
MARK HAMPTON ASSOCIATES
PORTLAND, MAINE
6. DEED REFERENCE: BK. 17835, PG. 706
7. TAX MAP REFERENCE: MAP 6, LOT 44
8. ZONING: RURAL FARM (RF)
9. PROJECT AREA: 488,692 S.F. (ORIGINAL PARCEL)
27,461 S.F. (HOME INNOVATIONS CONVEYANCE)
10. PROPOSED USE: 7 LOT CLUSTER RESIDENTIAL SUBDIVISION
11. MINIMUM STANDARDS: RURAL FARM - CONVENTIONAL
LOT SIZE - 40,000 S.F. (30,000 S.F. UPLAND)
FRONTAGE - 200'
SETBACKS - 40' FRONT, 25' SIDE & REAR
- CLUSTER
LOT SIZE - 20,000 S.F. (20,000 S.F. UPLAND)
FRONTAGE - 100'
SETBACKS - 25' FRONT, 15' SIDE & REAR
12. SEWER SERVICE: SUBSURFACE WASTEWATER DISPOSAL
SYSTEMS
13. WATER SERVICE: INDIVIDUAL DRILLED WELLS
14. ELECTRIC/TELEPHONE: UNDERGROUND
15. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION CONTROL AND SEDIMENTATION HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, LATEST REVISION.
16. PLAN REFERENCE: A. "SUBDIVISION LAND RIVERVIEW FARMS, CHAPPELL LAND COMPANY, BIDEFORD MAINE", BY DES ROBERTS & HENRY INC. DATED JUNE 26, 1974 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 69, PAGE 19
- B. "AMENDED SUBDIVISION, BUZZELL ROAD ESTATES, BIDEFORD, MAINE, BY BH2M, DATED DECEMBER 2016 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 394, PAGE 24
17. MARK HAMPTON HAS INSPECTED THE SITE AND DETERMINED THAT THE WETLANDS CONTAIN POORLY DRAINED SOILS. THE REMAINDER OF THE SITE CONTAINS SOILS THAT ARE SOMEWHAT POORLY DRAINED AND MODERATELY WELL DRAINED SOILS, BOTH OF WHICH ARE SUITABLE FOR DEVELOPMENT AND DESIGN OF SEPTIC SYSTEMS. SEE SHEET 2 FOR HIGH INTENSITY SOIL SURVEY.
18. BENCHMARK: 8" SPIKE SET IN UP#12 1.0' A.G. EL. 91.44 (ASSUMED ELEVATION)
19. INSTALL 15" N-12 ADS CULVERTS UNDER DRIVEWAYS WHEN CROSSING DITCH LINES AND WETLANDS. (SEE SHEET 3 OF PLANS)
20. THE ROADWAY IS PROPOSED TO BE PUBLIC UPON COMPLETION OF CONSTRUCTION AND ACCEPTED BY THE CITY. HOWEVER, NO CITY SERVICES WILL BE PROVIDED UNTIL SAID STREET IS ACCEPTED BY THE CITY. THE CITY HAS INSPECTED THE CONSTRUCTION OF CRICKETT LANE COMPLETED BY PETERS CONSTRUCTION IN 2016. PRIOR TO THE STREET ACCEPTANCE BY THE CITY THE APPLICANT SHALL PROVIDE RECORD DRAWINGS FOR CRICKETT LANE AND DOCUMENTATION OF PREVIOUS INSPECTIONS BY CITY STAFF.

21. A MAINTENANCE AGREEMENT SHALL BE ON FILE IN THE CITY (AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS) WHICH OUTLINES THE RESPONSIBILITY OF THE LOT OWNERS FOR THE ROADWAY UNTIL IT IS ACCEPTED BY THE CITY.
22. A GREEN PERIMETER STRIP AS SHOWN ON THE PLAN SHALL BE MAINTAINED WITH GRASS, BUSHES, FLOWERS, OR TREES ALL ALONG THE PERIMETER OF THE PROPERTY EXCEPT AT THE ENTRANCE/EXIT LOCATION.
23. THE PROPOSED LOTS ARE NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE
24. WETLAND IMPACTS:
- | | |
|-------------------|------------|
| WETLAND IMPACT #1 | 261 S.F. |
| WETLAND IMPACT #2 | 1,936 S.F. |
| WETLAND IMPACT #3 | 595 S.F. |
| WETLAND IMPACT #4 | 490 S.F. |
| WETLAND IMPACT #5 | 71 S.F. |
| TOTAL | 3,353 S.F. |

PROJECT RECEIVED A TIER 1 NRPA WETLAND ALTERATION PERMIT FROM THE MAINE DEP. (PERMIT # L-27634-TB-AN). ADDITIONAL FILLING OF WETLANDS OTHER THAN THOSE SHOWN ON THE PLANS IS NOT ALLOWED WITHOUT ADDITIONAL PERMITTING. PROJECT ALSO RECEIVED A MAINE GENERAL PERMIT FOR THE WETLAND FILLS FROM THE ARMY CORPS OF ENGINEERS (PERMIT # NAE-2017-02789). PROJECT IS ALSO SUBJECT TO A STORMWATER PERMIT BY RULE FROM THE MAINE DEP (PBR #64969)

25. MARK HAMPTON ASSOCIATES REVIEWED THE MAN MADE DITCH LOCATED ALONG THE WESTERN PORTIONS OF THE SITE AND DETERMINED THIS AREA DOES NOT QUALIFY AS A STREAM UNDER MAINE DEP NRPA DEFINITIONS (SEE LETTER DATED DECEMBER 7, 2017).
26. PER SECTION 31-FARMLAND PRESERVATION SECTION OF BIDEFORD ORDINANCE A 150-FOOT SETBACK IS REQUIRED FOR ALL LOTS FROM LAND REGISTERED WITH THE STATE OF MAINE AS FARMLAND. THE PARCEL ACROSS BUZZELL ROAD OWNED BY BETTY HUSSEY MEETS THIS REQUIREMENT AND THE SETBACK HAS BEEN PROVIDED. SEE PLAN FOR MORE INFORMATION.
27. NO FUTURE SUBDIVISION ALLOWED WITHOUT PRIOR PLANNING BOARD APPROVAL.
28. WELLS SHALL NOT BE LOCATED WITHIN 100 FEET OF THE PROPOSED SUBSURFACE WASTEWATER DISPOSAL AREAS SHOWN ON THE PLANS. LOCATION OF DISPOSAL SYSTEM/TEST PITS MAY BE RELOCATED WITHOUT PLANNING BOARD APPROVAL PROVIDED ALL APPLICABLE PLUMBING CODE REQUIREMENTS ARE MET.

29. DRIVEWAY APRONS MUST COMPLY WITH CHAPTER 62, SECTION 111 OF THE BIDEFORD ORDINANCE.

30. UNLESS A PERFORMANCE GUARANTEE IS POSTED BY THE DEVELOPER, NO LOTS WILL BE CONVEYED UNTIL CONSTRUCTION OF THE ROAD IS COMPLETED.

31. NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL PROPERTY LINES, BOTH INTERIOR AND EXTERIOR HAVE BEEN SET AS SHOWN ON THIS PLAN.

32. THE APPLICANT SHALL OBTAIN ALL LOCAL, STATE, AND FEDERAL APPROVALS REQUIRED FOR THIS PROJECT.

33. WAIVERS FROM PLANNING BOARD:

- A. ARTICLE IV SECTION 70 - WILDLIFE STUDY
A WILDLIFE STUDY CAN BE WAIVED WITH A LETTER FROM THE MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE BUT THIS DEPARTMENT WILL NOT PRODUCE SUCH A LETTER.

PLEASE FIND ATTACHED LIST OF THREATENED AND ENDANGERED SPECIES THAT MAY BE AFFECTED BY THIS PROJECT. (INFORMATION FROM US FISH & WILDLIFE SERVICE). PLEASE NOTE NO SIGNIFICANT HABITAT AREAS EXIST ON THIS PARCEL OR THE ADJUTING AREAS. UNDER THESE CONDITIONS THE APPLICANT SEEKS A WAIVER FROM REQUIREMENT AS GRANTED ON OTHER PROJECTS IN THE PAST. WAIVER GRATED BY PLANNING BOARD ON NOVEMBER 6, 2019.

34. FIRE SUPPRESSION SYSTEM HAS BEEN DESIGNED AND CONSTRUCTED PER CITY STANDARDS AS PART OF THE ORIGINAL PROJECT.

35. LOTS SUBJECT TO HOMEOWNERS ASSOCIATION BY LAWS AS SUBMITTED BY APPLICANT. OPEN SPACE WILL BE OWNED & MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS DESCRIBED IN THE HOMEOWNERS ASSOCIATION BY LAWS. OPEN SPACE TO BE COMBINED FOR TWO PROJECTS.

36. SUBSURFACE WASTEWATER DISPOSAL SYSTEM DESIGNS BY MARK HAMPTON ASSOCIATES (SEE HHE-200 FORMS SUPPLIED TO CITY). SEPTIC SYSTEMS MUST BE LOCATED 100 FEET FROM ANY DRILLED WELLS.

37. BUILDINGS ON ADJUTING LOTS SHALL BE NO LESS THAN 30' APART PER CITY REQUIREMENTS.

38. ALL LOTS MUST HAVE 20,000 S.F. AFTER SUBTRACTING ALL APPLICABLE FACTORS IN ARTICLE IV, SECTION 44.

39. BUFFER AREAS WITH NO EXISTING TREES SHALL BE PLANTED WITH LANDSCAPING AS SHOWN ON PLAN.

40. ALL DRIVEWAYS CULVERTS WITH LESS THAN 4 FEET OF COVER SHALL BE INSULATED PER CITY STANDARDS.

41. FILLING OF ROADSIDE VEGETATED DITCHES IS PROHIBITED BY OWNERS OF LOTS.

42. OWNERS OF LOTS ARE PROHIBITED FROM FILLING IN WETLANDS, OTHER THAN THOSE SHOWN ON PLANS AND PERMITTED BY DEP, AS ADDITIONAL FILLING COULD CREATE ADVERSE IMPACTS TO ADJUTING HOMES SINCE THIS WETLAND SERVES AS A DRAINAGE PATH FOR THE UPSTREAM WETLANDS DIRECTING THE RUNOFF TO THE CULVERT UNDER BUZZELL ROAD.

43. NET RESIDENTIAL DENSITY:

TOTAL PARCEL AREA..... 488,692 S.F.

DEDUCTIONS:

250' SHORELAND ZONE..... 0 S.F.
WETLANDS..... 96,173 S.F.
FARMLAND SOILS..... 0 S.F.
POORLY DRAINED SOILS (NON-WETLAND)..... 0 S.F.
SOMEWHAT POORLY DRAIN SOILS (NON-WETLAND)..... 110,470 S.F.
AREA WITH SLOPE 33% OR GREATER..... 0 S.F.
PROPOSED ROAD RIGHT OF WAY..... 0 S.F.
OTHER AREAS..... 0 S.F.

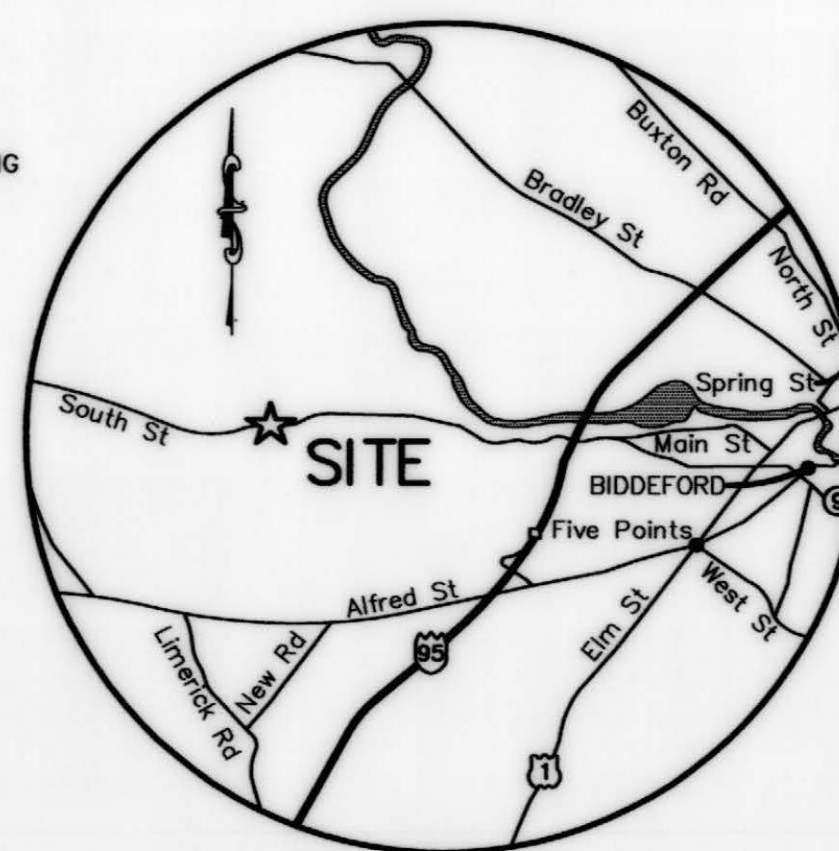
NET AREA..... 282,049 S.F.

ALLOWABLE DENSITY OF PARCEL:

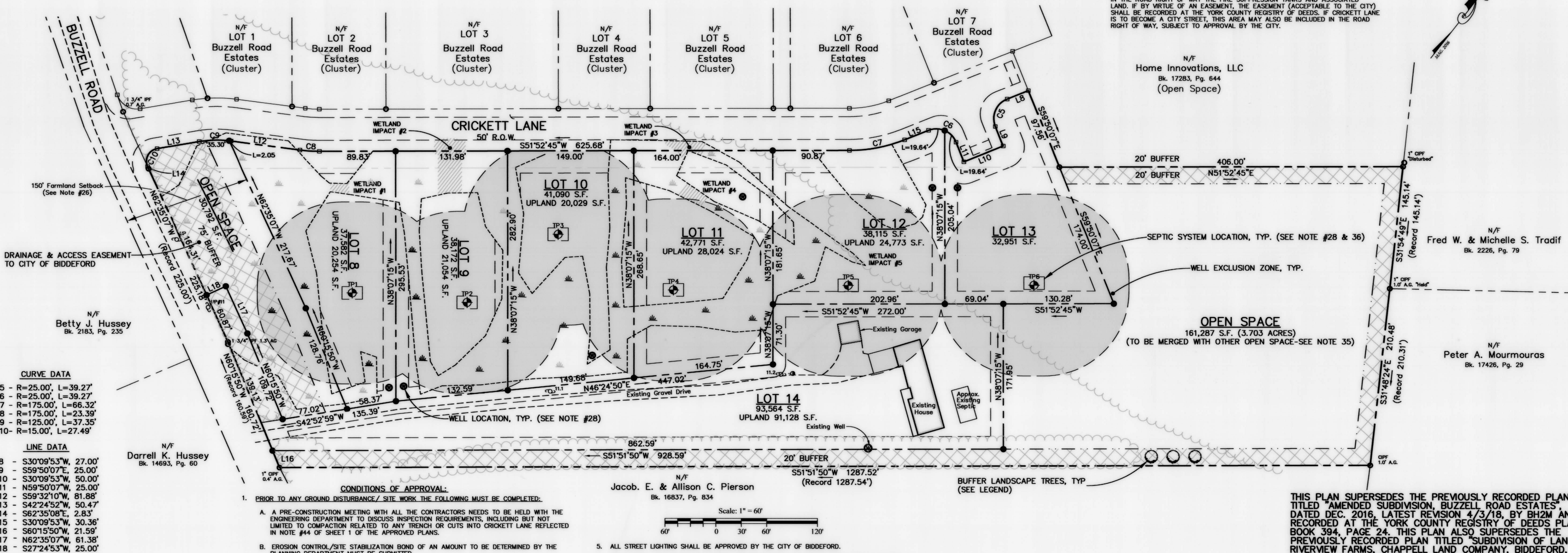
NET ACREAGE..... 282,049 S.F.
PERMISSIBLE NUMBER OF LOTS AT 40,000 S.F./LOT..... 7.05 LOTS

44. APPLICANT TO WORK WITH CITY TO HAVE CONSTRUCTION WITHIN CRICKETT LANE INSPECTED. CONTRACTOR TO ALSO PROVIDE COMPACTION TESTING AS REQUIRED BY THE CITY.

45. APPLICANT/OWNER SHALL PROVIDE A PERPETUAL DEEDED EASEMENT OR INCLUDE IN THE ROAD RIGHT OF WAY THE FIRE SUPPRESSION TANKS AND ASSOCIATED LAND. IF BY VIRTUE OF AN EASEMENT, THE EASEMENT (ACCEPTABLE TO THE CITY) SHALL BE RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS. IF CRICKETT LANE IS TO BECOME A CITY STREET, THIS AREA MAY ALSO BE INCLUDED IN THE ROAD RIGHT OF WAY, SUBJECT TO APPROVAL BY THE CITY.



LOCATION MAP
SCALE: 1" = 2 MILES



CONDITIONS OF APPROVAL:

1. PRIOR TO ANY GROUND DISTURBANCE/ SITE WORK THE FOLLOWING MUST BE COMPLETED:
- A. A PRE-CONSTRUCTION MEETING WITH ALL THE CONTRACTORS NEEDS TO BE HELD WITH THE ENGINEERING DEPARTMENT TO DISCUSS INSPECTION REQUIREMENTS, INCLUDING BUT NOT LIMITED TO COMPACTION RELATED TO ANY TRENCH OR CUTS INTO CRICKETT LANE REFLECTED IN NOTE #44 OF SHEET 1 OF THE APPROVED PLANS.
- B. EROSION CONTROL/SITE STABILIZATION BOND OF AN AMOUNT TO BE DETERMINED BY THE PLANNING DEPARTMENT MUST BE SUBMITTED.
- C. THE APPLICANT MUST SUBMIT A RECORDED COPY OF THE SUBDIVISION PLAN TO THE PLANNING DEPARTMENT.
- D. BEST MANAGEMENT PRACTICES SHALL BE ADHERED TO DURING ALL GROUND DISTURBANCE OPERATIONS.
2. PRIOR TO THE SALE OR CONVEYANCE OF A LOT/UNIT OR ISSUANCE OF ANY BUILDING PERMITS:
- A. PERFORMANCE GUARANTEE (ACCEPTABLE TO THE ENGINEERING OFFICE) IN THE AMOUNT OF 150% OF THE REMAINING IMPROVEMENTS (AMOUNT TO BE DETERMINED BY THE PLANNING DEPARTMENT) SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT.
- B. IF THE STREET IS STILL PRIVATE AT THE TIME A BUILDING PERMIT IS REQUESTED THE DRIVEWAY LOCATION NEEDS TO BE APPROVED BY THE PLANNING DEPARTMENT TO ENSURE COMPLIANCE WITH THE PLAN AND CITY REQUIREMENTS PRIOR TO ISSUANCE OF ANY PERMITS.
- C. IF THE STREET IS STILL PRIVATE AT THE TIME A BUILDING PERMIT IS REQUESTED A COPY OF THE REGISTERED HOMEOWNERS ASSOCIATION DOCUMENTS MUST BE PROVIDED TO THE PLANNING DEPARTMENT.
3. PRIOR TO COMMENCING ANY WORK IN THE CITY RIGHT-OF-WAY THE APPLICANT MUST OBTAIN A ROAD-OPENING PERMIT FROM THE PUBLIC WORKS DEPARTMENT.
4. PRIOR TO CITY ACCEPTANCE OF THE ROAD:
- A. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE HANDLING OF TRASH COLLECTION AND DISPOSAL (PRIVATE CURBSIDE OR PRIVATE DUMPSITE) UNTIL SUCH TIME AS THE CITY HAS ACCEPTED THE STREET AS A PUBLIC STREET. NO TRASH IS PERMITTED TO BE HAULED TO THE INTERSECTION OF BUZZELL ROAD FOR CITY COLLECTION. ALTERNATIVELY, THE RESIDENTS/LOT OWNERS MAY PETITION THE PUBLIC WORKS DEPARTMENT FOR CURBSIDE TRASH COLLECTION ON A PRIVATE ROAD.
- B. ALL MONUMENTS SHALL BE GRANITE.

5. ALL STREET LIGHTING SHALL BE APPROVED BY THE CITY OF BIDEFORD.

6. ALL EROSION AND SEDIMENT CONTROL MEASURES NEED TO BE INSTALLED. APPLICANT SHALL NOTIFY THE ENGINEERING DEPARTMENT ONCE INSTALLED SO THAT STAFF MAY INSPECT SAID INSTALLATION, AS NECESSARY.
7. THE APPLICANT SHALL OBTAIN ALL OTHER PERTINENT LOCAL, STATE AND FEDERAL PERMITS, LICENSES, AND INSURANCE SUCH AS BLASTING, BUILDING, ELECTRICAL, PLUMBING, ETC. PRIOR TO COMMENCING BUSINESS, UNLESS AUTHORITY ISSUING SAID PERMIT ALLOWS FOR SUCH ACTIONS.

8. APPLICANT/OWNER SHALL PROVIDE A PERPETUAL DEEDED EASEMENT OR INCLUDE IN THE ROAD ROW THE FIRE SUPPRESSION TANKS AND ASSOCIATED LAND. IF BY VIRTUE OF AN EASEMENT, THE EASEMENT (ACCEPTABLE TO THE CITY) SHALL BE RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS. IF CRICKETT LANE IS TO BECOME A CITY STREET, THIS AREA MAY ALSO BE INCLUDED IN THE ROAD ROW, SUBJECT TO APPROVAL BY THE CITY.

9. ONCE COMPLETED, AS-BUILT DRAWINGS OF THE SITE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT. PROJECT ENGINEER SHALL CERTIFY THAT THE PROJECT HAS BEEN COMPLETED AS PER THE APPROVED PLANS OR SHALL NOTE ANY DEVIATIONS FROM THE APPROVED PLANS ON THE AS-BUILT DRAWINGS. ACCEPTANCE OF THE ROAD WILL NOT BE CONSIDERED WITHOUT THE CITY HAVING BEEN PROVIDED ACCEPTABLE AS-BUILTS AND PROJECT ENGINEER CERTIFICATION OF THE COMPLETENESS OF THE PROJECT.

10. COPIES OF THE MAINTENANCE LOGS FOR THE STORMWATER FACILITIES SHALL BE SUBMITTED TO THE CITY FOR EACH CALENDAR YEAR NO LATER THAN JANUARY 15th OF THE FOLLOWING YEAR. IF THE ENGINEERING DEPARTMENT DOES NOT RECEIVE THESE COPIES WITHIN 30 DAYS AFTER THE DEADLINE, THE APPLICANT MAY BE REQUIRED TO RETURN TO THE PLANNING BOARD FOR FURTHER REVIEW.

11. STANDARD CONDITIONS OF APPROVAL APPLY.

12. PRIOR TO THE SALE OR CONVEYANCE OF A LOT/UNIT OR ISSUANCE OF ANY BUILDING PERMITS ALL OPEN SPACE AREAS, INCLUDING THOSE CREATED FOR THE ORIGINAL BUZZELL ROAD ESTATES SUBDIVISION, SHALL BE COMBINED UNDER SINGLE OWNERSHIP, BEING ONE SINGLE HOME OWNERS ASSOCIATION (HOA). THE 2 OPEN SPACES AREAS AT THE BACK OF THE PROPERTY SHALL BE MERGED AS A SINGLE LOT UNDER SAID HOA OWNERSHIP. ALL 13 NEW (VACANT) HOUSE LOTS SHALL BE MEMBERS OF THE HOA.

YORK ss REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ H _____ M _____, AND
RECORDED IN BOOK _____ PAGE _____
ATTEST:

REGISTER

ROBERT C. LIBBY JR.

PLS #2190

THIS PLAN SUPERSEDES THE PREVIOUSLY RECORDED PLAN TITLED "AMENDED SUBDIVISION, BUZZELL ROAD ESTATES", DATED DEC. 2016, LATEST REVISION 4/3/18, BY BH2M AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 394, PAGE 24. THIS PLAN ALSO SUPERSEDES THE PREVIOUSLY RECORDED PLAN TITLED "SUBDIVISION OF LAND, RIVERVIEW FARMS, CHAPPELL LAND COMPANY, BIDEFORD, MAINE" DATED JUNE 26, 1974 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS AS PLAN BOOK 69, PAGE 19.

THIS PLAN REVIEWED AND APPROVED BY THE CITY OF BIDEFORD PLANNING BOARD.

DATE 3-4-2020

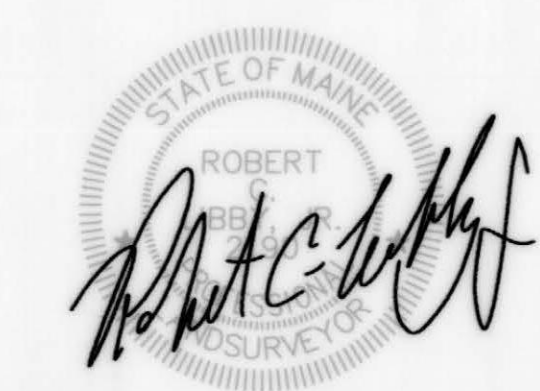
CHAIR

DATE

DATE

DATE

DATE



BH2M

Betty Huff, McDonald, Miligan Inc.
Engineers, Surveyors

28 State Street
Gorham, Maine 04038
Tel: (207) 839-2771
Fax: (207) 839-8250

SECOND AMENDED
SUBDIVISION
BUZZELL ROAD ESTATES EXPANSION

DESIGNED	DATE
W. Pelkey	June 2019
DRAWN	SCALE
Dept.	As Noted
CHECKED	JOB. NO.
A. Morrell	18157

SHEET
1

REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF BH2M INC. IS PROHIBITED.

D-2003

After Recording Return to:
City of Biddeford
P. O. Box 586
Biddeford, ME 04005

(space above is reserved for recording information)

WARRANTY DEED
Maine Statutory Short Form

HOME INNOVATIONS, LLC, a Maine Limited Liability Company, and BIG LEDGE, LLC, a Maine limited liability company, both having a mailing address of 57 Smutty Lane, Saco, Maine 04072, for consideration paid, grants to THE CITY OF BIDDEFORD, a body politic and corporate located at Biddeford, York County Maine, having a mailing address of P. O. Box 586, Biddeford, ME 04005, **WARRANTY COVENANTS**, the land in Biddeford in the County of York and State of Maine, being that roadway shown and depicted as “Cricket Lane” on plan entitled “AMENDED SUBDIVISION, BUZZELL ROAD ESTATES, Buzzell Road, Biddeford, Maine, for Jason Labonte 57 Smutty Lane, Saco, Maine,” by BH2M, Engineers-Surveyors, dated December, 2016, as revised through April 3, 2018, and recorded in the York Registry of Deeds in Plan Book 394, Page 24, and plan entitled “SECOND AMENDED SUBDIVISION, BUZZELL ROAD ESTATES EXPANSION, Buzzell Road, Biddeford, Maine, for Jason Labonte 57 Smutty Lane, Saco, Maine,” by BH2M, Engineers-Surveyors, dated June 2019, as revised through March 3, 2020 and recorded in the York Registry of Deeds in Plan Book 407, Page 17, to which plans and the record thereof reference is made for a more particular description of the within conveyed premises.

Said premises are also bounded and described in Exhibit A attached and made a part hereof as if fully set forth herein.

The above described premises are conveyed subject to those matters shown on the aforesaid Plan as “Notes” or otherwise to the extent they apply to Crickett Lane.

The above described premises are conveyed subject to and together with the benefit of the following to the extent they affect the same:

- A. Rights and easements contained in Line Extension Conveyance to Central Maine Power Company in an instrument dated August 14, 2018, and recorded in York Registry of Deeds in Book 17848, page 408; and
- B. Declaration of Road Maintenance Covenant dated March 17, 2020, and recorded in York Registry of Deeds in Book 18197, page 764; and
- C. Declaration of Protective Covenants, Conditions, Restrictions and Road Maintenance Agreement between Home Innovations and Big Ledge LLC, dated March __, 2020,

and recorded on March 18, 2020, in York Registry of Deeds in Book 18197, page 769; and

- D. Rights and easements contained in Line Extension Conveyance to Central Maine Power Company in an instrument dated August 21, 2018, and recorded in York Registry of Deeds in Book 17848, page 509; and
- E. Rights and easements granted to Central Maine Power Company and New England Telephone Operations, LLC in an instrument dated August 21, 2018, and recorded in York Registry of Deeds in Book 17848, page 510; and
- F. Rights and easements granted to Central Maine Power Company and New England Telephone Operations LLC in an instrument dated May 15, 2020 and recorded in York Registry of Deeds in Book 18264, Page 287.

ALSO conveying herewith to the Grantee, its successors and assigns, the right to utilize the drainage facilities within Crickett Lane and within the drainage easements depicted on the above referenced plans and within the drainage easements depicted on the above referenced plans but not the burden, obligation, or responsibility to repair, maintain or grade those drainage ditches and structures. The above conveyance of Crickett Lane also specifically does not include the conveyance of the underground electrical and utility service lines and appurtenances which shall remain the burden, obligation and responsibility of the homeowners association to maintain and repair.

Being a portion of the premises conveyed to Home Innovations by deed of Michael Scott and another dated July 17, 2016, and recorded in York Registry of Deeds in Book 17283, page 644, and a portion of the premises conveyed to Big Ledge, LLC by deed of Tony J. Drake dated October 31, 2018, and recorded in York Registry of Deeds in Book 17835, page 706, and deed of Home Innovations, LLC dated April 16, 2020, and recorded in York Registry of Deeds in Book 18221, page 895. The covenants of this deed apply only to those portions of the premises to which each has title.

Said premises are to be used for all purposes of a public street.

IN WITNESS WHEREOF, HOME INNOVATIONS, LLC and BIG LEDGE, LLC Have each caused this instrument to be signed in its name and behalf by Jason Labonte, its sole Member, thereunto duly authorized, this ____ day of October 2022.

Home Innovations, LLC

Witness

By: _____
Jason Labonte, Sole Member

Big Ledge, LLC

Witness

By: _____
Jason Labonte, Sole Member

STATE OF MAINE
YORK, SS

_____, 2020

Personally appeared the above named JASON LABONTE, Sole Member of said HOME INNOVATIONS, LLC, and Sole Member of BIG LEDGE, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of said Limited Liability Companies.

Before me,

Notary Public/Maine Attorney-At-Law

Print Name

My Commission Expires

ldrive/forms/realestate/subdivisions, buzzell/deedtocity.

**SUGGESTED OFFER OF CESSION
CRICKETT LANE
BUZZELL ROAD ESTATES
BUZZELL ROAD
BIDDEFORD, MAINE**

August 12, 2022

A certain strip or parcel of land located on the northeasterly sideline of Buzzell Road, so-called, in the City of Biddeford, County of York and State of Maine and shown as Crickett Lane on the plan titled "Amended Subdivision, Buzzell Road Estates, Buzzell Road, Biddeford, Maine", for Jason Labonte, dated December 2016 as revised through 4/3/18, by BH2M, Inc. and recorded in the York County Registry of Deeds in Plan Book 394, Page 24 and on the plan titled "Second Amended Subdivision, Buzzell Road Estates Expansion, Buzzell Road, Biddeford, Maine", for Jason Labonte, dated June 2019 as revised through 3/3/20, by BH2M, Inc. and recorded in the York County Registry of Deeds in Plan Book 407, Page 17; said Crickett Lane being more particularly described as follows:

Beginning at a granite monument set on the northeasterly sideline of said Buzzell Road at the corner of Open Space as shown on the aforesaid plan;

thence in a general easterly direction along said Open Space and along a circular curve to the left, circumscribed by a radius of 25.00 feet, an arc length of 35.14 feet to a capped iron rod set (PLS #2190); said capped iron rod set being N 82°-40'-47" E a tie distance of 32.32 feet from said previous granite monument set;

thence N 42°-24'-52" E along said Open Space a distance of 62.24 feet to a granite monument set;

thence in a general northeasterly direction along said Open Space, along Lot 1 and along a circular curve to the right, circumscribed by a radius of 175.00 feet, an arc length of 52.29 feet to a granite monument set; said granite monument set being N 50°-58'-31" E a tie distance of 52.10 feet from said previous granite monument set;

thence N 59°-32'-10" E along said Lot 1 and along Lot 2 a distance of 81.88 feet to a granite monument set;

thence in a general northeasterly direction along said Lot 2 and along a circular curve to the left circumscribed by a radius of 125.00 feet, an arc length of 16.70 feet to a granite monument set; said granite monument set being N 55°-42'-27" E a tie distance of 16.69 feet from said previous granite monument set;

thence N 51°-52'-45" E along said Lot 2, along Lot 3, along Lot 4, along Lot 5, along Open Space and along Lot 6 a distance of 625.68 feet to a granite monument set;

thence in a general northeasterly direction along said Lot 6 and along a circular curve to the left, circumscribed by a radius of 125.00 feet, an arc length of 47.37 feet to a granite monument set; said granite monument set being N 41°-01'-19" E a tie distance of 47.09 feet from said previous granite monument set;

thence N 30°-09'-53" E along Lot 6 and along Lot 7 a distance of 157.36 feet to a granite monument set and said Open Space;

thence S 59°-50'-07" E along said Open Space a distance of 50.00 feet to a granite monument set and Lot 13 as shown on aforesaid plan #2;

thence S 30°-09'-53" W along said Lot 13 a distance of 27.00 feet to a granite monument set;

thence in a general southerly direction along said Lot 13 and along a circular curve to the left, circumscribed by a radius of 25.00 feet, an arc length of 39.27 feet to a granite monument set; said granite monument set being S 14°-50'-07" E a tie distance of 35.36 feet from said previous granite monument set;

thence S 59°-50'-07" E along said Lot 13 a distance of 25.00 feet to a capped iron rod set (PLS #2190);

thence S 30°-09'-53" W along said Lot 13 a distance of 50.00 feet to a granite monument set;

thence N 59°-50'-07" W along said Lot 13 a distance of 25.00 feet to a capped iron rod set (PLS #2190);

thence in a general westerly direction along said Lot 13, along Lot 12 and along a circular curve to the left, circumscribed by a radius of 25.00 feet, an arc length of 39.27 feet to a capped iron rod set; said granite monument set being S 75°-09'-53" W a tie distance of 35.36 feet from said previous capped iron rod set;

thence S 30°-09'-53" W along said Lot 12 a distance of 30.36 feet to a granite monument set;

thence in a general southwesterly direction along said Lot 12 and along a circular curve to the right, circumscribed by a radius of 175.00 feet, an arc length of 66.32 feet to a granite monument set; said granite monument set being S 41°-01'-19" W a tie distance of 65.93 feet from said previous granite monument set;

thence S 51°-52'-45" W along said Lot 12, along Lot 11, along Lot 10, along Lot 9 and along Lot 8 a distance of 625.68 feet to a granite monument set;

thence in a general southwesterly direction along said Lot 8 and along a circular curve to the right, circumscribed by a radius of 175.00 feet, an arc length of 23.39 feet to a granite monument set; said granite monument to be set being S 55°-42'-27" W a tie distance of 23.37 feet from said previous granite monument set;

thence S 59°-32'-10" W along said Lot 8 a distance of 81.88 feet to a granite monument set;

thence in a general southwesterly direction along said Lot 8, along said Open Space and along a circular curve to the left, circumscribed by a radius of 125.00 feet, an arc length of 37.35 feet to a granite monument set; said granite monument set being S 50°-58'-31" W a tie distance of 37.21 feet from said previous granite monument set;

thence S 42°-24'-52" W along said Open Space a distance of 50.47 feet to a granite monument set;

thence in a general southerly direction along said Open Space and along a circular curve to the left, circumscribed by a radius of 15.00 feet, an arc length of 27.49 feet to a granite monument set and the northeasterly sideline of said Buzzell Road; said granite monument set being S 10°-05'-08" E a tie distance of 23.80 feet from said previous granite monument set;

thence N 62°-35'-08" W along the northeasterly sideline of said Buzzell Road a distance of 71.31 feet to a point;

thence N 57°-03'-19" W along the northwesterly sideline of said Buzzell Road a distance of 21.18 feet to the point of beginning.

The above described Crickett Lane contains 56,113 s.f. (1.288 acres). All bearings refer to magnetic north as observed in 2016.

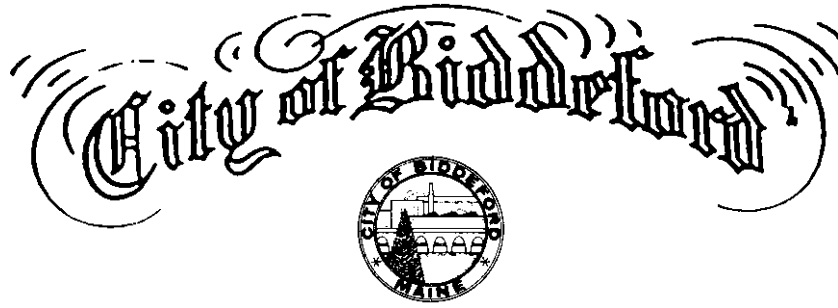
The above described Crickett Lane is conveyed together with a certain 10-foot utility & drainage easement located along the northwesterly sideline of the above described Crickett Lane across Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and portion of Lot 7 as shown on aforesaid plan #1 for a more particular description.

Also, together with a certain drainage easement located on a portion of Open Space and portion of Lot 6 as shown on the aforesaid plan #1 for a more particular description.

The above described conveyance of the said Cricket Lane conveys to the grantee, its successors and assigns, the right to utilize the drainage facilities within the Road Right of Way area and within the drainage easements depicted on the above referenced plan of said Cricket Lane but not the burden, obligation or responsibility to repair, maintain or grade those drainage ditches and structures. The conveyance of the said Cricket Lane also specifically does not include the

conveyance of the underground electrical and utility service lines and appurtenances which shall remain the burden, obligation and responsibility of the homeowners association to repair and maintain.

socCrickettLnBuzzleRdEstates



2022.93

IN BOARD OF CITY COUNCIL...NOVEMBER 1, 2022

BE IT RESOLVED. that the City Council of the City of Biddeford does hereby adopt a no trespassing policy at the Andrews Road Landfill authorizing the City Manager to post the Andrews Road Landfill and adjoining properties comprised of Bblu 1-55, 1-57, 1-57-1, 1-59, and 1-66 as “No Trespassing” for the protection of the public, municipal staff, and preservation of the landfill cap and associated monitoring facilities.



City Council

Meeting Date: November 1, 2022

Meeting Time: 6:00 pm

Agenda Item No: 9.c.

Item Description: Approval/No Trespassing Policy-Andrews Road Landfill-RESOLVE

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Map – Andrews Road Landfill and Surrounding Area

Key Terms:

N/A

Executive Summary:

As a result of noise complaints in the area of outer South Street and a review of access-related issues at the Andrews Road Landfill it became apparent that there are no formal limitations on access by the public or restrictions on activity at the landfill. As a result staff is recommending the landfill be posted “no trespassing”. The posting shall be limited to the five contiguous parcels around the closed landfill.

Detailed Review:

City staff recently received noise complaints related to firearm discharges in the area of outer South Street. A few of the complaints identified the direction of the noise being in the general area around the Andrews Road Landfill on Andrews Road. While the investigation of the noise complaints and firearm discharge is ongoing and will likely be brought before the Council at a future date, as part of the review staff realized that the Andrews Road Landfill has no restrictions on access or activity. This is problematic for a few reasons.

1. The property is the site of the capped Andrews Road Landfill. The City is required to maintain the landfill cap, secure access, monitor for potential groundwater pollution, and control vegetation on the landfill cap. On several occasions the monitoring wells have been vandalized, the fencing has been cut or damage to allow ATV and off road motorcycle access, and the vegetative cap on the landfill has been damaged from tire ruts resulting in additional damage from erosion.
2. Public Works personnel access the site on a regular basis to manage the compost area, deliver and process brush, and deliver and process excess project materials like gravel. This often involves heavy equipment working in confined areas on the narrow gravel access roads. The presence of the public and recreational vehicles poses additional hazards that can otherwise be avoided.

3. With no access or activity restrictions there are reports and evidence of the public accessing the site for recreational target shooting and firearms sighting in preparation for various hunting seasons. In addition to risks posed to personnel and equipment from the general discharge of firearms around work areas, the landfill cap could be penetrated by a projectile from a firearm either intentionally or unintentionally.
4. City personnel with assigned duties at the site are aware of various risks at the site and are trained to work safely around these risk. The general public does not have such training and could suffer injuries. No trespassing signs will serve keep the public away from such hazards.

Given these factors staff is recommending the site be posted as “No Trespassing”. The entrance(s) to the landfill and at the perimeter of the landfill parcels as shown on the attached map titled, “Andrews Road Landfill and Surrounding Area” will be posted. Although the City owns other parcels in the area, the access restrictions would only apply to the parcels in the highlighted area (Mblu 1-55, 1-57, 1-57-1, 1-59 & 1-66).

The Policy Committee reviewed this items at the regular meeting on Tuesday, October 25th, 2022. The Policy Committee voted unanimously to move the policy recommendation to City Council for acceptance.

Funding Source:

Municipal sign budget.

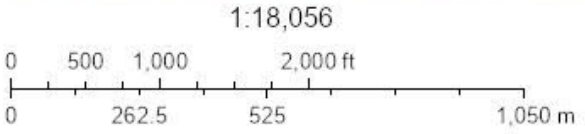
Staff Recommendation:

Staff recommends posting the Andrews Road Landfill to prohibit access for the safety of the public and staff, to reduce the opportunity for vandalism, and to reduce the need for landfill maintenance (maintaining an intact landfill cover and vegetation system as well as fencing and road surfaces).

Andrews Road Landfill and Surrounding Area



October 20, 2022



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Data and scale shown on this map are provided for planning and
Powered by Esri Technology



City Council

Meeting Date: November 1, 2022

Meeting Time: 6:00 PM

Agenda Item No: 9.d

Item Description: 2022.94 Discussion-Approval/Denial- Flag Display-Appeal

Submitted by: James A. Bennett, City Manger

Supporting Information/Documentation:

Adopted Flag Display Policy

Key Terms:

N/A

Executive Summary:

The flying of a flag, consistent with City policy was approved for the month of November. A second request for the same month came in after the approval of the first. The second requester was informed that the month had already been awarded. Hence, the second request could not be accommodated. Consistent with the policy, and at the request of the second applicant, that decision has been essentially appealed to the City Council.

Detailed Review:

The Flag Display Policy has not been used very often since its adoption. The City is facing its first multiple request for the same period of time. Staff approved a request to fly a flag that is compliant with the policy for the month of November. The request, being the only one was approved.

A second flag request came in after the first was approved. Despite the flag also being in compliance with the policy, having no space for the flag because of the previous approval, the request was denied.

The policy allows for that decision to be appealed to the City Council. It is being so requested by the second applicant. The policy allows the Council to modify the approval of the first flag in order to accommodate the second request. It also allows the Council to deny the request.

I have intentionally not included the nature or subject matter of the flags in the briefing since both are in compliance. The policy does not govern any prescribed resolution. Hence, the Council has full discretion on the range of resolutions.

Funding Source:

N/A

Staff Recommendation: Neutral

City of Biddeford Flag Display Policy

1. PURPOSE

It is the intent of the City of Biddeford to establish a citywide policy, which follows the United States and State of Maine provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag. Any additions must be approved by the Biddeford City Council as per Section 4.

2. REFERENCE

United States and State of Maine provisions governing the display of flags. These can be found in the United States Code, Title 4, Chapter 1 and the Maine Statutes Annotated, Title 1, Chapter 9 (hereinafter “Flag Code and Protocol”).

3. APPLICATION

This Policy applies to all buildings owned or controlled by the City of Biddeford and all individuals employed by or who volunteer with the City of Biddeford, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement, Civil Service Rule, or Memorandum of Understanding, etc.).

4. GUIDANCE

a. Display and Care of Flags:

The City of Biddeford follows the Federal and State of Maine Flag Code and Protocol governing the display and care of flags.

b. Display of Additional Flags Indoors or Outdoors:

- i. In addition to the above flags, other “Special Flags or Banners” may be displayed on either the flagpole located on the left side of City Hall directly outside of the Mayor’s office or other available flagpoles. Such Special Flags or Banners may only be displayed upon approval from the Biddeford City Council.

- 1. Examples of Special Flags or Banners include, but are not limited to, sister city flags, Heritage Month flags (e.g., Black History Month, Pride Month, Asian/Pacific American History, National Hispanic Heritage, and Indigenous peoples’ heritage), flags received in recognition of awards, flags received from visiting groups, or flags designating an event or accomplishment.
- 2. When selecting or approving a request for flying a Special Flag, the City Council shall consider and make a determination that the Special Flag meets at least one or more of the following criteria:
 - a. Whether the United States or State of Maine has recognized the flag through statute or proclamation;
 - b. Whether the flag represents an organization dedicated to the public good for the Citizens of Biddeford;

- c. Whether the flag represents a National, State, or City interest;
 - d. Whether the flag is an historic American flag that has or continues to have a primary positive message of American history and unity;
 - e. Whether the flag promotes unity and community with another city, state, country, or other jurisdiction; or
 - f. Whether the flag represents a positive interest or value worthy of public recognition.
- 3. Unless otherwise stated or determined by the City Council, all Special Flags or Banners shall be flown or displayed for a limit of thirty (30) calendar days after their approval or for 30-days after a defined start date.
- 4. The Mayor has the discretion to fly an appropriate flag, as per the criteria listed in 4.b.i.2., above, for a single day if he or she determines that a public purpose is served by flying the flag.
- ii. Any Special Flag or Banner flown from a flagpole at City Hall must not be larger than the flag of the United States of America and must be located beneath the flag of the United States of America when flown on the same staff.
- c. Display of the Flags at Half-Staff
 - i. All flags shall be flown at half-staff as prescribed or consistent with this policy or as directed by the proper federal or state officials.
 - ii. In addition to any federal or state protocols or directions, the Mayor (or designee) or council president in the absence of the mayor, may order the City of Biddeford flag to be flown at half-staff for one week under the following circumstances:
 - 1. On the death of any of the following individuals:
 - a. Biddeford Mayor, ex-Mayor, or Mayor-elect;
 - b. Current member of Biddeford City Council;
 - c. Current head of any City Department or current employee;
 - d. Any other local official, citizen, or other individual deemed by the Mayor to have made significant contributions to the benefit and welfare of the City and citizens of Biddeford.
 - 2. Any instance where a City of Biddeford employee has been killed in the line of duty or has died as a direct result of injuries incurred while in the performance of official duties.
 - iii. The Mayor shall state the reason or name of the individual in whose honor

the flag or flags have been or are to be lowered to half-staff at the first available public meeting of the Biddeford City Council.