

City of Biddeford
Policy Committee
October 25, 2022 4:00 PM Council Chambers and via Zoom

Please click this URL to join.:
<https://biddeford.zoom.us/j/98896652570>

Webinar ID: 988 9665 2570
Passcode: 568680

Or One tap mobile:
+13017158592,,98896652570#,,,,*568680# US (Washington DC)

Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799

International numbers available: <https://biddeford.zoom.us/u/afJYf2AzA>

Status: Council Chamber and via Zoom

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
- 5. Discussion/Review**
 - 5.1. Policy Review - Disability Parking
[20221025 Policy Review - Disability Parking - BRIEF](#)
 - 5.2. Review/Public Access to Andrews Road Landfill
[20221025 Policy Review - Public Access to Andrews Road Landfill - BRIEF](#)
[20221025 Andrews Road Landfill and Surrounding Area-MAP](#)
[20221025 Firearms Ordinance No Discharge Zone-MAP](#)
 - 5.3. Policy Direction - Retail Cannabis Policy Issues
[20221025 Policy Direction - Retail Cannabis Policy Issues - BRIEF](#)
 - 5.4. Fire Lane Policy
[20221025 -Establishing Fire Lanes Draft - ORDER](#)
[20221025 Fire Lane Policy - BRIEF](#)
- 6. Adjourn**



Policy Committee

Meeting Date: October 25, 2022

Meeting Time: 4:00 pm

Agenda Item No: 5.1

Item Description: Policy Review – Disability Parking

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

Staff is requesting input from the Policy Committee on development of a staff-level disability parking policy to assist staff with consistent evaluation of future disability parking requests for PUBLIC streets, facilities, and property, not already addressed by Code, or state or federal rules/guidelines.

Detailed Review:

At a somewhat frequent interval the City receives requests for designating disability parking spaces. The requests range from questioning the placement of existing spaces to requests for assignment of personal disability parking spaces.

The Code of Ordinances, at various locations, addresses “disability parking” and “handicap parking” used interchangeably. In most cases the references focus on the physical and numerical requirements associated with such parking for lots and developments, signage, or enforcement.

Additionally, there are two broad references to special circumstances. The first is at Sec. 42-100(a) and authorizes the chief of police to temporally designate “...*an area as reserved for “disability parking” in order to meet special needs or circumstances.*” The second is at Sec. 42-100(b) that allows the Biddeford School Committee to “...*designate parking areas that are in or on the property owned by the City, and under the jurisdiction and control of the Biddeford School Department, as “disability parking.”*”

Aside from these references and the established statutory requirements the City does not have a policy or guidance that serves to ensure consistent administration of general disability parking requests. Staff would like to prepare a policy and in advance of that work respectfully requests input from the Policy Committee.

In general and for discussion, the policy is intended to include but may not be limited to the items listed below and will apply to PUBLIC streets and property.

- No assignment of personal, meaning individually assigned, disability parking spaces unless under temporary circumstances as currently authorized under Sec. 42-100(a).
- Disability parking designations for public streets will be limited to commercial areas of the city, with those areas being defined.
- No establishing disability parking on public streets as a result of failure of a private property owner to provide adequate disability parking unless otherwise required or recommended
- Any add'l items considered relevant by the Policy Committee.

Staff will return to the Policy Committee at a future date to review the working draft. At this time the format of the policy has not been determined. Current considerations are a policy document (memo format), decision flow chart, or a combination.

Funding Source:

N/A

Staff Recommendation:

N/A – Policy development initiative.



Policy Committee

Meeting Date: October 25, 2022

Meeting Time: 4:00 pm

Agenda Item No: 5.2

Item Description: Review/Public Access to Andrews Road Landfill

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Map – Andrews Road Landfill and Surrounding Area

Map - Firearms Ordinance No Discharge Zone

Key Terms:

No Discharge Firearms Zone – that area of the City of Biddeford shown on the map titled, “Firearms Ordinance – No Discharge Zone” restricting the discharge of firearms as established in Code of Ordinances, Part II, Article III-Discharge of Firearms.

Executive Summary:

As a result of noise complaints in the area 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” and “no hunting”. 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, as part of the review staff realized that the Andrews Road Landfill has no restrictions on access or activity. This is problematic for a couple of reasons.

1. The property is the site of the capped Andrews Road Landfill. The City is required to maintain the landfill, 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 damaged 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 restricted 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 risk 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.

Given these factors staff is recommending the site be posted as “No Hunting” and “No Trespassing”. While “no trespassing” implies no hunting, given the historical practice of hunting in the area it is felt both signs should be erected. The signs would be posted at 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.” 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, and 1-57-1, 1-59 & 1-66).

Funding Source:

Municipal sign budget.

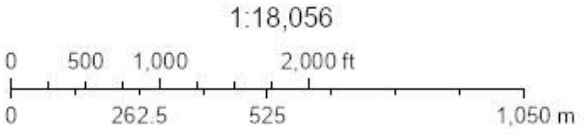
Staff Recommendation:

Staff recommends posting the Andrews Road Landfill to prohibit access and hunting 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

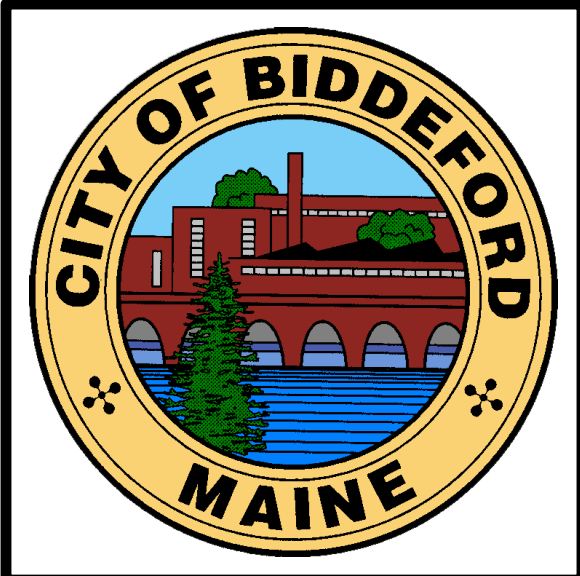
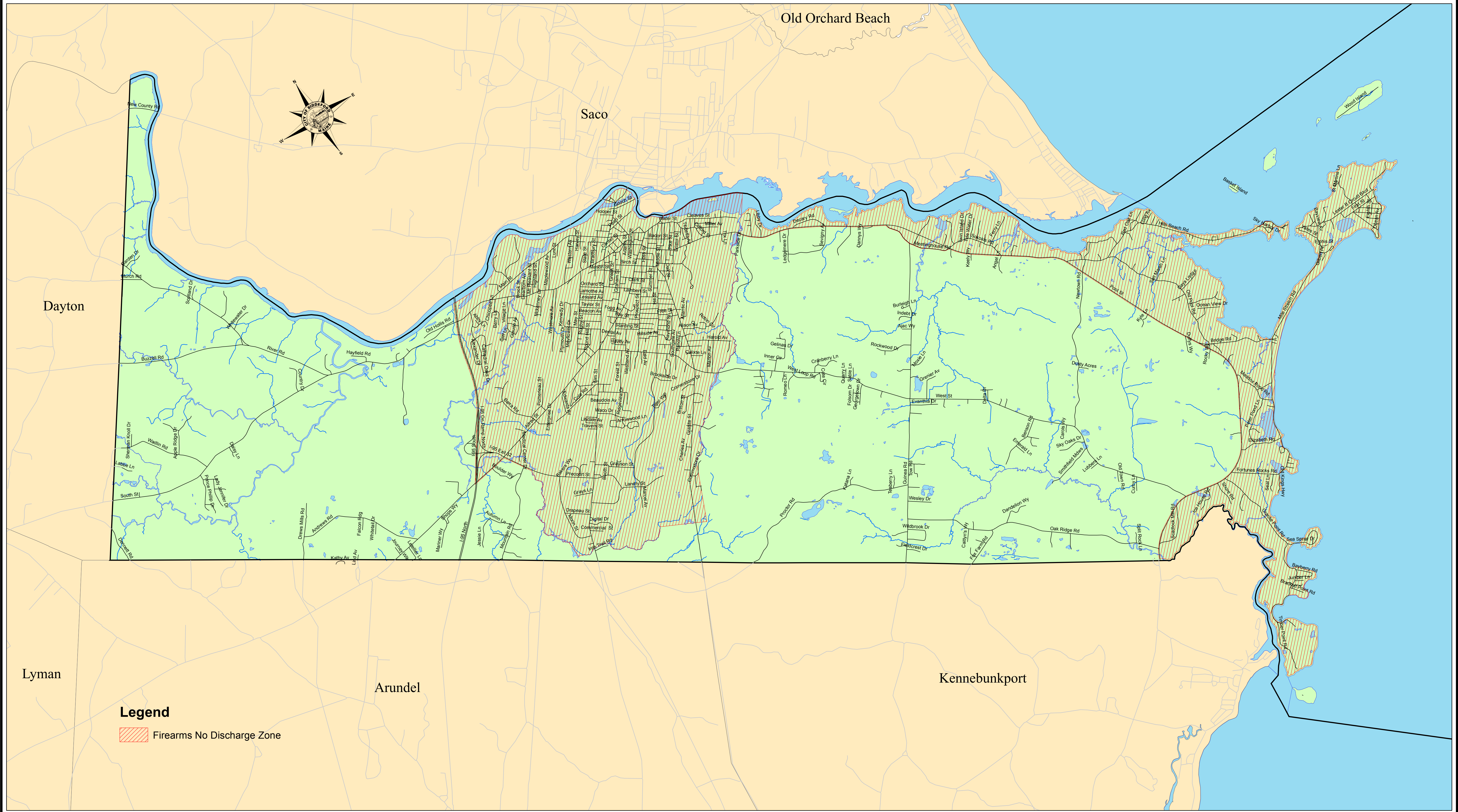


October 20, 2022



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

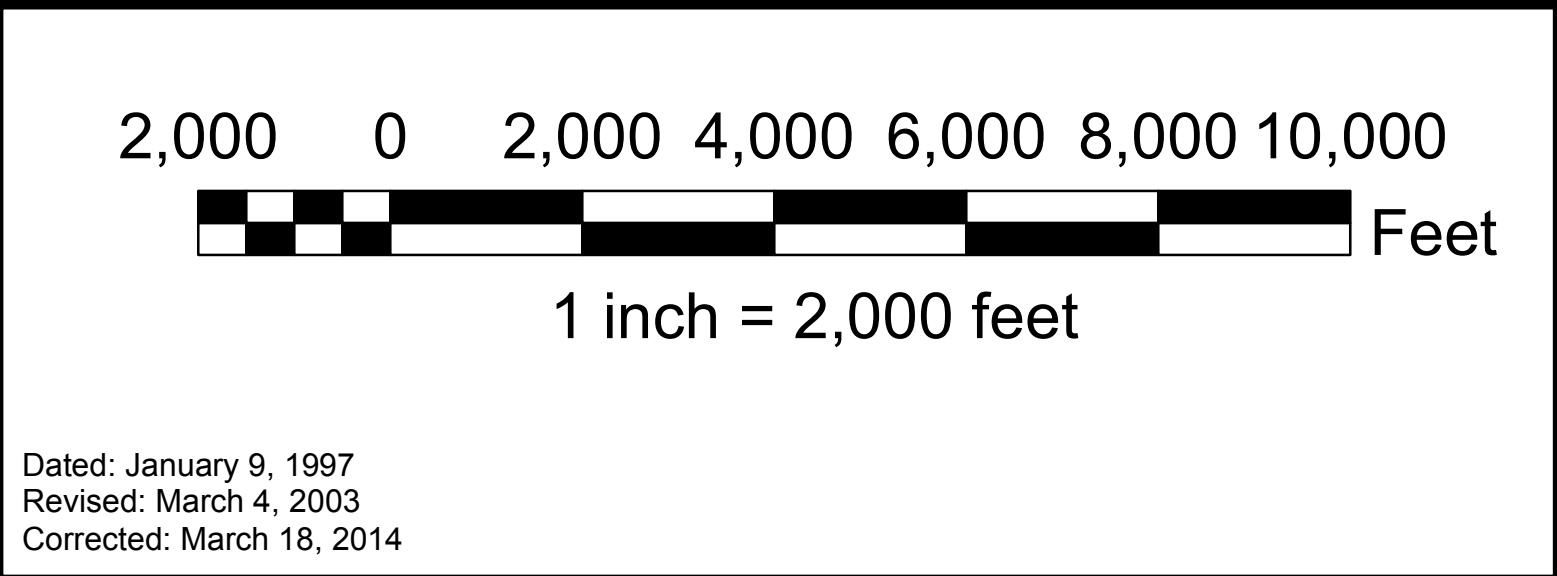
Data and scale shown on this map are provided for planning and
Powered by Esri Technology



The City of Biddeford, Maine
Engineering Department - GIS Mapping
205 Main Street · P.O. Box 586 · Biddeford, Maine 04005-0586
Tel. 207 284-9118 · Fax 207 286-9388

Firearms Ordinance No Discharge Zone

Biddeford Code Sec. 40-41 through 40-45



Dated: January 9, 1997
Revised: March 4, 2003
Corrected: March 18, 2014





Policy Committee

Meeting Date: October 25, 2022

Meeting Time: 4:00 pm

Agenda Item No: 5.3.

Item Description: Policy Direction – Retail Cannabis Policy Issues

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

Staff request confirmation that the City's position on marijuana remains consistent with current adopted land use rules and responses to inquiries related to marijuana land use rules should remain consistent with current policy.

Detailed Review:

As the marijuana industry matures we are seeing more inquiries for adult-use marijuana retail sales and as an industry we are seeing industry efforts to expand into such areas as adult sales at fairs and public events as well as so-called "social consumption lounges".

Currently the City allows marijuana cultivation facilities, marijuana testing facilities, and marijuana products manufacturing facilities in the I-1 and I-2 zones; with marijuana caregiver retail sales allowed in the I-1, I-2, and I-3 zones; all as conditional uses. Adult-use marijuana retail sales is not permitted.

As a general practice we believe it is prudent to keep the Policy Committee aware of changes/trends in the marijuana industry and to periodically ask if there is any change in general policy guidance related to the marijuana industry.

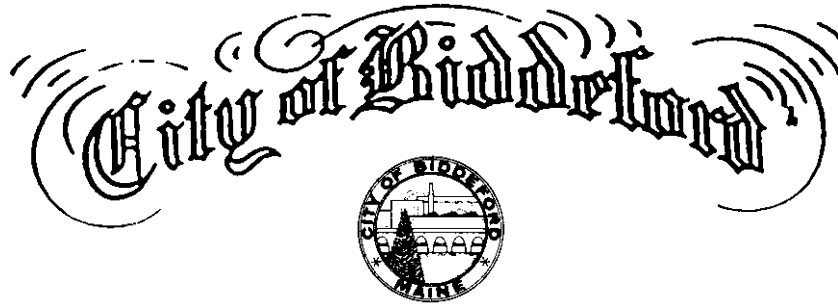
Staff will continue to respond to marijuana use, cultivation, and retail inquiries consistent with the current land use rules and Table of Land Uses. We do not believe there is interest or support for changing marijuana land uses to permitted uses, to expand the number of zones currently allowing marijuana uses as a conditional use, nor adopt rules allowing adult-use retail sales.

Funding Source:

N/A

Staff Recommendation:

N/A – Policy direction inquiry and confirmation.



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 30, Public Safety, Article III FIRE PREVENTION BUREAU, **Section 30-147 Fire Lanes**, be amended by adding or deleting to read as follows:

Sec. 30-147 Fire lanes.

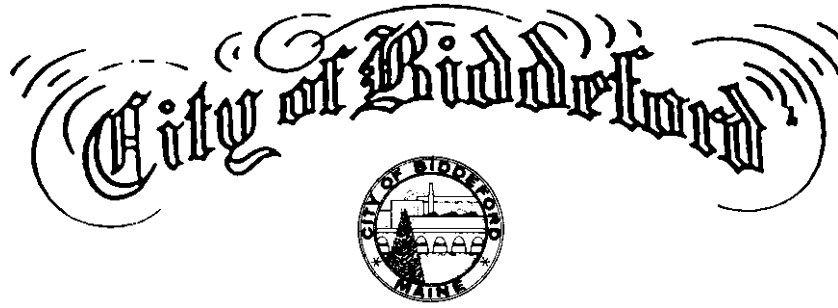
- (a) Purpose. Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there exist, and will in the future exist, buildings and other areas within the City within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt, adequate emergency services, including access by fire fighters and firefighting equipment and other emergency personnel and equipment, in order to accomplish such purposes and effect the saving of life and property in emergency situations.

- (b) Applicability.

The provisions of this article shall, in order to accomplish the stated purpose, be applicable to all proposed developments, subdivisions, buildings and other premises as defined by the Planning Board; or, in any other areas within the City that the Fire Chief deems access to public land is necessary in order to accomplish its mission.

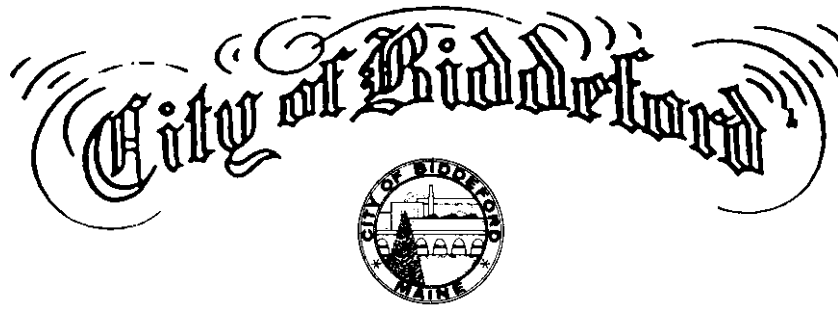
- (c) Establishment of fire lanes.

- (1) Each application for residential or nonresidential subdivision approval and each application for site plan review submitted to the Planning Board shall be reviewed by the Chief of the Fire Department and/or the State Fire Marshal within which such development or building is located. The Fire Chief and/or Fire Marshal shall review each such application to determine the location of such fire lanes as are necessary and report his finding, recommendations and suggested designation of fire lanes to the Planning Board, in writing, which findings, recommendations and suggested designations of fire lanes shall be made a part of the record of proceedings before the Planning Board on each such subdivision site plan review application. In such cases, the decision of the Planning Board shall govern the requirement and designation of such fire lanes.
- (2) Within existing developments and premises to which this article is applicable, the



Fire Chief shall designate fire lanes by written order and shall notify in writing both the Planning Board and the owner, owners or agents of such development or premises by certified mail of such designation and of any specific requirements for compliance with this article, and shall publish notice of such establishment of such fire lanes once in a newspaper having general circulation within the City. The Fire Chief shall file one copy of any order of designation of any such fire lanes with the City Clerk. Any person aggrieved by such order may file with the Clerk within 30 days after the date of the receipt of such order written notice of appeal, setting forth therein reasons for aggrievement. A public hearing shall be held by the Planning Board, after which the board must affirm, modify or rescind such order within 30 days of the public hearing. The Board shall notify the Fire Chief, as may be applicable, by written communication, any and all action taken relative to the establishment of a fire lane.

- (3) Fire department access roads require 20 feet of unobstructed width, 13.5 feet of unobstructed vertical clearance and an appropriate radius for turns in the roads and dead ends for the vehicles apparatus to turn around.
- (d) Compliance. Notice of establishment of fire lanes shall prescribe a reasonable time for compliance, such compliance time being 30 days from time of notification by certified mail. If compliance is not obtained within such time, then the owner, owners or agents receiving such notice shall be subject to a fine in accordance with Section 1-12. Each day following such specified time for compliance shall constitute a new and separate violation.
- (e) Parking prohibited; notice of violation; towing of vehicles.
- (1) No person shall park or permit to stand unattended a motor vehicle in any fire lane established in accordance with this article, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.
- (2) Whenever any vehicle ~~shall be~~ is found parked in violation of this section, any police officer or parking enforcement official shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of these regulations. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, in addition to the foregoing, may be towed upon the direction of a police officer or parking enforcement official to any public or private parking facility or area; and all expense of such towing and any



subsequent storage shall be borne by the registered owner or operator of such vehicle.



Policy Committee

Meeting Date: October 25, 2022

Meeting Time: 4:00 PM

Agenda Item No: 5.4

Item Description: Fire Lane Policy

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:

The following are excerpts of existing language within the Code of Ordinances

Sec. 30-147 **Fire lanes.**

(a) Purpose. Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there exist, and will in the future exist, buildings and other areas within the City within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt, adequate emergency services, including access by fire fighters and firefighting equipment and other emergency personnel and equipment, in order to accomplish such purposes and effect the saving of life and property in emergency situations.

(b) Applicability.

The provisions of this article shall, in order to accomplish the stated purpose, be applicable to all proposed developments, subdivisions, buildings and other premises as defined by the Planning Board.

Key Terms:

Executive Summary:

While exiting Ordinance language allows the Fire Chief of establish Fire Lanes, that authority is only applicable to, "proposed developments, subdivisions, buildings..." . This restrictive language does not permit the Fire Chief to designate Fire Lanes in other areas of the City where access by emergency vehicles is blocked. One example of this is Acorn Street, where access to trails within Clifford Park is hampered by motor vehicles parked in such a way that blocks access. Adopting the attached Ordinance language would allow the Fire Chief to designate Fire Lanes as s/he deems vital for access by emergency responders.

Funding Source:

City signage Budget

Staff Recommendation:

Adopt revised language as proposed.