

***City of Biddeford***  
**City Council**  
**August 20, 2019 6:00 PM Council Chambers**

- 1. Roll Call**
  - 2. Pledge of Allegiance**
  - 3. Adjustment(s) to Agenda**
    - 3.a. Add: Executive Session: 1 MRSA 405(6)(E)..Consultation with Legal Counsel re: legal matter
  - 4. Public Hearing**
    - 4.a. Liquor License - Eat'n Park Hospitality Group, Inc. @ University of New England  
[8-20-2019 Eat'n Park Hospitality-Liquor License.pdf](#)
  - 5. Liquor License Consideration**
    - 5.a. Eat'n Park Hospitality Group, Inc. @ University of New England  
[8-20-2019 Eat'n Park Hospitality-Liquor License.pdf](#)
- Special Event Application:**  
2019 River Jam  
[8-20-2019 2019 River Jam Special Event Permit Application.pdf](#)  
[8-20-2019 2019 River Jam Fest Alcohol Request.MAP.docx](#)
- 6. Consideration of Minutes:**
    - 6.a. Council Meeting Minutes...August 6, 2019  
[8-06-2019 Council Meeting Minutes.docx](#)
  - 7. Second Readings:**
    - 7.a. 2019.77) Amendment/Ch. 46, Parks and Recreation/Sec. 46-1-Word usage and definitions/Add Athletic Field  
[8-06-2019 Athletic Field Defined in Ch 46.doc](#)
    - 7.b. 2019.78) Amendment/Ch. 46, Parks and Recreation/Sec. 46-13-Parking operating policy/Add Dogs on athletic fields  
[8-06-2019 Dogs on Athletic Field-Ch 46.doc](#)
    - 7.c. 2019.79) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Delete on Elm Street and Add on Elm Street from Biddeford/Saco City Line to Biddeford/Arundel Town Line  
[8-06-2019 No Parking-ALL of Elm Street.doc](#)
    - 7.d. 2019.80) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Delete on Elm Street at intersection with St. Joseph Street  
[8-06-2019 Limited Parking-Repeal on Elm St at St. Joseph St.doc](#)
    - 7.e. 2019.81) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability Parking/Delete on Graham Street at intersection with Harding Street  
[8-06-2019 Disability Parking-Repeal on Graham Street.doc](#)
    - 7.f. 2019.82) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-88-One-Way Streets/Amend on Franklin Street  
[8-06-2019 Franklin Street - One-Way Street.doc](#)

- 7.g. 2019.83) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-89-Stop Intersections/Add on Franklin Street and Delete on Federal Street  
[8-06-2019 Stop Intersections-Franklin and Federal Streets.doc](#)
- 8. Orders of the Day:**
- 8.a. 2019.50) Remove from Table: Amendment/Land Development Regulations/Art. III-Official Zoning Map/Rezone 226 Guinea Road from R-F Zone to SR-1 Zone  
[5-21-2019 Van Hertl Amendment-ORDER.docx](#)  
[8-20-2019 Van Hertl Memo to CC with Attachments.pdf](#)  
[5-21-2019 VanHertl Letter-Answer to Tabling Motion.pdf](#)  
[5-21-2019 Van Hertl Amendment-backup docs.pdf](#)  
[5-21-2019 VanHertl Proposed Zone Line.pdf](#)
- 8.b. 2019.90) Amendment/Land Development Regulations/Art. XIV-Shoreland Zoning/Sec. 15. Land Use Standards/Essential Services  
[8-20-2019 Shoreland - Essential Services-ORDER.docx](#)  
[8-20-2019 LDR-Essential Services-Shoreland Zoning-MEMO.pdf](#)
- 8.c. 2019.91) Approval/Heart of Biddeford to Serve Alcohol on City Property (Shevenell Park)/2019 Fringe Fest  
[8-20-2019 2019 Fringe Fest Alcohol Request-ORDER.docx](#)  
[8-20-2019 2019 Fringe Fest and River Jam Fest Alcohol Requests.pdf](#)  
[8-20-2019 2019 Fringe Fest Special Event Permit Application.pdf](#)  
[8-20-2019 2019 Fringe Fest MAP.pdf](#)
- 8.d. 2019.92) Approval/Heart of Biddeford to Serve Alcohol on City Property (Mechanics Park)/2019 River Jam Festival  
[8-20-2019 2019 River Jam Fest Alcohol Request-ORDER.docx](#)  
[8-20-2019 2019 River Jam Special Event Permit Application.pdf](#)  
[8-20-2019 2019 Fringe Fest and River Jam Fest Alcohol Requests.pdf](#)  
[8-20-2019 2019 River Jam Fest Alcohol Request.MAP.docx](#)
- 8.e. 2019.93) Approval/Increase Grant Amount for Business Improvement Program through CDBG Program Funds  
[8-20-2019 Business Improvement Program Grants- ORDER.docx](#)  
[8-20-2019 Business Improvement Grant-MEMO.docx](#)
- 8.f. 2019.94) Authorization/Riverdam Mill Building/Property Exchange and Master Lease Agreement with Draft Room, LLC  
[8-20-2019 Exchange Agreement Riverdam Mill Building-ORDER.docx](#)  
[8-20-2019 Exchange Agreement Riverdam Mill-MEMO.docx](#)  
[8-20-2019 Exchange Agreement Riverdam Mill-AGREEMENT.pdf](#)
- 8.g. 2019.95) Authorization/Hiring of Parking Consultant for Parking Program Review  
[8-20-2019 Parking Consultant RFB-ORDER.docx](#)  
[8-20-2019 Parking Consultant RFB-MEMO.docx](#)
- 9. Appointment:**
- 9.a. Jeffrey Dorais...Recreation Commission  
[8-20-2019 Appt-Dorais-Recreation Comm.docx](#)  
[8-20-2019 Comm App-Dorais-Recreation Comm.pdf](#)
- 10. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 11. City Manager Report**

- 12. Other Business**
- 13. Council President Addressing the Council**
- 14. Mayor Addressing the Council**
- 15. Executive Session**
  - 15.a. 1 MRSA 405(6)(C)...Development Contract Update
  - 15.b. 1 MRSA 405(6)(E)...Consultation with Legal Counsel re: legal matter
- 16. Adjourn**

\$10.00 application fee is applicable to all NEW businesses

\$60.00 advertising fee for new liquor license applications is an up-front charge

City of Biddeford  
**BUSINESS LICENSE APPLICATION**

**BUSINESS NAME:** EAT'N PARK Hospitality Group, INC  
DBA PARKHURST DINING SERVICE

**Business Address:** 11 Hills Beach Road Map \_\_\_\_\_ Lot \_\_\_\_\_  
Biddeford, ME 04005

**Mailing Address:** 285 EAST WATERFRONT DRIVE, HOMESTEAD, PA 15120

**Business Telephone Number:** 412-461-2000

**Email Address:** JOESAW@EATNPARK.COM

**OWNER/OPERATOR:** \_\_\_\_\_

**Home Physical Address:** \_\_\_\_\_

**Home Mailing Address:** \_\_\_\_\_

**Home Telephone Number:** \_\_\_\_\_

**Applicant(s) Date of Birth:** \_\_\_\_\_

Paul S. W. Isa  
Applicant's Signature

8/7/19  
Date

Any information provided in this application, which is found to be false, will result in the denial or revocation of this license – per 1 M.R.S.A. 17-A §453.

**TYPES OF ENTERTAINMENT:**

**\$150.00 (single/multiple events)**

- ☐ Concert
- ☐ Exhibitions (live performances)
- ☐ Circus/Carnival

☐ Playhouse/Play

- ☐ Indoor Skating Rink
- ☐ Bowling Lanes
- ☐ Theater/Movie House  
(plus \$25.00 per screen)
- ☐ Billiard Room(s)

**\$150.00 (annual)**

- ☐ Public Firing Range
- ☐ Bottle Club

**AUTOMOBILE REPAIR AND/OR GRAVEYARD:**

- ☐ Automobile Repair Garage for maintenance
- ☐ Automobile Graveyard

**\$75.00**

**\$200.00**

**PLACES/DEALERS IN PRODUCTS:**

**\$200.00**

- ☐ Secondhand Dealers
- ☐ Dealers in gold jewelry, etc.
- ☐ Antique Dealer

- ☐ Flea Market (for 20 tables; \$5 per add'l table)
- ☐ Junk Dealer/Recycling

*\$10.00 application fee is applicable to all NEW businesses  
\$60.00 advertising fee for new liquor license applications is an up-front charge*

**PAWNBROKER:** **\$200.00**

**VENDOR ON A PUBLIC PLACE:** **\$50.00**

**ICE CREAM TRUCK VENDOR** **\$75.00**  
(need to show proof of at least \$500,000 liability insurance)

**VENDING ON WATERWAYS** **\$100.00**

**OPERATING LICENSE:**

- ☐ Victualer (no alcohol)-State Cert. Required **\$75.00**
- ☐ Victualer serving beer and/or wine-State Cert. Required **\$100.00**
- ☐ Victualer serving beer, wine and/or liquor **\$150.00**

State Cert. Required

- ☐ Taxicab, motorbus, public automobile **\$50.00**  
(plus \$20.00 per vehicle)

- ☐ Massage Establishment/Therapist **\$100.00**

- ☐ Combined Massage Establishment/Massage Therapist **\$150.00**

- ☐ Adult Business **\$2,000.00**

- ☐ Sludge Disposal **\$50.00**

**MISCELLANEOUS:**

- ☒ Advertising (for liquor licenses) **\$60.00**
- ☐ Newspaper Vending Machines (per machine) **\$10.00**
- ☐ Video Game Devices (up to a max of \$50.00) **\$10.00 (each machine)**

New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$60.00 advertising, when applicable), the issuance of business license in the City of Biddeford is not guaranteed. You will be required to pay the full business license fee(s) once departmental reviews have been completed and an Occupancy Permit has been issued by the Code Enforcement Office.

**CITY COUNCIL APPROVAL DATE (if applicable):** \_\_\_\_\_

**CODE ENFORCEMENT APPROVAL:** Debra J. Miller - LST  
(Occupancy Permit Issued)

**CITY CLERK ISSUED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)  
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)  
TEL: (207) 624-7220 FAX: (207) 287-3434  
EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

| DIVISION USE ONLY                                                        |     |
|--------------------------------------------------------------------------|-----|
| License No:                                                              |     |
| Class:                                                                   | By: |
| Deposit Date:                                                            |     |
| Amt. Deposited:                                                          |     |
| Cash Ck Mo:                                                              |     |
| Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/> |     |

PRESENT LICENSE EXPIRES: \_\_\_\_\_

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection (New Licensees/ Ownership Changes Only) Date : \_\_\_\_\_ Business hours: \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- |                                                                    |                                                           |                                                    |
|--------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)     | <input type="checkbox"/> CLASS A LOUNGE (Class X)  |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)                 | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV)           | <input type="checkbox"/> TAVERN (Class IV)                | <input type="checkbox"/> QUALIFIED CATERING        |
| <input type="checkbox"/> OTHER: _____                              |                                                           | <input type="checkbox"/> SELF-SPONSORED EVENTS     |

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

|                                                              |  |  |                                                          |                    |                          |
|--------------------------------------------------------------|--|--|----------------------------------------------------------|--------------------|--------------------------|
| Corporation Name:<br><u>EAT'N PARK HOSPITALITY GROUP INC</u> |  |  | Business Name (D/B/A)<br><u>PARKHURST DINING SERVICE</u> |                    |                          |
| APPLICANT(S) - (Sole Proprietor) DOB: _____                  |  |  | Physical Location:<br><u>11 Hills Beach Road</u>         |                    |                          |
| DOB: _____                                                   |  |  | City/Town<br><u>Biddeford</u>                            | State<br><u>ME</u> | Zip Code<br><u>04005</u> |
| Address<br><u>285 EAST WATERFRONT DRIVE</u>                  |  |  | Mailing Address<br><u>285 EAST WATERFRONT DRIVE</u>      |                    |                          |
| City/Town<br><u>HOMESTEAD</u>                                |  |  | State<br><u>PA</u>                                       |                    |                          |
| Zip Code<br><u>15120</u>                                     |  |  | Zip Code<br><u>15120</u>                                 |                    |                          |
| Telephone Number<br><u>412-461-2000</u>                      |  |  | Fax Number<br><u>412-461-6000</u>                        |                    |                          |
| Business Telephone Number<br><u>207-383-0170</u>             |  |  | Fax Number<br><u>207-284-0439</u>                        |                    |                          |
| Federal I.D. #<br><u>25-1596974</u>                          |  |  | Seller Certificate #:<br>or Sales Tax #: <u>1201708</u>  |                    |                          |
| Email Address:<br><u>JOESAW@EATNPARK.COM</u>                 |  |  | Website:<br><u>WWW.EATNPARK.COM</u>                      |                    |                          |

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license:  
ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐  
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # \_\_\_\_\_ Name of Business \_\_\_\_\_

Physical Location \_\_\_\_\_

City / Town \_\_\_\_\_

6. If manager is to be employed, give name: TONY WILLIAMS

7. Business records are located at: 285 EAST WATERFRONT DRIVE, HOMESTEAD, PA 15120

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒ (REGISTER TO DO BUSINESS IN MAINE)

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

| Full Name (Please Print) | DOB     | Place of Birth |
|--------------------------|---------|----------------|
| TONY R WILLIAMS          | 4/17/59 | PHILADELPHIA   |
|                          |         |                |
|                          |         |                |

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

|                              |                     |                  |
|------------------------------|---------------------|------------------|
| Name: <u>TONY R WILLIAMS</u> | City: <u>EASTON</u> | State: <u>PA</u> |
| Name: _____                  | City: _____         | State: _____     |
| Name: _____                  | City: _____         | State: _____     |

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

14. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_

UNIVERSITY OF NEW ENGLAND, 605 POOL STREET, BIDDLEFORD, ME 04005

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_

ATTACHED

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☐ Applied for: 8/8/19

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0

Which of the above is nearest? UNIVERSITY OF NEW ENGLAND

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement 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.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Homestead Pennsylvania on August 8, 20 19  
Town/City, State Date

**PLEASE SIGN IN BLUE INK**

  
Signature of Applicant or Corporate Officer(s)  
DANIEL S. WILSON  
Print Name

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)  
\_\_\_\_\_  
Print Name

**FEE SCHEDULE**

|                                                                                                                                                                                                                                                        |                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>FILING FEE: (must be included on all applications)</b>                                                                                                                                                                                              | <b>\$ 10.00</b> |
| <b>Class I</b> Spirituous, Vinous and Malt                                                                                                                                                                                                             | \$ 900.00       |
| <b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB                                     |                 |
| <b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only)                                                                                                                                                                              | \$1,100.00      |
| <b>CLASS I-A:</b> Hotels only that do not serve three meals a day.                                                                                                                                                                                     |                 |
| <b>Class II</b> Spirituous Only                                                                                                                                                                                                                        | \$ 550.00       |
| <b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.                                                        |                 |
| <b>Class III</b> Vinous Only                                                                                                                                                                                                                           | \$ 220.00       |
| <b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.          |                 |
| <b>Class IV</b> Malt Liquor Only                                                                                                                                                                                                                       | \$ 220.00       |
| <b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.           |                 |
| <b>Class III &amp; IV</b> Malt & Vinous Only                                                                                                                                                                                                           | \$ 440.00       |
| <b>CLASS III &amp; IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. |                 |
| <b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)                                                                                                                                                                  | \$ 495.00       |
| <b>CLASS V:</b> Clubs without catering privileges.                                                                                                                                                                                                     |                 |
| <b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge                                                                                                                                                                                            | \$2,200.00      |
| <b>CLASS X:</b> Class A Lounge                                                                                                                                                                                                                         |                 |
| <b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge                                                                                                                                                                                        | \$1,500.00      |
| <b>CLASS XI:</b> Restaurant/Lounge; and OTB.                                                                                                                                                                                                           |                 |
| <b>SELF-SPONSORED EVENTS: Qualified Caterers Only</b>                                                                                                                                                                                                  | \$ 700.00       |

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:  
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, ME 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

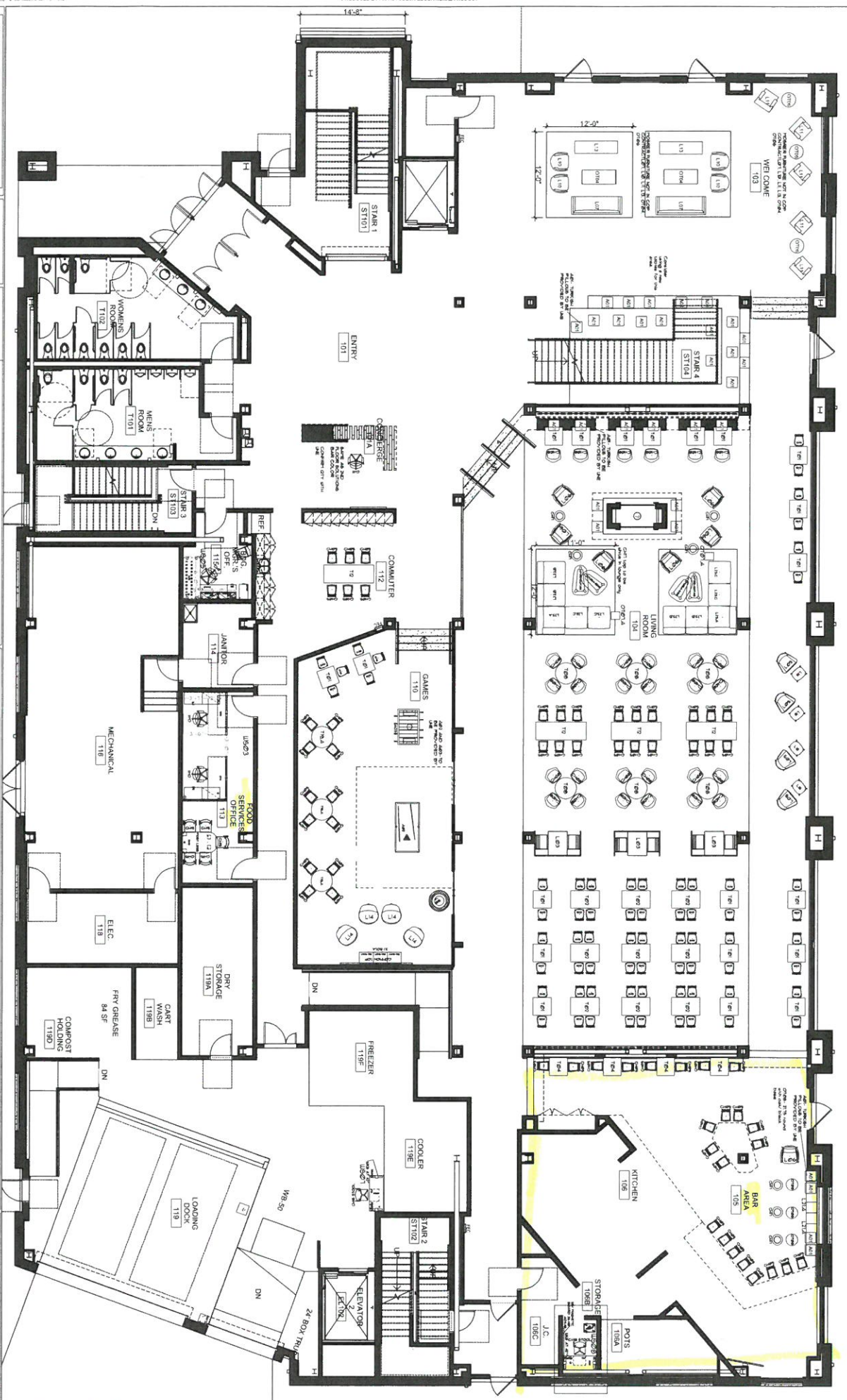
**§653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]



APPROVAL - FURNITURE PLAN  
DATE: 05/24/17  
DESIGNED BY: [Name]  
CHECKED BY: [Name]  
PROJECT NAME: [Name]

UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH ROAD  
UNIVERSITY COMMONS - 1ST FLOOR

CREATIVE OFFICE PAVILION  
141 Main Street  
Portland, ME 04101  
1.207.715.1100



**State of Maine**  
Division of Alcoholic Beverages and  
Lottery Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: EAT'N PARK Hospitality Group INC
2. Doing Business As, if any: PARKHURST DINING SERVICE
3. Legal Entity's FEIN #: 25-1596974
4. Date of filing with Secretary of State: 3/14/89 State in which you are formed: PA
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 8/6/19
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|------|-------------------|---------------|-------|-------------|
|      | SEE<br>ATTACHED   |               |       |             |
|      |                   |               |       |             |
|      |                   |               |       |             |
|      |                   |               |       |             |

(Stock ownership in non-publicly traded companies must add up to 100%.)

7. If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

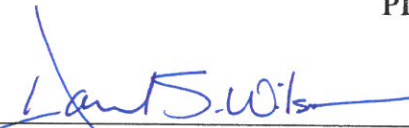
Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_  
\_\_\_\_\_

Signature:

PLEASE SIGN IN BLUE INK

  
\_\_\_\_\_  
Signature of Owner or Corporate Officer

8/6/19  
\_\_\_\_\_  
Date

DANIEL S WILSON, CFO  
\_\_\_\_\_  
Print Name of Owner or Corporate Officer

---

Submit Completed Forms To:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

## Eat' Park Hospitality Group, Inc. dba Parkhurst Dining *SERVICE*

James S Broadhurst

Chairman

182 Country Club Road; PO Box 687; Ligonier, Pa 15658

724-238-7185

xxx-xx-4564

US Citizen

39.6%

Jeffrey S Broadhurst

CEO/President

1336 Bennington Ave; Pittsburgh, PA 15217

412-586-5772

xxx-xx7429

US Citizen

14.8%

Daniel S Wilson

430 Oliver Road; Sewickley, PA 15143

412-445-9314

xxx-xx-9746

US Citizen

0.9%

Mark C Broadhurst

Vice President

5614 Howe Street; Pittsburgh, Pa 15232 (2017- present)

5500 Kentucky Avenue; Pittsburgh, Pa 15232 ( prior to 2017)

412-999-0294

xxx-xx-2959

US Citizen

14.8%

Nicholas F Camody

COO

151 Bittersweet Circle; Venetia, PA 15367

412-327-3601

xxx-xx-5458

US Citizen

1.6%

**Eat'n Park Hospitality Group Inc**

**Other Shareholders:**

A.

E. Andrew Dunmire

Vice President-Real Estate/Construction

10-11-63

338 E. Portersville Road; Portersville, PA 16051

166-52-xxxx

.4%

B.

Kathleen B James

Assistant Secretary

8/25/56

168 Oak Park Place; Pittsburgh, Pa 15243

282-50-xxxx

1.5%

C.

Kevin O'Connell

Sr Vice President

1/21/67

531 Pine Bluff Drive; Mars, Pa 16046

474-90-xxxx

.2

D.

J. Brooks Broadhurst

649 Racine Avenue; Pittsburgh, Pa 15216

8/29/71

197-29-xxxx

10.8%

E.

Broadhurst Family Trust

625 Liberty Avenue

Pittsburgh, Pa 15222

15.4%

\$10.00 application fee is applicable to all NEW businesses

\$60.00 advertising fee for new liquor license applications is an up-front charge

City of Biddeford  
**BUSINESS LICENSE APPLICATION**

**BUSINESS NAME:** EAT'N PARK Hospitality Group, INC  
DBA PARKHURST DINING SERVICE

**Business Address:** 11 Hills Beach Road Map \_\_\_\_\_ Lot \_\_\_\_\_  
Biddeford, ME 04005

**Mailing Address:** 285 EAST WATERFRONT DRIVE, HOMESTEAD, PA 15120

**Business Telephone Number:** 412-461-2000

**Email Address:** JOESAW@EATNPARK.COM

**OWNER/OPERATOR:** \_\_\_\_\_

**Home Physical Address:** \_\_\_\_\_

**Home Mailing Address:** \_\_\_\_\_

**Home Telephone Number:** \_\_\_\_\_

**Applicant(s) Date of Birth:** \_\_\_\_\_

Paul S. W. Isa  
Applicant's Signature

8/7/19  
Date

Any information provided in this application, which is found to be false, will result in the denial or revocation of this license – per 1 M.R.S.A. 17-A §453.

**TYPES OF ENTERTAINMENT:**

**\$150.00 (single/multiple events)**

- ☐ Concert
- ☐ Exhibitions (live performances)
- ☐ Circus/Carnival

☐ Playhouse/Play

- ☐ Indoor Skating Rink
- ☐ Bowling Lanes
- ☐ Theater/Movie House  
(plus \$25.00 per screen)
- ☐ Billiard Room(s)

**\$150.00 (annual)**

- ☐ Public Firing Range
- ☐ Bottle Club

**AUTOMOBILE REPAIR AND/OR GRAVEYARD:**

- ☐ Automobile Repair Garage for maintenance
- ☐ Automobile Graveyard

**\$75.00**

**\$200.00**

**PLACES/DEALERS IN PRODUCTS:**

**\$200.00**

- ☐ Secondhand Dealers
- ☐ Dealers in gold jewelry, etc.
- ☐ Antique Dealer

- ☐ Flea Market (for 20 tables; \$5 per add'l table)
- ☐ Junk Dealer/Recycling

*\$10.00 application fee is applicable to all NEW businesses  
\$60.00 advertising fee for new liquor license applications is an up-front charge*

**PAWNBROKER:** \$200.00

**VENDOR ON A PUBLIC PLACE:** \$50.00

**ICE CREAM TRUCK VENDOR** \$75.00  
(need to show proof of at least \$500,000 liability insurance)

**VENDING ON WATERWAYS** \$100.00

**OPERATING LICENSE:**

- ☐ Victualer (no alcohol)-State Cert. Required \$75.00
- ☐ Victualer serving beer and/or wine-State Cert. Required \$100.00
- ☐ Victualer serving beer, wine and/or liquor \$150.00  
State Cert. Required
- ☐ Taxicab, motorbus, public automobile \$50.00  
(plus \$20.00 per vehicle)
- ☐ Massage Establishment/Therapist \$100.00
- ☐ Combined Massage Establishment/Massage Therapist \$150.00
- ☐ Adult Business \$2,000.00
- ☐ Sludge Disposal \$50.00

**MISCELLANEOUS:**

- ☒ Advertising (for liquor licenses) \$60.00
- ☐ Newspaper Vending Machines (per machine) \$10.00
- ☐ Video Game Devices (up to a max of \$50.00) \$10.00 (each machine)

*New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$60.00 advertising, when applicable), the issuance of business license in the City of Biddeford is not guaranteed. You will be required to pay the full business license fee(s) once departmental reviews have been completed and an Occupancy Permit has been issued by the Code Enforcement Office.*

**CITY COUNCIL APPROVAL DATE (if applicable):** \_\_\_\_\_

**CODE ENFORCEMENT APPROVAL:** Debra J. Miller - LST  
(Occupancy Permit Issued)

**CITY CLERK ISSUED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)  
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)  
TEL: (207) 624-7220 FAX: (207) 287-3434  
EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

| DIVISION USE ONLY                                                        |     |
|--------------------------------------------------------------------------|-----|
| License No:                                                              |     |
| Class:                                                                   | By: |
| Deposit Date:                                                            |     |
| Amt. Deposited:                                                          |     |
| Cash Ck Mo:                                                              |     |
| Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/> |     |

PRESENT LICENSE EXPIRES: \_\_\_\_\_

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection (New Licensees/ Ownership Changes Only) Date : \_\_\_\_\_ Business hours: \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- |                                                                    |                                                           |                                                    |
|--------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)     | <input type="checkbox"/> CLASS A LOUNGE (Class X)  |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)                 | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV)           | <input type="checkbox"/> TAVERN (Class IV)                | <input type="checkbox"/> QUALIFIED CATERING        |
| <input type="checkbox"/> OTHER: _____                              |                                                           | <input type="checkbox"/> SELF-SPONSORED EVENTS     |

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

|                                                              |  |  |                                                          |                    |                          |
|--------------------------------------------------------------|--|--|----------------------------------------------------------|--------------------|--------------------------|
| Corporation Name:<br><u>EAT'N PARK HOSPITALITY GROUP INC</u> |  |  | Business Name (D/B/A)<br><u>PARKHURST DINING SERVICE</u> |                    |                          |
| APPLICANT(S) –(Sole Proprietor) DOB: _____                   |  |  | Physical Location:<br><u>11 Hills Beach Road</u>         |                    |                          |
| DOB: _____                                                   |  |  | City/Town<br><u>Biddeford</u>                            | State<br><u>ME</u> | Zip Code<br><u>04005</u> |
| Address<br><u>285 EAST WATERFRONT DRIVE</u>                  |  |  | Mailing Address<br><u>285 EAST WATERFRONT DRIVE</u>      |                    |                          |
| City/Town<br><u>HOMESTEAD</u>                                |  |  | State<br><u>PA</u>                                       |                    |                          |
| Zip Code<br><u>15120</u>                                     |  |  | Zip Code<br><u>15120</u>                                 |                    |                          |
| Telephone Number<br><u>412-461-2000</u>                      |  |  | Fax Number<br><u>412-461-6000</u>                        |                    |                          |
| Business Telephone Number<br><u>207-383-0170</u>             |  |  | Fax Number<br><u>207-284-0439</u>                        |                    |                          |
| Federal I.D. #<br><u>25-1596974</u>                          |  |  | Seller Certificate #:<br>or Sales Tax #: <u>1201708</u>  |                    |                          |
| Email Address:<br><u>JOESAW@EATNPARK.COM</u>                 |  |  | Website:<br><u>WWW.EATNPARK.COM</u>                      |                    |                          |

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license:  
ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐  
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # \_\_\_\_\_ Name of Business \_\_\_\_\_

Physical Location \_\_\_\_\_

City / Town \_\_\_\_\_

6. If manager is to be employed, give name: TONY WILLIAMS

7. Business records are located at: 285 EAST WATERFRONT DRIVE, HOMESTEAD, PA 15120

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒ (REGISTER TO DO BUSINESS IN MAINE)

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

| Full Name (Please Print) | DOB     | Place of Birth |
|--------------------------|---------|----------------|
| TONY R WILLIAMS          | 4/17/59 | PHILADELPHIA   |
|                          |         |                |
|                          |         |                |

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

|                       |              |              |
|-----------------------|--------------|--------------|
| Name: TONY R WILLIAMS | City: EASTON | State: PA    |
| Name: _____           | City: _____  | State: _____ |
| Name: _____           | City: _____  | State: _____ |

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

14. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_

UNIVERSITY OF NEW ENGLAND, 605 POOL STREET, BIDDLEFORD, ME 04005

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_

ATTACHED

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☐ Applied for: 8/8/19

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0

Which of the above is nearest? UNIVERSITY OF NEW ENGLAND

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

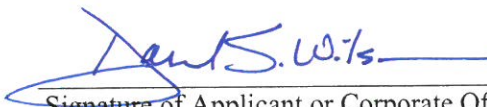
If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement 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.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Homestead Pennsylvania on August 8, 20 19  
Town/City, State Date

**PLEASE SIGN IN BLUE INK**

  
Signature of Applicant or Corporate Officer(s)  
DANIEL S. WILSON  
Print Name

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)  
\_\_\_\_\_  
Print Name

**FEE SCHEDULE**

|                                                                                                                                                                                                                                                        |                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>FILING FEE: (must be included on all applications)</b>                                                                                                                                                                                              | <b>\$ 10.00</b> |
| <b>Class I</b> Spirituous, Vinous and Malt                                                                                                                                                                                                             | \$ 900.00       |
| <b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB                                     |                 |
| <b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only)                                                                                                                                                                              | \$1,100.00      |
| <b>CLASS I-A:</b> Hotels only that do not serve three meals a day.                                                                                                                                                                                     |                 |
| <b>Class II</b> Spirituous Only                                                                                                                                                                                                                        | \$ 550.00       |
| <b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.                                                        |                 |
| <b>Class III</b> Vinous Only                                                                                                                                                                                                                           | \$ 220.00       |
| <b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.          |                 |
| <b>Class IV</b> Malt Liquor Only                                                                                                                                                                                                                       | \$ 220.00       |
| <b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.           |                 |
| <b>Class III &amp; IV</b> Malt & Vinous Only                                                                                                                                                                                                           | \$ 440.00       |
| <b>CLASS III &amp; IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. |                 |
| <b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)                                                                                                                                                                  | \$ 495.00       |
| <b>CLASS V:</b> Clubs without catering privileges.                                                                                                                                                                                                     |                 |
| <b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge                                                                                                                                                                                            | \$2,200.00      |
| <b>CLASS X:</b> Class A Lounge                                                                                                                                                                                                                         |                 |
| <b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge                                                                                                                                                                                        | \$1,500.00      |
| <b>CLASS XI:</b> Restaurant/Lounge; and OTB.                                                                                                                                                                                                           |                 |
| <b>SELF-SPONSORED EVENTS: Qualified Caterers Only</b>                                                                                                                                                                                                  | \$ 700.00       |

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:  
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, ME 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

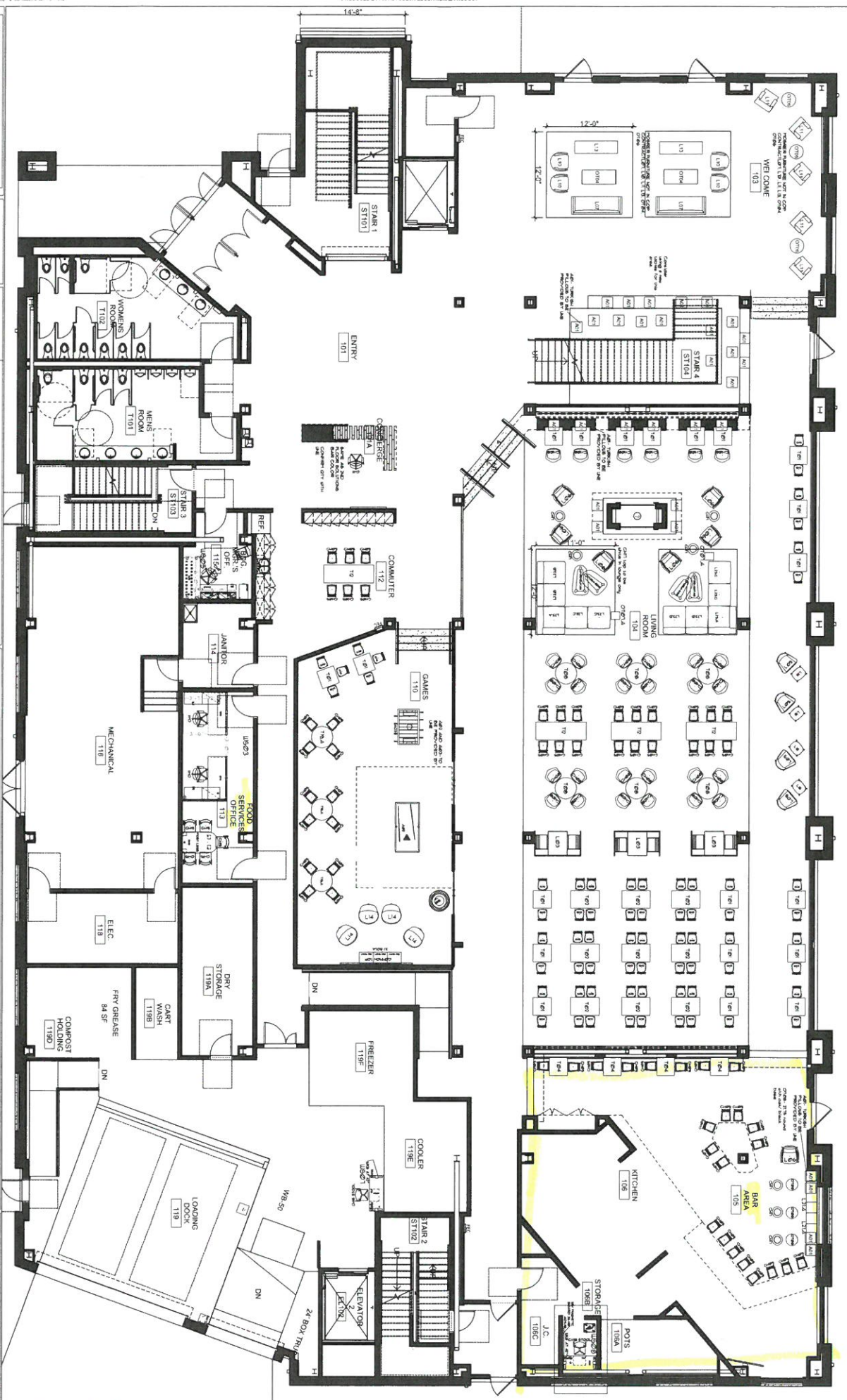
**§653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]



APPROVAL - FURNITURE PLAN

DATE: 05/24/17

DESIGNED BY: [Name]

PROJECT NAME: UNIVERSITY OF NEW ENGLAND, 11 HILLS BEACH ROAD, BIDDEFORD, MAINE, UNIVERSITY COMMONS - 1ST FLOOR

CREATIVE OFFICE PAVILION

141 Main Street  
Biddeford, ME 04005  
1-207-715-1100



**State of Maine**  
Division of Alcoholic Beverages and  
Lottery Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: EAT'N PARK Hospitality Group INC
2. Doing Business As, if any: PARKHURST DINING SERVICE
3. Legal Entity's FEIN #: 25-1596974
4. Date of filing with Secretary of State: 3/14/89 State in which you are formed: PA
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 8/6/19
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|------|-------------------|---------------|-------|-------------|
|      | SEE<br>ATTACHED   |               |       |             |
|      |                   |               |       |             |
|      |                   |               |       |             |
|      |                   |               |       |             |

(Stock ownership in non-publicly traded companies must add up to 100%.)

7. If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

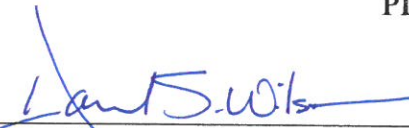
Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

PLEASE SIGN IN BLUE INK

  
\_\_\_\_\_  
Signature of Owner or Corporate Officer

8/6/19  
\_\_\_\_\_  
Date

DANIEL S WILSON, CFO  
\_\_\_\_\_  
Print Name of Owner or Corporate Officer

---

Submit Completed Forms To:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

## Eat' Park Hospitality Group, Inc. dba Parkhurst Dining *SERVICE*

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Chairman

182 Country Club Road; PO Box 687; Ligonier, Pa 15658

724-238-7185

xxx-xx-4564

US Citizen

39.6%

Jeffrey S Broadhurst

CEO/President

1336 Bennington Ave; Pittsburgh, PA 15217

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14.8%

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430 Oliver Road; Sewickley, PA 15143

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Vice President

5614 Howe Street; Pittsburgh, Pa 15232 (2017- present)

5500 Kentucky Avenue; Pittsburgh, Pa 15232 ( prior to 2017)

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xxx-xx-2959

US Citizen

14.8%

Nicholas F Camody

COO

151 Bittersweet Circle; Venetia, PA 15367

412-327-3601

xxx-xx-5458

US Citizen

1.6%

**Eat'n Park Hospitality Group Inc**

**Other Shareholders:**

A.

E. Andrew Dunmire

Vice President-Real Estate/Construction

10-11-63

338 E. Portersville Road; Portersville, PA 16051

166-52-xxxx

.4%

B.

Kathleen B James

Assistant Secretary

8/25/56

168 Oak Park Place; Pittsburgh, Pa 15243

282-50-xxxx

1.5%

C.

Kevin O'Connell

Sr Vice President

1/21/67

531 Pine Bluff Drive; Mars, Pa 16046

474-90-xxxx

.2

D.

J. Brooks Broadhurst

649 Racine Avenue; Pittsburgh, Pa 15216

8/29/71

197-29-xxxx

10.8%

E.

Broadhurst Family Trust

625 Liberty Avenue

Pittsburgh, Pa 15222

15.4%

**CITY OF BIDDEFORD  
SPECIAL EVENT APPLICATION**

Name of Event 2019 River Jam Location of Event Mechanics Park  
Date of Event: 9/21/19 Start Time 12 pm Finish Time 9 pm

Noon-4 Family Fun + Makers Market on the Green  
+ free canoe/kayak rides  
+ slip + slide on grassy hill, near parking

4-9 Main Stage Music, food trucks on Water St.  
+ a beer garden

☒ Festival/Fair With Alcohol: Yes: X \*\* No: \_\_\_\_\_

☒ Concert

☐ Other – Please Specify: \_\_\_\_\_

500 during day  
1000 during evening

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain:

noise, road closure

**APPLICATION NUMBER:** \_\_\_\_\_

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

City Council meeting, City + HOB Social media channels + newsletter

**Organization (Applicant) Information**

Name of Organization or Name of Applicant if NOT an Organization

Heart of Biddeford

Physical Address: 205 Main St, Suite 103 Biddeford

Mailing Address: same

Business Telephone 284 8520 Fax N/A E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: \_\_\_\_\_ No: X Tax Exempt Number: \_\_\_\_\_

**Contact Person/Event Coordinator**

Name & Address

Delilah Pope

Telephone 284 8520 Cellular 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 already requested 15 for 5K race in morning

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

What is your plan for cleanup and debris disposal for this event?

Volunteer + Adopt-a-Park

Is any other Public Works assistance anticipated?

Road closure plan

**Parks and Recreation Department**

RJ. Sat

APPLICATION NUMBER: \_\_\_\_\_

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

If yes, where

Mechanics Park / Water Street

Will tenting/staging be utilized for this event? no If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc?

Any Parks and Recreation assistance required?

no

#### Fire Department

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

yes

Will any fire hydrants be obstructed? no Will you have access to E 9-1-1?

yes

Will you have First Aid or medical staff present?

no

\*\*\*\*\* 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? no If yes, who will provide it?

Is crowd control necessary for this event? no If yes, who will provide it?

But we hope this will provide a community-police opportunity, with interaction w/ youth + adult community members.

#### Other

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

4 Food Trucks will be set upon Water Street.

**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)**

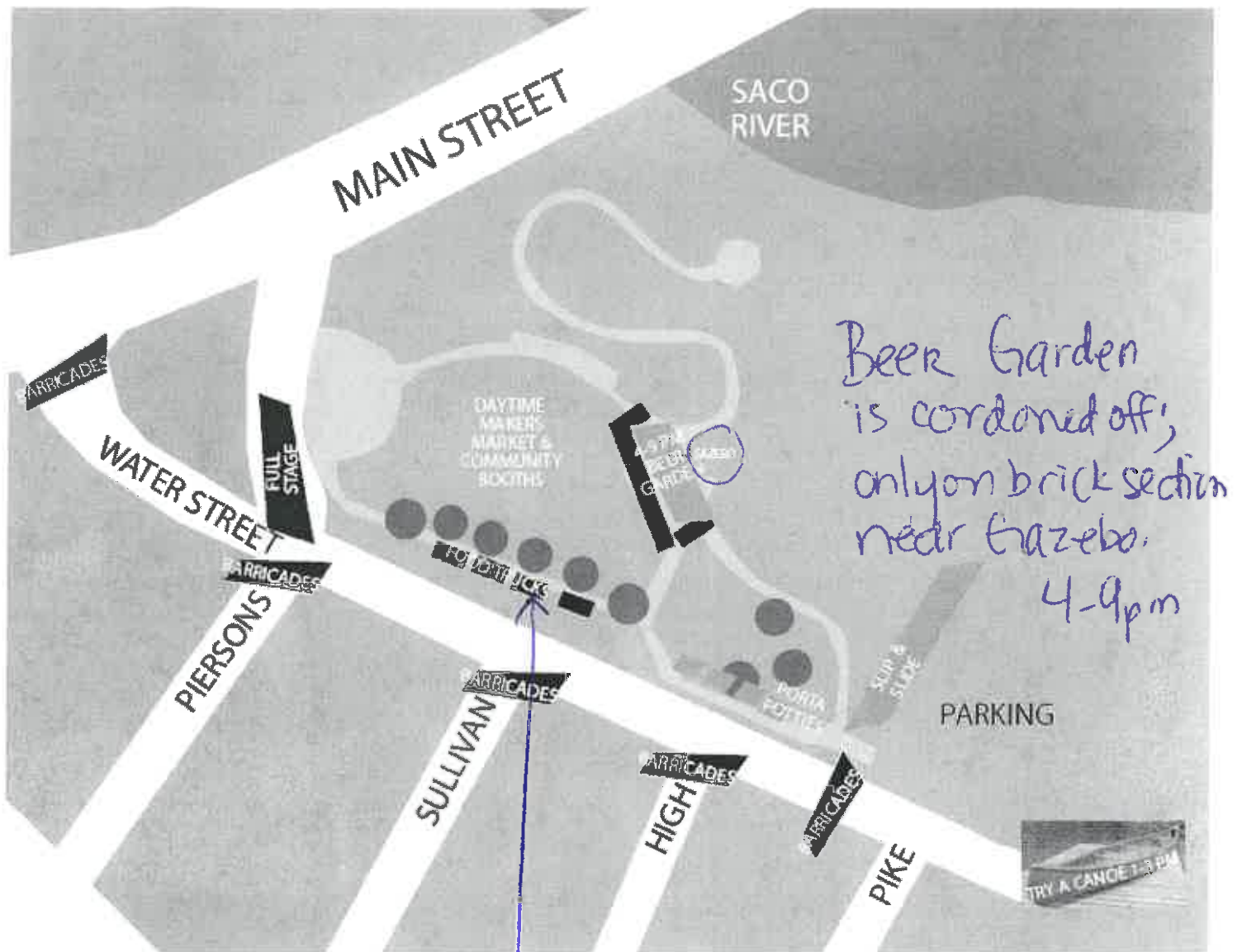
In the space below, please provide the following information. Attach a separate map if necessary.

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 printed map



Food trucks

**APPLICATION NUMBER:** \_\_\_\_\_

**REVIEW BY SPECIAL EVENTS COMMITTEE:**

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: \_\_\_\_\_

APPROVED AS SUBMITTED: \_\_\_\_\_

DENIED: \_\_\_\_\_

**Modifications / Restrictions:**

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**REASON(S) FOR DENIAL:**

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\_\_\_\_\_  
Police Chief

Date:

\_\_\_\_\_  
Fire Chief

Date

\_\_\_\_\_  
Public Works Director

Date:

\_\_\_\_\_  
Codes Enforcement Officer

Date:

\_\_\_\_\_  
Parks & Recreation

Date:

p16

**APPLICATION NUMBER:** \_\_\_\_\_

**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 7/30/19



**TO: Recreation Commission, and City Council, City of Biddeford**  
**FR: Delilah Poupore, Executive Director, Heart of Biddeford**  
**RE: Requests for Alcohol Permits, Sept. 20 and Sept. 21, 2019**  
**DATE: July 30, 2019**

Thank you for reviewing Heart of Biddeford's packet of Event Applications for the River Jam Festival and Fringe Fest that occur on Friday night and all-day Saturday, Sept. 20-21, 2019. This letter is to request permission to serve alcohol in Shevenell Park during Friday night's Fringe Fest and in a cordoned off section of Mechanics Park during Saturday night's River Jam Festival in Mechanics Park.

After holding the Saturday evening River Jam event on Saco Island for the past several years, we have decided to slightly scale down the event, and hold all of Saturday's activities in Mechanics Park in Biddeford. We believe the grassy, park setting and reduced hours (ending by 9 p.m.) will enhance the "family-friendly" aspects of the festival.

After five years of hosting a weekend of events that includes a 5K Run, Dash to the Sea, free canoe and kayak rides, community booths, food trucks, art, performances, and musical entertainment, we have found that alcohol has not become the major focus of Friday night or Saturday night's festivities. For both evenings, those who chose to be near alcohol can find it in a designated location; those who choose to avoid alcohol do not need to be near it.

We wish to request permission for alcohol sales/consumption per the procedures outlined in Chapter 6, Article IV and Amendment V of the Code of Ordinances. Per the code:

- 1) We request permission to hold the events in two authorized parks: Shevenell Park and Mechanics Park, and
- 2) We agree to the following restrictions:
  - a) Liquor is limited to malt liquor only. No other spirits or wine permitted.
  - b) Liquor may be served for on-premises consumption only by a licensed caterer. Prior to the special event, the caterer shall provide proof that the caterer has received all State and local licenses and permits necessary for service of liquor at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to be determined by

**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.*



- the City, which Certificate names both the City of Biddeford and the Applicant as additional insureds.
- c) At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) copy of all required permits, licenses and insurance certificates; (2) the name(s) and complete and accurate contact information for the State-licensed caterer who will be staffing the event; (3) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training; and (4) the name of a Responsible Party (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of liquor at the special event.
  - d) The Responsible Party on the Event Application shall serve as the contact person during the event, and must be present on the site and for the entire duration of the sale or service of liquor at the special event.
  - e) The Security and Fees Chart below specifies the number of Security Personnel to be present, and the arrangements and expense for the same shall be borne by the Applicant. Security company must be approved by Chief of Police.
  - f) All liquor servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine.
  - g) Liquor may be served only in area(s) identified as such in the special events application and approved by the City. The Applicant shall assure that prominent signs are posted liquor-restriction at all entrance and exit points.
  - h) The Applicant must designate TIPS trained servers (number specified in chart below) to serve and oversee the area that is licensed for the sale and consumption of liquor at all times. This person is responsible for verifying the legal age of each person consuming or possessing liquor.
  - i) The Applicant or its caterer is responsible for the purchase and transportation of all liquor to be sold or served at the special event.
  - j) Patrons attending the event are strictly prohibited from bringing in their own beverages.
  - k) Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty liquor containers is the responsibility of the Applicant.
  - l) No person less than 21 years of age may serve, possess and/or consume liquor.
  - m) Oversized drinks, contests, volume discounts, or similar incentives are not permitted.

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- n) The serving of all liquor must cease at least 30 minutes prior to the specified and approved closing time of the special event.
- o) All liquor and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any liquor residue or smell on the premises.
- p) An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-liquor must be made available and at a lower cost than any liquor.

We have contracted with Production Services of Maine once again to be our Security Company. Prior to the event, we will set up a meeting between Production Services and Biddeford Police Department to ensure clarity of roles. We expect up to 300 people to be in Shevenell Park over the course of Friday night, and we plan to exceed the required minimum number of security personnel to 4 or 5. We expect up to 400 people to be drinking alcohol in the cordoned off section of Mechanics Park, and we plan to have at least 7 security personnel that night. (More, if requested by Chief Beaupre.)

Please see the event application for Fringe Fest and River Jam to see how we plan to cordon off areas where alcohol will be consumed. You will see that there are food sales and non-alcoholic beverages available during both evenings.

Please let me know if you have any questions or concerns. Thank you for creating a policy that allows for restricted consumption and sale of alcohol in events that are positive for the City.

Sincerely,

Delilah Poupore  
Executive Director

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/31/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| <b>PRODUCER</b><br>P&C Insurance<br>260 Main St.<br>P.O. Box 356<br>Biddeford ME 04005 |                               | <b>CONTACT NAME:</b> Nicole Cote<br><b>PHONE (A/C, No, Ext):</b> (207) 283-1486<br><b>FAX (A/C, No):</b> (207) 283-4258<br><b>E-MAIL ADDRESS:</b>                                                                                                                                                                                                                                                                                                                           |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
|----------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|--------|------------|---------------------|--|------------|-------------------------------|-------|------------|--|--|------------|--|--|------------|--|--|------------|--|--|
| <b>INSURED</b><br>Heart of Biddeford<br>205 Main St, Ste 103<br>Biddeford ME 04005     |                               | <table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>Philadelphia Ins Co</td><td></td></tr><tr><td>INSURER B:</td><td>Maine Employers Mutual Ins Co</td><td>11149</td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table> | INSURER(S) AFFORDING COVERAGE |  | NAIC # | INSURER A: | Philadelphia Ins Co |  | INSURER B: | Maine Employers Mutual Ins Co | 11149 | INSURER C: |  |  | INSURER D: |  |  | INSURER E: |  |  | INSURER F: |  |  |
| INSURER(S) AFFORDING COVERAGE                                                          |                               | NAIC #                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
| INSURER A:                                                                             | Philadelphia Ins Co           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
| INSURER B:                                                                             | Maine Employers Mutual Ins Co | 11149                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
| INSURER C:                                                                             |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
| INSURER D:                                                                             |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
| INSURER E:                                                                             |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |
| INSURER F:                                                                             |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                     |  |            |                               |       |            |  |  |            |  |  |            |  |  |            |  |  |

## COVERAGES

CERTIFICATE NUMBER: 2019-2020

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                             | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                          |
|----------|-----------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|-------------------------|---------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                              |           |          | PHPK2013036   | 08/06/2019              | 08/06/2020              | EACH OCCURRENCE \$ 1,000,000                                                    |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                |           |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000                            |
|          |                                                                                               |           |          |               |                         |                         | MED EXP (Any one person) \$ 5,000                                               |
|          |                                                                                               |           |          |               |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                                              |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:                                                            |           |          |               |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                                  |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC |           |          |               |                         |                         | PRODUCTS - COMP/OP AGG \$ 2,000,000                                             |
|          | OTHER:                                                                                        |           |          |               |                         |                         | D&O Liability \$ 1,000,000                                                      |
|          | AUTOMOBILE LIABILITY                                                                          |           |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$                                          |
|          | <input type="checkbox"/> ANY AUTO                                                             |           |          |               |                         |                         | BODILY INJURY (Per person) \$                                                   |
|          | <input type="checkbox"/> OWNED AUTOS ONLY                                                     |           |          |               |                         |                         | BODILY INJURY (Per accident) \$                                                 |
|          | <input type="checkbox"/> HIRED AUTOS ONLY                                                     |           |          |               |                         |                         | PROPERTY DAMAGE (Per accident) \$                                               |
|          | <input type="checkbox"/> SCHEDULED AUTOS                                                      |           |          |               |                         |                         |                                                                                 |
|          | <input type="checkbox"/> NON-OWNED AUTOS ONLY                                                 |           |          |               |                         |                         |                                                                                 |
|          | UMBRELLA LIAB                                                                                 |           |          |               |                         |                         | EACH OCCURRENCE \$                                                              |
|          | EXCESS LIAB                                                                                   |           |          |               |                         |                         | AGGREGATE \$                                                                    |
|          | DED RETENTION \$                                                                              |           |          |               |                         |                         |                                                                                 |
| B        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                 |           |          | 1810096123    | 03/16/2019              | 03/16/2020              | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH)                   | Y/N       |          |               |                         |                         | E.I. EACH ACCIDENT \$ 100,000                                                   |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                        | N         | N/A      |               |                         |                         | E.I. DISEASE - EA EMPLOYEE \$ 100,000                                           |
|          |                                                                                               |           |          |               |                         |                         | E.I. DISEASE - POLICY LIMIT \$ 500,000                                          |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Nicole Cote*

Submitted by Heart of Biddeford

Map to accompany Mechanics Park request to serve alcohol



**COUNCIL MEETING  
AUGUST 6, 2019**

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

**Roll Call:** Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

Adjustments to the Agenda:

- Add: Order 2019.89) Paving of Green (Franklin Street) Parking Lot
- Add: Executive Session: 1 MRSA 405(6)(C)...Development Contract Update

**Presentation: Swearing in of Biddeford Youth Advisory Council Members**

Five Biddeford Youth Advisory Council Members were sworn in by City Clerk, Carmen Morris. The Members are: Brittany Baumgardner, Abigail Gosselin, Rebecca Hatt, Hannah McCurry and Lilyanne Melton. Mayor Casavant presented each Member with a certificate.

**Presentation: Biddeford Police Department CALEA Update**

Police Chief, Roger Beaupre gave a brief update on the Biddeford Police Department Accreditation, and the Year 1 annual review and assessment. According to the initial review and assessment, CALEA reported that the Biddeford Police Department has been found in compliance with the reviewed national standards without exception.

**Update: 2019 LaKermesse Franco-Americaine Festival**

LaKermesse President, Jessica Quattrone started by thanking the City of Biddeford for all the assistance with the organization of the Festival; and specifically, for the coordination to put the contingency plan in place when the fireworks had to be moved to Saturday night at the field (rather than during the Block Party on the river). She reported that most of the feedback she has received from this year's Festival has been positive and her hope is to continue holding the LaKermesse Festival at St. Louis Field.

**MMA Annual Election – Vice President and Executive Committee Members**

Motion by Councilor McCurry, seconded by Councilor Clearwater to delegate the City Clerk to fill out the ballot and submit it on behalf of the City Council.

Vote: Unanimous.

**Consideration of Minutes: July 16, 2019**

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the minutes as printed.

Vote: Unanimous.

**Orders of the Day:**

**2019.77**

**IN BOARD OF CITY COUNCIL...AUGUST 6, 2019**

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-1** Word usage and definitions, be amended by adding or deleting to read as follows:

**Sec. 46-1 Word usage and definitions.**

**a)** When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**(b)** For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

**ATHLETIC FIELD** An area of land usually enclosed by a fence or other barrier that includes the playing field, where sports or other events takes place.

**CITY** The City of Biddeford.

**DIRECTOR** The Parks and Recreation Director appointed pursuant to § 46-2 of the Code of the City of Biddeford.

**DOG PARK** An area that has been fenced in and designated for exclusive use by dogs. Dog parks shall have clearly established rules for their use, which shall be posted at all entrances.

**PARK** Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities.<sup>11</sup>

**TOBACCO** Includes but is not limited to cigarettes, cigars, snuff, pipes, spit tobacco, and vaping.

**TOBACCO-FREE ZONE** Includes City-owned playgrounds, athletic fields, sports fields, parks and beaches.

**VEHICLE** Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, skateboard, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles used at the Clifford Park and Rotary Park, and vehicles used in the maintenance and operation of City parks.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: Unanimous.

**2019.78**

**IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-13** Park operating policy, be amended by adding or deleting to read as follows:

**Sec. 46-13 Park operating policy.**

**(a)** Hours. All parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual park for public information and enforcement purposes.

**(b)** Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

**(c)** Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.

**(d)** Dogs, horses and horse-drawn vehicles.

**(1)** Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any park, athletic field or beach areas, except as follows:

**a.** City beaches: No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

**b.** Rotary Park: Horses, horse-drawn vehicles, or dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.  
Vote: Unanimous.

**2019.79** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

~~Elm Street, both sides (Route 1), from the beginning of the Prescott Metals driveway southerly for a distance of 500 feet~~  
~~Elm Street, even numbered side, from the intersection of Elm Street and South Street back to a distance of 50 feet from the intersection~~  
~~Elm Street, even numbered side, from the Saco City line, thence southerly to the intersection with Main Street.~~  
~~Elm Street, even numbered side, from the intersection with St. Joseph Street, thence southerly to the intersection with South Street.~~  
~~Elm Street, odd numbered side between South Street and Main Street~~  
~~Elm Street, from the intersection of Main Street and Elm Street to the intersection of Cutts Street and Elm Street (Steego Auto Parts side)~~  
~~Elm Street, 150 feet from Five Points to the Tousignant property and First National Bank property lot line, 325 feet~~  
~~Elm Street, westerly (even numbered) side, from the corner of St. Joseph's Street northerly for a distance of 88 feet~~

Elm Street, except as otherwise authorized under section 42-92 (Limited Parking) of this Chapter, there is No Parking on both sides of Elm Street beginning at the Biddeford/Saco City Line, thence southerly to the Biddeford/Arundel Town Line.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.  
Vote: Unanimous.

**2019.80** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or deleting to read as follows:

~~Elm Street, even numbered side, beginning at a point 180 feet south of the intersection of St. Joseph Street, thence for a distance of 21 feet, 15 minutes. This area is more specifically located in front of 200 Elm Street~~

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.  
Vote: Unanimous.

**2019.81** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-100 Disability Parking**, be amended by adding or deleting to read as follows:

~~Graham Street, odd-numbered side, beginning at a point 20 feet northeasterly from the intersection with Harding Street, thence northeasterly for a distance of two parking spaces.~~

**NOTE: Business for which this ordinance amendment was added is no longer at this location.**

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.

Vote: Unanimous.

**2019.82** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-88, One-Way Streets** be amended by adding or deleting to read as follows:

Franklin Street, from ~~Main Street~~ the 90 degree elbow, thence easterly to Alfred Street.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 8.1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

**2019.83** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-89, Stop Intersections** be amended by adding or deleting to read as follows:

**Add:** Franklin Street at Main Street  
**and**  
**Delete:** ~~Federal Street at Washington Street~~

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.

Vote: Unanimous.

**2019.84** **IN BOARD OF THE CITY COUNCIL.....AUGUST 6, 2019**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby accept the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG), which has been awarded by the U.S. Department of Justice to the Biddeford Police Department. The Police Department will use this grant money to purchase personal storage lockers as part of the locker room upgrade.

**NOTE:** A stipulation of this Grant is that these funds, or any part thereof may not be used to supplant the Police Department budget. This is a direct Grant, which requires no matching funds, or in-kind contributions. Grant is in the amount of \$30,017.00 and must be officially approved by the city council in order to receive funds.

Motion by Councilor Ready, seconded by Councilor McCurry to grant the order.  
Vote: Unanimous.

**2019.85** **IN BOARD OF CITY COUNCIL...AUGUST 6, 2019**  
**BE IT ORDERED**, that the Finance Director is authorized to adjust the fiscal year 2020 budget: to increase the annual budgeted dues for Southern Maine Planning and Development by.

| <u><b>FY20 Account #</b></u> | <u><b>Description</b></u>                   | <u><b>AMOUNT</b></u> |
|------------------------------|---------------------------------------------|----------------------|
| 21128-60860                  | Increase Expense So ME Reg Planning Comm by | 811                  |
| 21111-60797                  | Decrease Expense Miscellaneous Expense by   | 811                  |
|                              |                                             | <hr/> 0              |

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the order.  
Vote: Unanimous.

**2019.86** **IN BOARD OF CITY COUNCIL...AUGUST 6, 2019**  
**BE IT ORDERED**, in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **5.00%**.

Motion by Councilor Clearwater, seconded by Councilor Belanger to grant the order.  
Vote: Unanimous.

**2019.87** **IN BOARD OF CITY COUNCIL... AUGUST 6, 2019**  
**BE IT ORDERED**, that the City does hereby discontinue “Federal Street”, a public street located between Washington Street and Franklin Street.

**BE IT FURTHER ORDERED**, that the City Council finds that there are no properties have frontage abutting Federal Street, and that no damage shall be awarded to any person resulting from the discontinuance.

**BE IT FURTHER ORDERED**, that the City shall retain a limited public easement over the discontinued public street for the purpose of establishing public parking over the discontinued public street.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the order.  
Vote: 8/1; Councilor Swanton opposed.  
Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.  
Motion carries.

**2019.88** **IN BOARD OF CITY COUNCIL...AUGUST 6, 2019**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby approve awarding a project to construct a median at 5 Points that will stop left turns out of Starbucks Coffee, located at 352 Alfred Street to J. Pratt Construction of Hebron, Maine, in an amount not to exceed \$12,750.00. Funds for this project will be taken from account 31374-60300-Road Paving Bond proceeds.

NOTE: This item will be considered at the August 6, 2019 Finance Committee Meeting.

Motion by Councilor Ready, seconded by Councilor Lessard to grant the order.  
Vote: Unanimous.

**2019.89** **IN BOARD OF CITY COUNCIL...AUGUST 6, 2019**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby approve the expenditure for paving of the **Green (Franklin Street) Parking Lot**; with the project work awarded to **Thyng Paving LLC** in the amount of **\$57,000**. The cost of this project will be charged to the Parking Fund, 31235-60306

**BE IT FURTHER ORDERED**, that the paving of Franklin Street by paid out of the Road Construction/Improvement Account, 21204-60604, in the amount of \$17,650.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the order.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the order by adding: **BE IT FURTHER ORDERED**, that the paving of the Blue (Alfred Street) Parking Lot also be scheduled to be paved in the amount of \$61,700, to be charged to the Parking Fund, 31235-60306.

Vote: 6/3; Councilors Swanton, Ready and Seaver opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger and Lessard in favor.

Motion to amend carries.

Vote on order, as amended: 8/1; Councilor Seaver opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Lessard in favor.

Motion carries.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):  
One citizen addressed his comments to the Council.

*City Manager Report:*

Chief Operating Office, Brian Phinney noted the following items:

- (1) The City received a \$30,000 check from MMA for Workers Compensation dividends.
- (2) The City is currently in the process of applying for a \$3.3 million Grant to assist low-income residents with lead paint abatement in their homes.
- (3) The Street Light Conversion is about 75% finished.

*Other Business:*

Councilor Lessard: commended the Public Works Department for the continued success in running the Recycling Facility. He is impressed with how organized the Facility is and how helpful and knowledgeable the Staff is.

Councilor Ready: noted that the at their August 5<sup>th</sup> meeting, the Downtown Committee unanimously voted to recommend to the Council that the City hire a third party with expertise in parking/parking lot layouts to offer guidance with the City's parking program. He requested that this item be included on the next Council Meeting agenda. At this point, until expertise is brought in, he will no longer support any adjustments or amendments to the parking program.

Councilor Clearwater: agrees with Councilor Ready and believes that it would benefit the City to get an expert opinion on the parking program.

She complimented Communications Coordinator, Danica Lamontagne on her work and organization of the Biddeford Youth Advisory Council. The BYAC orientation that took place earlier in the day was a success.

Councilor Swanton: announced that Election season has started with the availability of nomination papers for local office. He urged folks who are interested in running for local office to go to the City Clerk's Office to get nomination papers. He also officially announced that he will not be seeking re-election as Councilor for Ward 1.

Council President Addressing the Council: Councilor McCurry thanked Councilor Quattrone for assisting to organize and pull off another successful Finding Pieces Autism Summer Camp.

He is proud that the City now has a Biddeford Youth Advisory Council, and he is looking forward to getting the City's youth involved in local government.

He informed the Council that he and Mayor Casavant are trying to schedule a meeting with the Biddeford Ice Arena, and in that meeting, plan to stress that Biddeford youth should be given priority when scheduling ice time.

Mayor Addressing the Council: Mayor Casavant echoed Councilor Lessard’s commendation about the Public Works Department. He has been hearing from many folks how courteous and helpful the DPW Staff is.

He thanked Jason Litalien for his willingness to meet with City Officials and try to work towards a mutual agreement in regards to the City’s parking program.

Mayor Casavant recently visited one of Biddeford’s newer Main Street establishments – Lorne Wine. In speaking with the owners, he found out that they decided to locate their business in Biddeford because of what they had heard about other downtown establishments, like Elda and the Palace Diner. The Lorne Wine owners chose Biddeford as the place where they want to make their investment, and they are confident that more businesses are coming.

***Executive Session: 1 MRSA 405(6)(C)...Development Contract Update***

Motion by Councilor Clearwater, seconded by Councilor Belanger to move into Executive Session.

Vote: Unanimous. Time: 6:47 p.m.

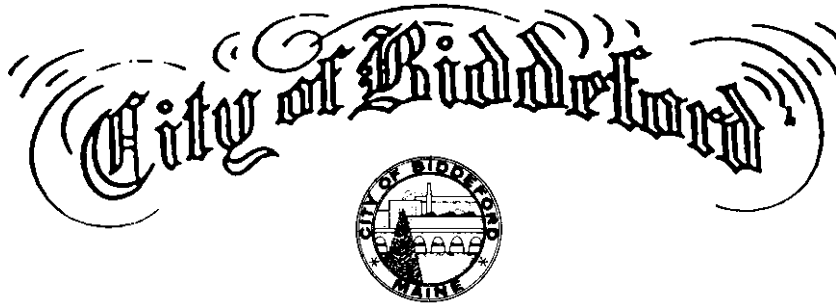
Motion by Councilor Seaver, seconded by Councilor Clearwater to move out of Executive Session.

Vote: Unanimous. Time: 7:57 p.m.

Motion by Councilor Seaver, seconded by Councilor Clearwater to adjourn.

Vote: Unanimous. Time: 7:57 p.m.

**Attest by: \_\_\_\_\_**  
**Carmen J. Morris, City Clerk**



**2019.77** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-1** Word usage and definitions, be amended by adding or deleting to read as follows:

**Sec. 46-1 Word usage and definitions.**

**a)** When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**(b)** For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

**ATHLETIC FIELD** An area of land usually enclosed by a fence or other barrier that includes the playing field, where sports or other events takes place.

**CITY** The City of Biddeford.

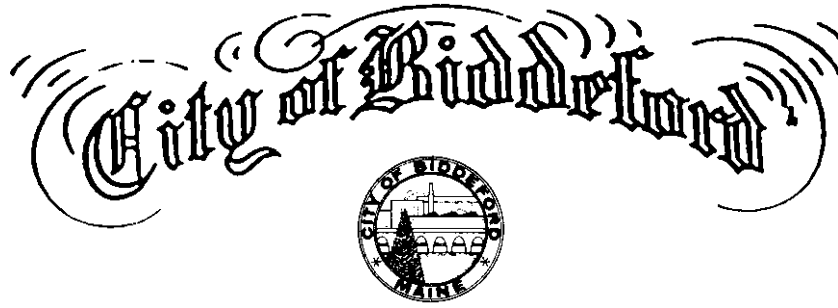
**DIRECTOR** The Parks and Recreation Director appointed pursuant to § 46-2 of the Code of the City of Biddeford.

**DOG PARK** An area that has been fenced in and designated for exclusive use by dogs. Dog parks shall have clearly established rules for their use, which shall be posted at all entrances.

**PARK** Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities.<sup>11</sup>

**TOBACCO** Includes but is not limited to cigarettes, cigars, snuff, pipes, spit tobacco, and vaping.

**TOBACCO-FREE ZONE** Includes City-owned playgrounds, athletic fields, sports fields, parks and beaches.



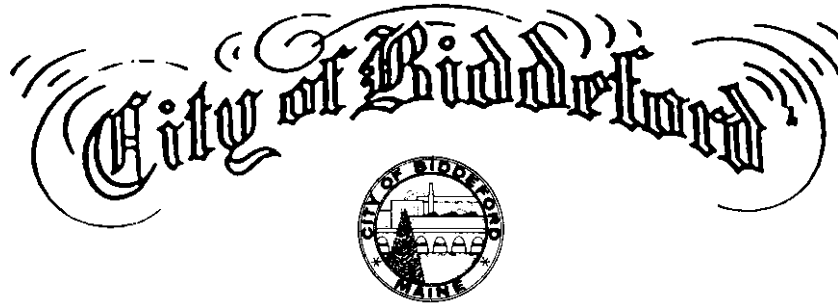
**VEHICLE** Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, skateboard, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles used at the Clifford Park and Rotary Park, and vehicles used in the maintenance and operation of City parks.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

**August 6, 2019**

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: Unanimous.



**2019.78** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-13** Park operating policy, be amended by adding or deleting to read as follows:

**Sec. 46-13 Park operating policy.**

**(a)** Hours. All parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual park for public information and enforcement purposes.

**(b)** Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

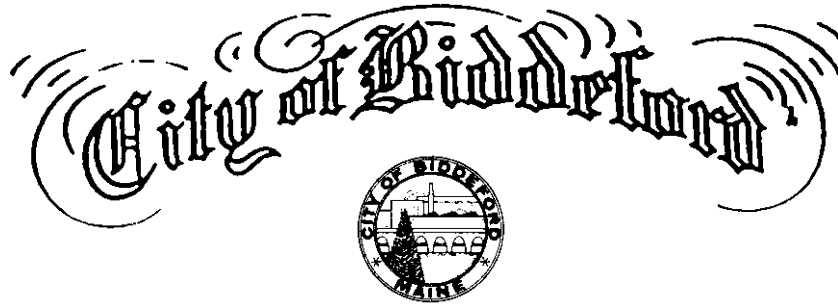
**(c)** Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.

**(d)** Dogs, horses and horse-drawn vehicles.

**(1)** Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any park, athletic field or beach areas, except as follows:

**a.** City beaches: No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

**b.** Rotary Park: Horses, horse-drawn vehicles, or dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

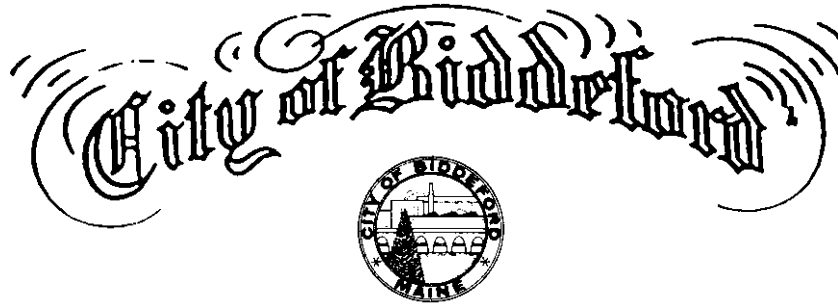


NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

**August 6, 2019**

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: Unanimous.



**2019.79** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

~~Elm Street, both sides (Route 1), from the beginning of the Prescott Metals driveway southerly for a distance of 500 feet~~

~~Elm Street, even-numbered side, from the intersection of Elm Street and South Street back to a distance of 50 feet from the intersection~~

~~Elm Street, even-numbered side, from the Saco City line, thence southerly to the intersection with Main Street.~~

~~Elm Street, even-numbered side, from the intersection with St. Joseph Street, thence southerly to the intersection with South Street.~~

~~Elm Street, odd-numbered side between South Street and Main Street~~

~~Elm Street, from the intersection of Main Street and Elm Street to the intersection of Cutts Street and Elm Street (Steego Auto Parts side)~~

~~Elm Street, 150 feet from Five Points to the Tousignant property and First National Bank property lot line, 325 feet~~

~~Elm Street, westerly (even-numbered) side, from the corner of St. Joseph's Street northerly for a distance of 88 feet~~

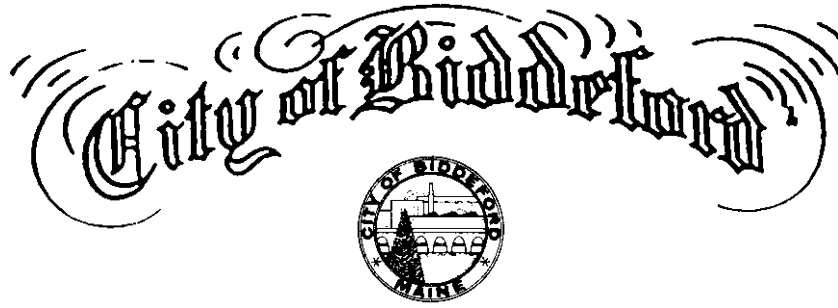
Elm Street, except as otherwise authorized under section 42-92 (Limited Parking) of this Chapter, there is No Parking on both sides of Elm Street beginning at the Biddeford/Saco City Line, thence southerly to the Biddeford/Arundel Town Line.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

**August 6, 2019**

Motion by Councilor Ready, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.

Vote: Unanimous.



**2019.80** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or deleting to read as follows:

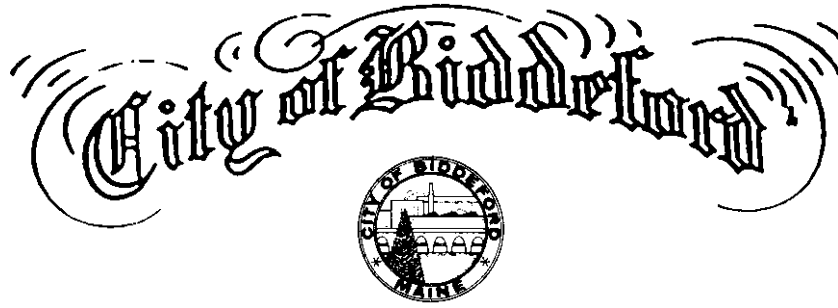
~~Elm Street, even-numbered side, beginning at a point 180 feet south of the intersection of St. Joseph Street, thence for a distance of 21 feet, 15 minutes. This area is more specifically located in front of 200 Elm Street~~

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

**August 6, 2019**

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: Unanimous.



**2019.81**

**IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-100 Disability Parking**, be amended by adding or deleting to read as follows:

~~Graham Street, odd numbered side, beginning at a point 20 feet northeasterly from the intersection with Harding Street, thence northeasterly for a distance of two parking spaces.~~

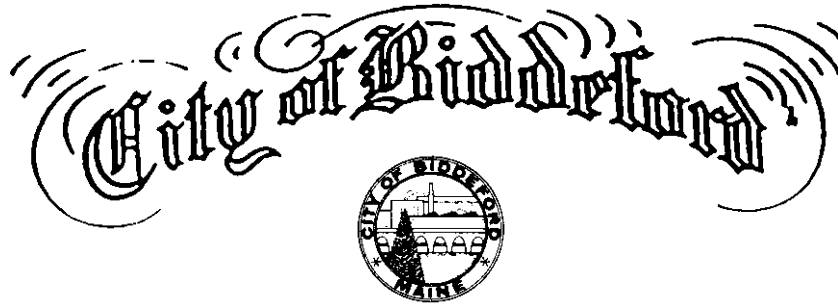
**NOTE: Business for which this ordinance amendment was added is no longer at this location.**

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

**August 6, 2019**

Motion by Councilor Ready, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.

Vote: Unanimous.



**2019.82** **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-88, One-Way Streets** be amended by adding or deleting to read as follows:

Franklin Street, from ~~Main Street~~ the 90 degree elbow, thence easterly to Alfred Street.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

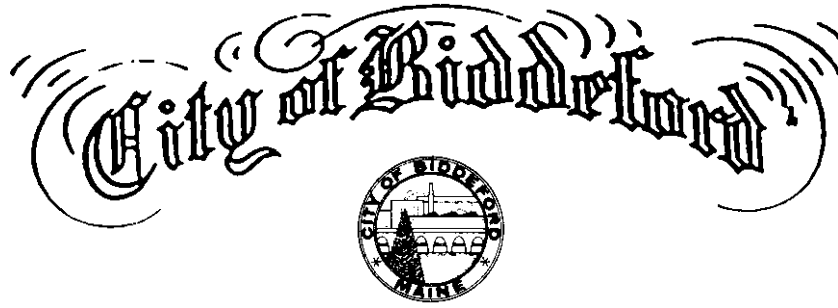
**August 6, 2019**

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 8.1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.



**2019.83**

**IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-89, Stop Intersections** be amended by adding or deleting to read as follows:

**Add:** Franklin Street at Main Street  
**and**

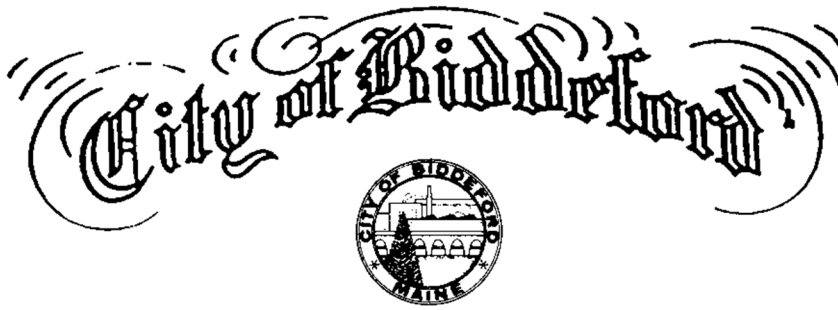
**Delete:** ~~Federal Street at Washington Street~~

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

**August 6, 2019**

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.

Vote: Unanimous.



**2019.50**

**IN BOARD OF CITY COUNCIL..MAY 21, 2019**

**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.**

**May 21, 2019**

Motion by Councilor Lessard, seconded by Councilor McCurry to grant the first reading of the ordinance amendment.

Motion by Councilor Lessard, seconded by Councilor Ready to table the ordinance amendment until the Council has been provided with a better understanding of what could possibly be developed on the remaining RF parcel.

Vote: Unanimous.

**June 18, 2019**

Motion by Councilor Lessard, seconded by Councilor McCurry to remove the ordinance amendment from the table.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Swanton to table this item until the Planning Board has reviewed the amendment along with the new condition, as spelled out in the applicant's letter and make a recommendation to the Council.

Vote: 6/3; Councilors Lessard, Ready and McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Belanger, Clearwater and Seaver in favor.

Motion to table carries.



## CITY OF BIDDEFORD PLANNING DEPARTMENT

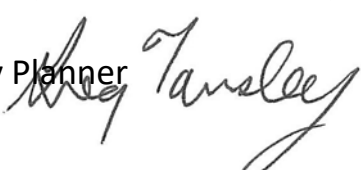
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Greg D. Tansley, AICP  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### MEMORANDUM

**To:** Mayor Casavant  
Council President McCurry & Members of City Council

**From:** Greg Tansley, AICP, City Planner 

**Date:** August 8, 2019

**Re:** **226 Guinea Road (Tax Map 78, Lot 1) rezoning request to rezone the first 300' off Guinea Road as from R-F to SR-1**

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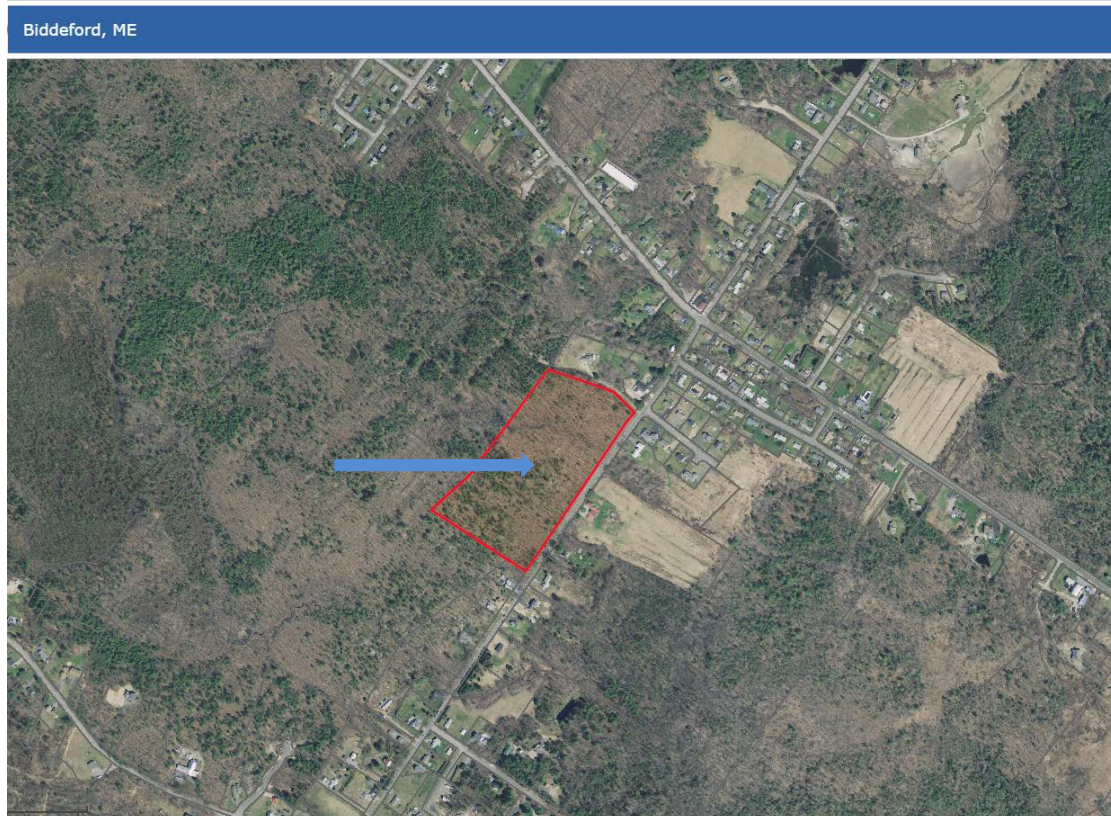
The property owner, Van Hertl, Jr., has requested that their property (and now only a portion thereof) be rezoned from R-F to SR-1. 226 Guinea Road is located just south of the intersection of West Street and Guinea Road, on the West side of the street.

Over more than 6 months the above-referenced item has gone through Planning Board review and City Council review. The last two (2) City Council actions on this item were as follows:

- May 21, 2019 – The City Council unanimously TABLED this item “until the Council has been provided with a better understanding of what could possibly be developed on the remaining RF parcel” (Council Action per Order 2019.50, May 21, 2019).
- June 18, 2019:
  - In response to the City Council’s tabling of the item, the applicant responded with the attached letter (dated June 7, 2019) indicating that if the front 300’ of their property were rezoned SR-1 they would put the land behind the 300’ line into a Conservation Easement.
  - The City Council removed this item from the Table June 18, 2019 to discuss the applicant’s response. The City Council again tabled

the item, this time to the Planning Board for a recommendation regarding the Conservation Easement proposal put forward by the Applicant.

The subject property is highlighted in **red**:



Source: "226 Guinea Road".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=6860>. Accessed Date: 05/09/2019.

On August 7, 2019 the Planning Board reviewed the new concession/offering by the Applicant to put the land beyond 300' off Guinea Road into conservation.

The Planning Board again unanimously voted NOT TO RECOMMEND the Zoning Amendment pass at the City Council.

The primary comments provided by the Public, paraphrased unless otherwise indicated, during the hearing were as follows:

- Picture evidence was provided by Mr. Denis Letellier that his property at 264 Guinea Road currently experiences front yard flooding.

NOTE: I was unable to obtain copies of the pictures before Mr. Lettelier left City Hall and before I completed this memorandum to you. Further, I have not been able to discuss the specifics with Public Works or the City Engineer, so I can honestly say that I do not know what is causing the flooding of their properties and how house lots on this parcel may impact this apparent Guinea Road caused problem.

- Public comment received from others in the area indicated that other properties in the area are influenced by the same condition of Guinea Road – existing poor drainage conditions.
- Mr. Letellier also offered the following additional comments:
  - Concerns that Guinea Road was too narrow, and according to City Engineers, he was told they could not widen it because of granite, blasting, and the costs associated with blasting.
    - Note: Mr. Richard Rhames, a property owner abutting the subject parcel, later opined that in his research in Augusta, Guinea Road was only a 2-Rod Road (33') and physically there is no ability to widen Guinea Road without going through Eminent Domain.
  - Concerns about ledge and rock removal from house lot development resulting in RADON poisoning of wells in the area.
    - Note: The City of Biddeford does have a Blasting Ordinance designed to protect against such things as well water impacts, among other things (see *Chapter 34, Article V – BLASTING* of the Biddeford Code of Ordinances).
- Ms. Carole Brown of 239 Guinea Road (directly across from the subject parcel) also expressed concerns about drainage impacts on her property and the need to maintain vegetation along Guinea Road through buffers.
- Mr. Kenneth Buechs, Biddeford Conservation Commission Chair recommended the amendment not pass due many of the reasons already discussed about this parcel.
- Mr. Richard Rhames, abutting property owner and Conservation Commission member, expressed concerns that the applicant indicated their intent to have the City of Biddeford hold the Conservation Easement. Mr. Rhames concerns were that the City of Biddeford “doesn’t really do land conservation” and if a Conservation Easement were to be placed on a property such as this it should

be held by someone such as the Saco Valley Land Trust. Further, he felt the details needed to be looked at to ensure it meets the intent of the City Council.

- o Note: I have not, nor has the Planning Board to my knowledge, seen a draft Conservation Easement document for this property. My response (later in the discussion) indicted that the eventual terms of a Conservation Easement, as well as who would hold the easement, would be determined at a later time, but my recommendation would be that the zoning amendment not take effect (if approved) until the City Council accepts the easement, and the terms therein.
- Mr. Rhames also expressed that although the vernal pools on his property would not likely trigger any regulatory action by Maine DEP or otherwise, the wildlife species can roam for large distances so the vernal pools should not be dismissed just because they are may be beyond regulatory considerations.

As I stated at the meeting, and I will state again here, in my experience zoning amendment proposals do not address the issues discussed at the Planning Board August 7, especially without ample time for Staff to react. Stormwater/drainage, buffers, and traffic for example are detail review subjects through a Planning Board review process of a Subdivision proposal (in this case). In the case of drainage, for example, regardless of the zoning, the Subdivision Review process includes ensuring that any potential downstream (off-site) impacts are mitigated in order for any project to be approved. If any impacts cannot be mitigated, the project should not be approved. This would be no different here so long whatever occurs here is subject to Planning Board review.

On August 7, 2019 the Planning Board held a duly noticed Public Hearing on the revised proposal before you. Although the direction of the City Council was somewhat specific to the Conservation Easement (“...table this item until the Planning Board has reviewed the amendment along with the new condition, as spelled out in the applicant’s letter and make a recommendation to the Council”), several other issues previously discussed, and some I do not believe were discussed (RADON well contamination from blasting, for example), were also presented to the Planning Board for consideration.

**Following the Public Hearing the Planning Board voted 4-0 to recommend the proposed amendment before you NOT BE APPROVED by the City Council.**

Attachments: City Planner’s Packet to the Planning Board dated July 31, 2019

BH2M Letter to the City Council dated June 17, 2019

Cc: W. Thompson, BH2M, Applicant's Representative (via e-mail)  
M. Eddy, Planning and Development Director (via email)  
K. Buechs, Conservation Commission Chair (via e-mail)  
File

**Van Hertel Jr.  
5 Shady Creek Lane  
Scarborough, Maine 04074**

**June 7, 2019**

**Greg Tansley  
Biddeford City Planner  
P.O. Box 586  
Biddeford, Maine 04005**

**Re: 226 Guinea Road  
Rezone Request**

**Dear Greg;**

**We recently presented a request for rezoning on the above-mentioned property to the City Council and action was tabled until we could give more information about the rear of this parcel that we were not requesting rezoning.**

**The applicant would like to propose that the rear of this property, that is beyond the 300-foot strip of property, be put into a Conservation Easement. We would work with the City to complete this conservation designation as part of our proposed development of the newly rezoned land along the Guinea Road.**

**We would appreciate being considered at the next available City Council meeting.**

**Sincerely,**

A handwritten signature in blue ink, appearing to read "Van Hertel Jr.", with a long horizontal flourish extending to the right.

**Van Hertel Jr.**



# CITY OF BIDDEFORD

## PLANNING DEPARTMENT

2019.04

Greg D. Tansley, A.I.C.P.  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley".

DATE: July 31, 2019

**RE: NEW BUSINESS ITEM #A - 2019.04 Public Hearing, take comments, and make recommendations to the City Council, regarding a property owner's proposed amendment to the Official Zoning Map to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1, while voluntarily imposing conservation easement in the rear of the property which remains R-F.**

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

---

The owner of the property at 226 Guinea Road *had* requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1), rather than split between Rural Farm (RF) and SR-1. At the April Planning Board, following a Public Hearing, the Planning Board had a negative recommendation to the City Council about your proposal.

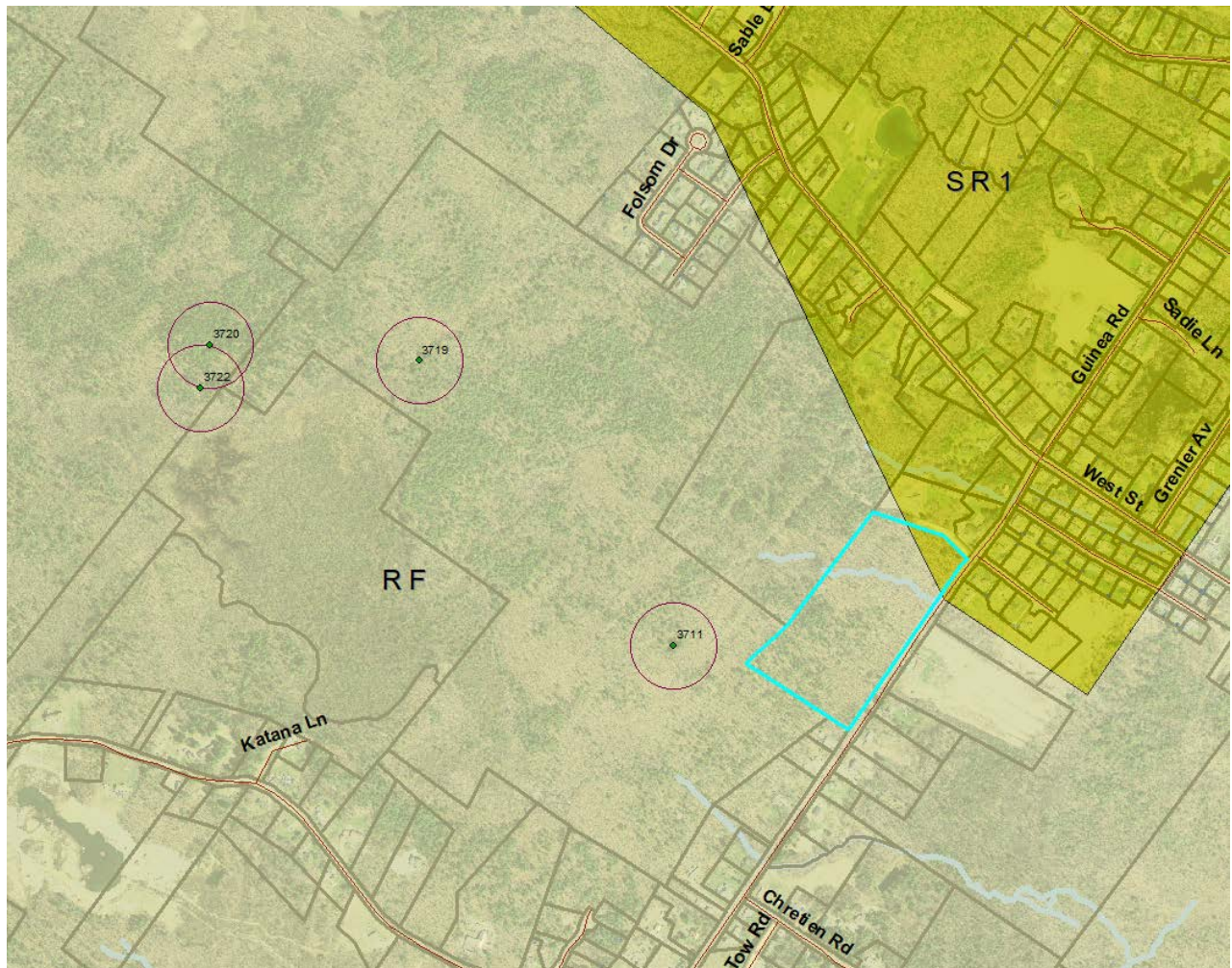
Based on this, the applicant has reformulated the proposal to consist of rezoning only the front 300' of the property along Guinea Road as SR-1. The remainder of the property unchanged by zoning would have a perpetual conservation easement on it if the zoning amendment is approved. This City Council reviewed the revised application in June.

On June 18, 2019, the City Council voted to TABLE the item until the Planning Board could evaluate the amended zoning proposal and made a recommendation back to the City Council.

Of important note, and not available at the June 18 City Council Meeting, was the mapped locations of the vernal pools on abutting Richard Rhames property. Three vernal pools are now in the State's database. The attached map shows the proposal parcel rezoning and the closest vernal pool to the property. As you can see, the 250' Maine DEP regulated buffer area around the closest vernal pools is a considerable distance from the property as a whole. In fact, measuring from the vernal pool center to the 300' limit of the zone change is approximately

840'. As such, it appears the vernal pools on the adjacent property have little or nothing to do with any development on the Van Hertl parcel proposed for rezoning to SR-1.

A zoom out of the area in ArcGIS shows the following spatial relationship between the newly mapped vernal pools and the subject parcel. The circumference displayed around each mapped vernal pool represents the 250' buffer subject to Maine DEP regulation:



The Biddeford Conservation Commission Chair appears to concur in an email to the City Planner dated 7/23/2019 stating “the significant vernal pools locations have little or no impact on the developer's plans;...” (complete e-mail is attached).

The Council also had previously asked the question about what could be developed on the remaining RF parcel (at the time, assuming it remained without a Conservation Easement). I believe it is safe to assume that with a Conservation Easement in place, nothing could happen (i.e., home construction) unless permitted through the easement.

Staff have asked for sample conservation easement language form the applicant.

SAMPLE MOTIONS:

*Motion to recommend/not recommend the revised Zoning Change pass at the City Council.*

ATTACHMENTS:      Applicants Revised Request information  
New Zoning Proposal Map – with closest vernal pool shown  
Conservation Commission Chair E-mail to/from City Planner - 07/23/19

**Van Hertel Jr.  
5 Shady Creek Lane  
Scarborough, Maine 04074**

**June 7, 2019**

**Greg Tansley  
Biddeford City Planner  
P.O. Box 586  
Biddeford, Maine 04005**

**Re: 226 Guinea Road  
Rezone Request**

**Dear Greg;**

**We recently presented a request for rezoning on the above-mentioned property to the City Council and action was tabled until we could give more information about the rear of this parcel that we were not requesting rezoning.**

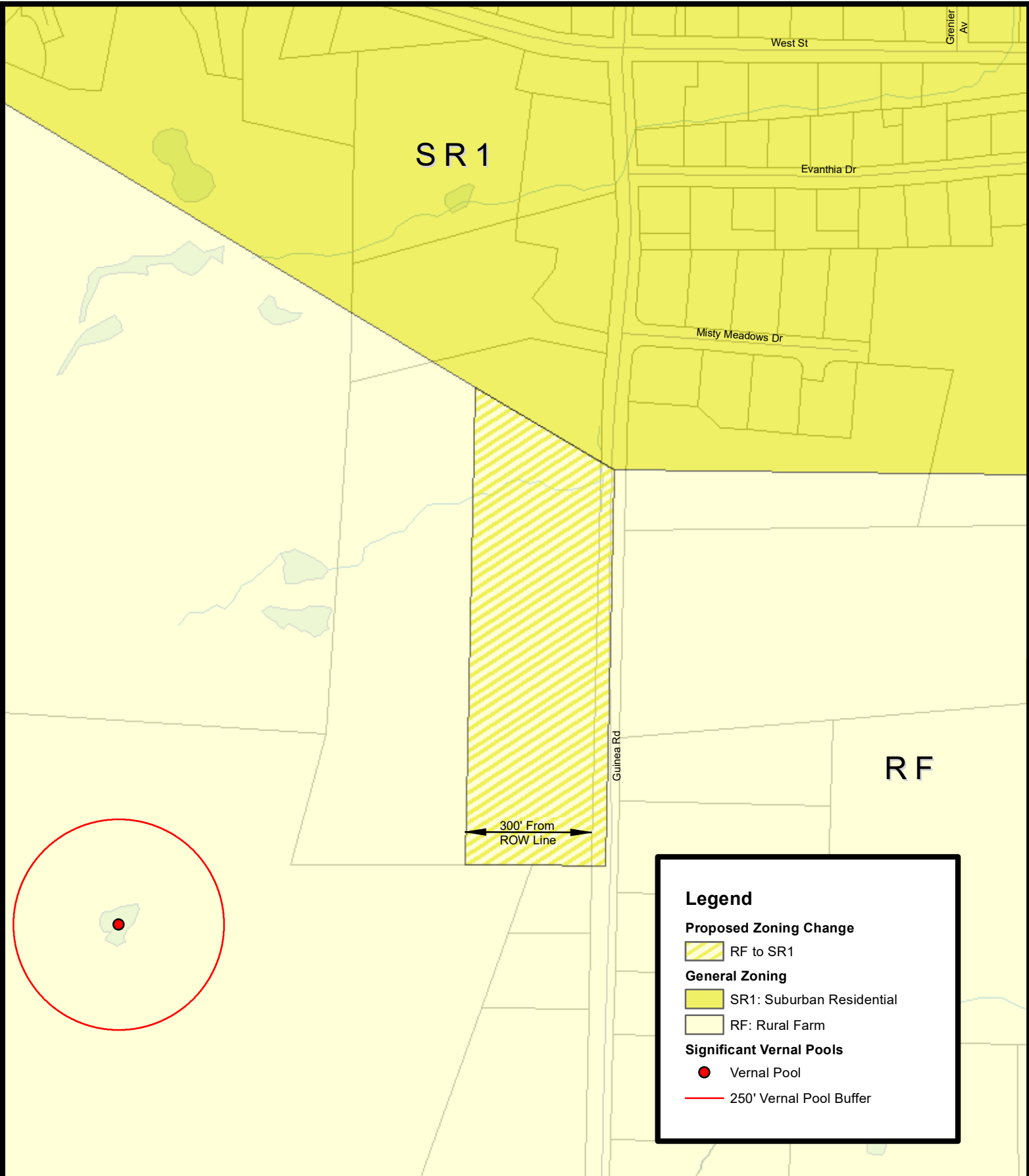
**The applicant would like to propose that the rear of this property, that is beyond the 300-foot strip of property, be put into a Conservation Easement. We would work with the City to complete this conservation designation as part of our proposed development of the newly rezoned land along the Guinea Road.**

**We would appreciate being considered at the next available City Council meeting.**

**Sincerely,**

A handwritten signature in blue ink, appearing to read 'Van Hertel Jr.', with a long horizontal flourish extending to the right.

**Van Hertel Jr.**



## Proposed Zoning Change - RF to SR1



**From:** [kbuechs@earthlink.net](mailto:kbuechs@earthlink.net)  
**To:** [Tansley, Greg](#)  
**Subject:** RE: Letters from the DEP re: Guinea Road Zoning Change  
**Date:** Tuesday, July 23, 2019 9:22:08 AM

---

Greg, if I may make some projected conclusions:

the significant vernal pools locations have little or no impact on the developer's plans; but are now registered with the State

the proposed Conservation Easement proposal will continue as an integral part of his proposal

Councilor Lessard's question regarding "how many building lots are included in the proposal" will be addressed at the next PB and Council meetings

Ken

-----Original Message-----

From: "Tansley, Greg"  
Sent: Jul 22, 2019 1:43 PM  
To: "kbuechs@earthlink.net"  
Subject: RE: Letters from the DEP re: Guinea Road Zoning Change

Ken,

Thanks.

Yes I will ask Greg to do that for what goes to the Planning Board. Just wanted to get something to you quick to acknowledge your e-mail and to understand where to VP's are spatially.

Greg

---

Greg Tansley, AICP  
City Planner  
PO Box 586  
Biddeford, ME 04005  
207-284-9115  
[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

---

**From:** kbuechs@earthlink.net <kbuechs@earthlink.net>  
**Sent:** Monday, July 22, 2019 1:38 PM  
**To:** Tansley, Greg <Greg.Tansley@Biddefordmaine.org>  
**Subject:** RE: Letters from the DEP re: Guinea Road Zoning Change

Greg, the Determination letters for the four sites were sent by Mark Bergeron, Bureau of Land Resources.

Can you add the proposed 300' conservation easement line to the drawings please.

Ken

-----Original Message-----

From: "Tansley, Greg"  
Sent: Jul 22, 2019 1:21 PM  
To: "[kbuechs@earthlink.net](mailto:kbuechs@earthlink.net)"  
Subject: RE: Letters from the DEP re: Guinea Road Zoning Change

Hi Ken,

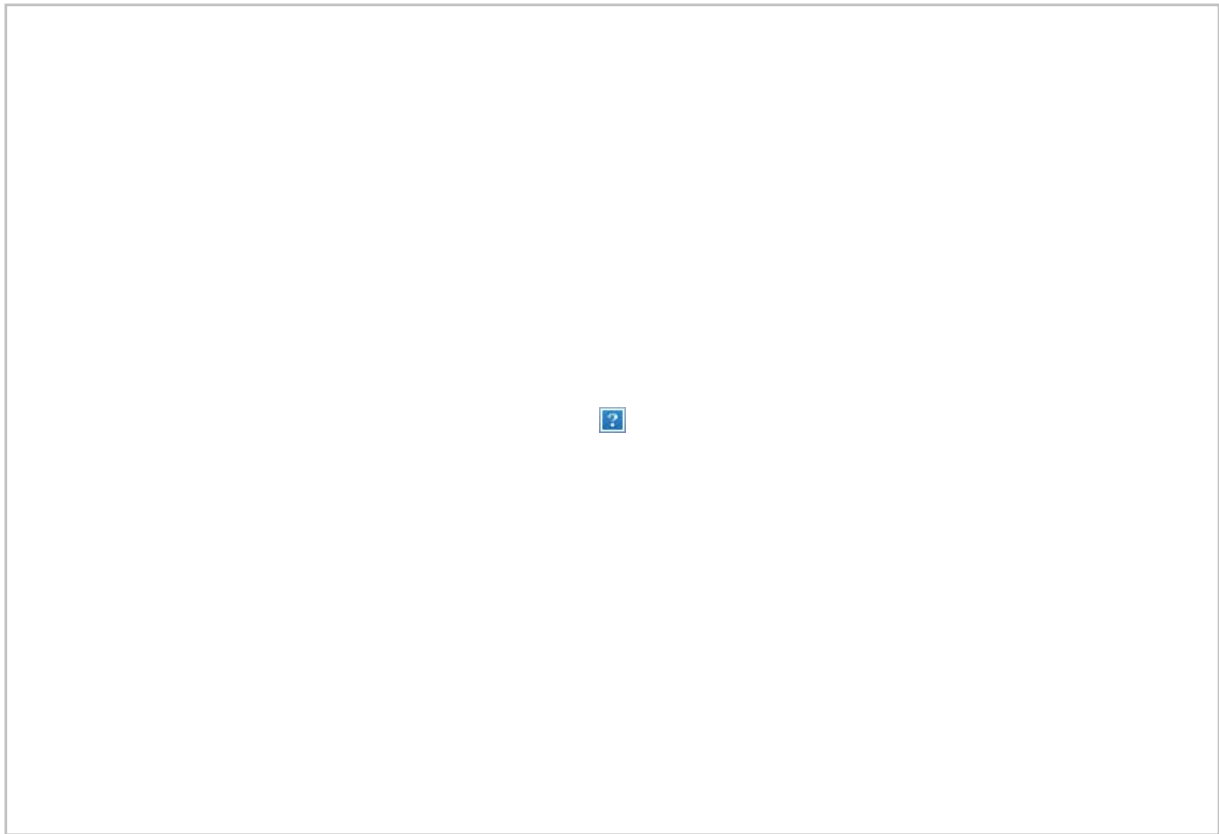
Thanks for forwarding this to us. Can you please provide the contact at Maine DEP who sent them to you?

Also, I had Greg Copeland plot the points and apply a 250' buffer around them. This provides a somewhat crude (but accurate) visual representation of the occurrences.

Something akin to this, along with the Maine DEP sheets, will be provided to the Planning Board for their August 7 review,

Thanks again,

Greg



---

Greg Tansley, AICP  
City Planner  
PO Box 586  
Biddeford, ME 04005  
207-284-9115  
[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

---

**From:** [kbuechs@earthlink.net](mailto:kbuechs@earthlink.net) <[kbuechs@earthlink.net](mailto:kbuechs@earthlink.net)>  
**Sent:** Friday, July 12, 2019 10:19 AM  
**To:** Tansley, Greg <[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)>  
**Subject:** Letters from the DEP re: Guinea Road Zoning Change

Greg, attached are the two State of Maine DEP documents recognizing the two significant vernal pools. The Conservation Commission submits them for inclusion in the BP packet when this proposal is reviewed once more.

When do you foresee this appearing on the agenda?

Respectfully,

Ken Buechs  
Chair, BCC

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**Van Hertel Jr.  
5 Shady Creek Lane  
Scarborough, Maine 04074**

**June 7, 2019**

**Greg Tansley  
Biddeford City Planner  
P.O. Box 586  
Biddeford, Maine 04005**

**Re: 226 Guinea Road  
Rezone Request**

**Dear Greg;**

**We recently presented a request for rezoning on the above-mentioned property to the City Council and action was tabled until we could give more information about the rear of this parcel that we were not requesting rezoning.**

**The applicant would like to propose that the rear of this property, that is beyond the 300-foot strip of property, be put into a Conservation Easement. We would work with the City to complete this conservation designation as part of our proposed development of the newly rezoned land along the Guinea Road.**

**We would appreciate being considered at the next available City Council meeting.**

**Sincerely,**

A handwritten signature in blue ink, appearing to read 'Van Hertel Jr.', with a long horizontal flourish extending to the right.

**Van Hertel Jr.**



## CITY OF BIDDEFORD PLANNING DEPARTMENT

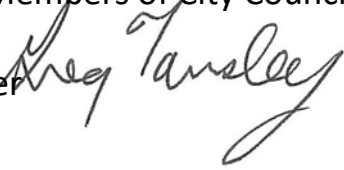
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Greg D. Tansley, AICP  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### MEMORANDUM

**To:** Mayor Casavant  
Council President McCurry & Members of City Council

**From:** Greg Tansley, AICP, City Planner 

**Date:** May 13, 2019

**Re:** **Applicant Requested Amendment to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.**

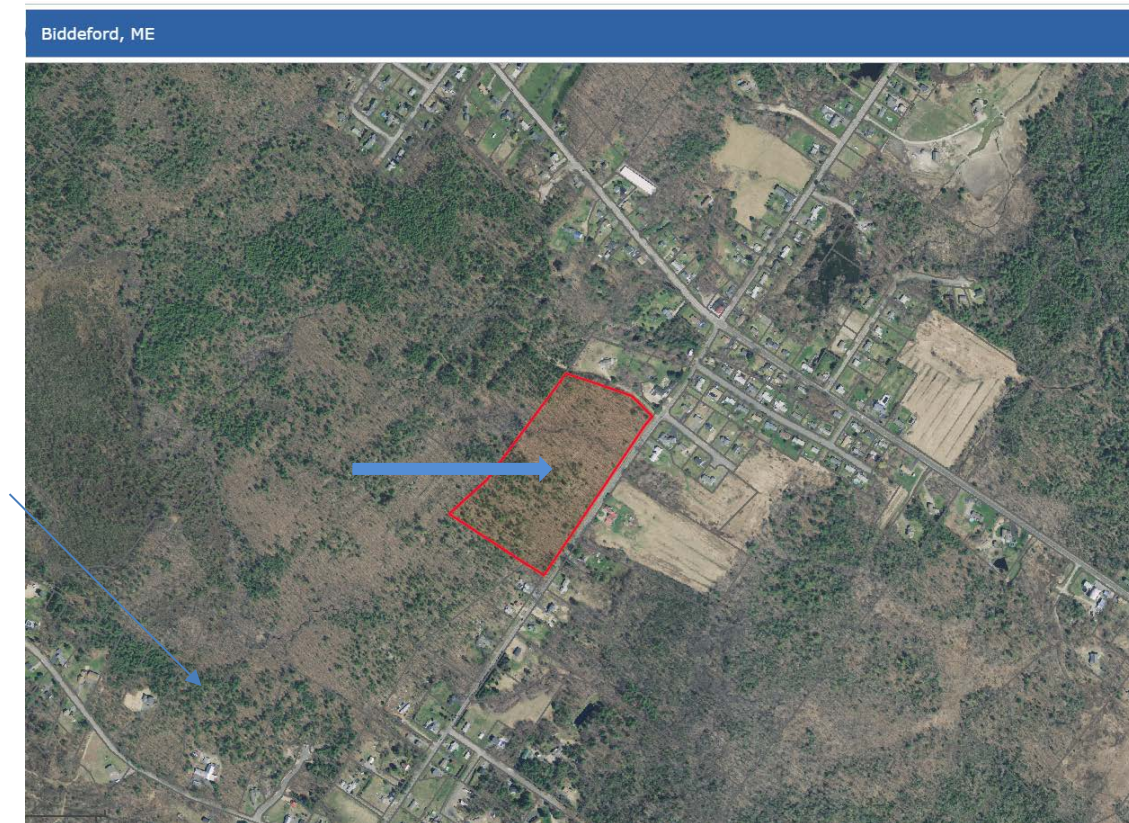
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The property owner, Van Hertl, Jr., has requested that their property (and now only a portion thereof) be rezoned from R-F to SR-1. 226 Guinea Road is located just south of the intersection of West Street and Guinea Road, on the West side of the street.

The owner of the property *had* requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than its current state of Rural Farm (R-F) with only a small corner of the property zoned SR-1. Following the April Planning Board Public Hearing, the applicant withdrew that original request based on the Planning Board's negative recommendation to the City Council.

As a "compromise", the applicant and property owner revised their request to limit the zone change to only the first 300' off Guinea Road (see attached plan).

The subject property is highlighted in **red**:



Source: "226 Guinea Road".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=6860>. Accessed Date: 05/09/2019.

The arguments presented to the Board against the change over the course of two public hearings regarding this parcel seemed to focus on the following:

- One Conservation Commission and Saco Valley Land Trust member (as well as an abutter), Mr. Rhames, presented that there is a vernal pool on an adjacent property, although as of yet, nothing appears in the state's vernal pool database. E-mail presented to the Planning Board is attached as well as Conservation Commission submitting information (with the March 28 City Planner's Memo).
- Another Saco Valley Land Trust member, Mr. Rioux, expressed concerns that by taking a portion of the property out of R-F and putting it in SR-1 this was an attempt to "co-opt" the requirements in the Cluster Subdivision Ordinance that requires a subdivider put land into permanent conservation.

- The Conservation Commission has hired Mark Ward, an independent ecological consultant, to conduct further field assessments of potential vernal pools on private property in the area. As stated during the Public Hearing by Mr. Beuchs, Conservation Commission Chair, they (the Conservation Commission) hope this property owner will allow the Conservation Commission to have their Consultant field assess this property.
- Some members of the Planning Board appeared to be concerned that what is intended for the property has not been presented so the implications of the zone change were not entirely known from a development perspective.

On May 1, 2019 the Planning Board held a duly noticed Public Hearing on the proposal before you. **Following the Public Hearing the Planning Board voted 3-1 to recommend the proposed amendment before you NOT be approved by the City Council.**

Attachments:      BH2M Letter to the Mayor and City Council dated May 13, 2019  
                              BH2M Plan Depicting 300' Proposed Zoning Line off Guinea Road  
                              City Planner's Packet to the Planning Board dated March 28, 2019  
                                          (Including Conservation Commission Information)  
                              R. Rhames E-mail Dated April 2, 2019  
                              City Planner's Memo to the Planning Board dated April 25, 2019

Cc:                      W. Thompson, BH2M, Applicant's Representative (via e-mail)  
                              M. Eddy, Planning and Development Director (via email)  
                              T. Craven, Conservation Commission Chair (via e-mail)  
                              File



# BH2M

Berry, Huff, McDonald, Milligan Inc.  
Engineers, Surveyors

28 State Street, Gorham, Maine 04038  
207 839-2771

WILLIAM A. THOMPSON  
ROBERT C. LIBBY, Jr.  
WALTER E. PELKEY  
ANDREW S. MORRELL  
STEVEN J. BLAKE

May 13, 2019

Mayor Cassavant  
City Council  
205 Main Street  
P.O. Box 586  
Biddeford, Maine 04005

Re: Rezoning Request  
226 Guinea Road

Dear Mr. Mayor Cassavant;

On behalf of the applicant, Van Hertel Jr., we are submitting a request to rezone a portion of the 18-acre parcel at 226 Guinea Road.

This wooded parcel is in two zones with the most northeasterly section zoned SR-1 and the balance of the parcel zoned RF.

Our first request to the planning board in April was to rezone the entire RF portion of this property to the SR-1 zone. The public comment and planning board members expressed concern that development under the SR-1 zone does not require the preservation of Open Space. We withdrew our request for a rezoning of the entire property to the SR-1 zone.

There were concerns raised about environmentally sensitive areas to the northwest off this parcel. We are aware of these areas and would be responsible to review their location and how this project's development might impact them.

All subdivision development in the RF zone has to be done as a cluster development which requires a portion of the acreage be assigned as Open Space. This Open Space cannot be developed and would be left in its natural state.

A cluster development does not allow us to use the Guinea Road frontage for new lots and requires an internal road to provide legal frontage for each lot. Our position on the RF zone development is, that with the new paved internal road, you create new impervious to manage more stormwater and impact the conservation goals.

Our proposal is to extend public water along north side of the Guinea Road. With this utility the development density would be very similar in either the SR-1 zone or RF zone.

Our revised request for a rezoning from RF to SR-1 would only include the 300-foot deep section of this land running parallel with the Guinea Road. The remaining existing RF zoned section of this property will stay as RF zoned.

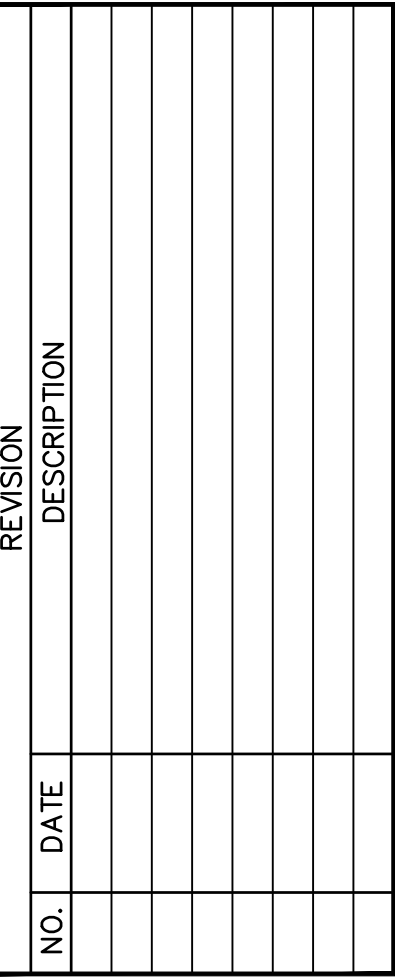
We appreciate your time and consideration of the revised request to rezone a portion of the Guinea Road.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A. Thompson', written in a cursive style.

William A. Thompson  
Project Manager

cc: V. Hertel, Jr.



 **BH2M**

Berry, Huff, McDonald, Milligan Inc.  
*Engineers, Surveyors*

28 State Street  
Gorham, Maine 04038

Tel: (207) 839-2771  
Fax: (207) 839-8250

FOR  
**Van Hertel, Jr.**  
5 Shady Creek Lane  
Scarborough, Maine 04074

EXISTING CONDITIONS &  
STANDARD BOUNDARY  
SURVEY

LAND OF  
VAN HERTEL JR.  
226 GUINEA ROAD  
BIDDEFORD, MAINE

|                         |                    |
|-------------------------|--------------------|
| DESIGNED<br>W. Thompson | DATE<br>March 2017 |
| DRAWN<br>Dept           | SCALE<br>1" = 60'  |
| CHECKED<br>R. Libby Jr. | JOB. NO.<br>14064  |

SHEET  
2

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# CITY OF BIDDEFORD

## PLANNING DEPARTMENT

2019.04

Greg D. Tansley, A.I.C.P.  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: March 28, 2019

**RE: NEW BUSINESS ITEM #A - Remove from Table: 2019.04 Proposed amendment to the Official Zoning Map to rezone 226 Guinea Road (Tax Map 78, Lot 1) from a split between R-F and SR-1 to entirely SR-1 (at the request of the property owner).**

MEETING DATE: April 3, 2019 @ 6:00 PM

---

The owner of the property at 226 Guinea Road has requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. According to the applicant/owner's cover letter, the purpose of the rezoning would be to connect it with the rest of the SR-1 Zone in its entirety and eliminate the requirement that all lots be off of a new "internal" road. What is not noted is that in the R-F Zone Cluster Subdivisions are required. In the SR-1 Zone, Cluster Subdivisions are not required.

**THIS ITEM WAS TABLED AT THE MARCH 6 PLANNING BOARD MEETING FOR MORE INFORMATION. SEE ATTACHED SUPPLEMENTAL INFORMATION PROVIDED BY BOTH THE APPLICANT AND THE CONSERVATION COMMISSION.**

### SAMPLE MOTIONS:

*Motion to recommend/not recommend the Zoning Change pass at the City Council.*

### ATTACHMENTS

1. February 26, 2019 Staff Memorandum to the Planning Board.
2. Table A and Table B of the Zoning Ordinance.
3. Supplemental Information from the Applicant and the Conservation Commission.



Berry, Huff, McDonald, Milligan Inc.  
*Engineers, Surveyors*

28 State Street, Gorham, Maine 04038  
207 839-2771

WILLIAM A. THOMPSON  
ROBERT C. LIBBY, Jr.  
WALTER E. PELKEY  
ANDREW S. MORRELL  
STEVEN J. BLAKE

March 26, 2019

Greg Tansley  
Biddeford City Planner  
205 Main Street  
P.O. Box 586  
Biddeford, Maine 04005

Re: Rezoning request  
226 Guinea Road

Dear Greg;

On behalf of the applicant, Van Hertel Jr., we are submitting additional documentation to address some of the public comments at the March 6, 2019 planning board meeting.

Our request is to have this parcel, which is in two zones, be rezoned to be completely in the SR-1 Zone. This request would take out the RF Zone which is on the southwesterly end of the parcel.

One of the letters from Mark Ward, Ecological Consultant, identified areas of ecological significance generally located to the northwest of the parcel we hope to rezone.

I have prepared copies of other resource maps. These maps locate our subject parcel in relationship to the "170-acre Cranberry Marsh" parcel, wetland inventory map and the map showing threatened species. Our parcel is located outside of these noted areas.

The USGS Map with the topography shows that our entire parcel drains away from the referenced sensitive areas.

Under the current zone of RF, we can complete a very similar residential design as in a SR-1 Zone, with lot sizes and road frontages. The biggest difference in the SR-1 Zone, we are not required to build interior roads to satisfy the minimum lot frontage and point of lot access.

With rezoning, utilizing the existing roadway frontage along the Guinea Road, we are accomplishing exactly what the conservation commission would like with less paving and less stormwater to manage.

We look forward to presenting this information at the April 3, 2019 planning board meeting.

Sincerely,

  
William A. Thompson  
Project Manager

encl.



U.S. Fish and Wildlife Service

# National Wetlands Inventory

## Guinea Road Wetlands



March 7, 2019

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

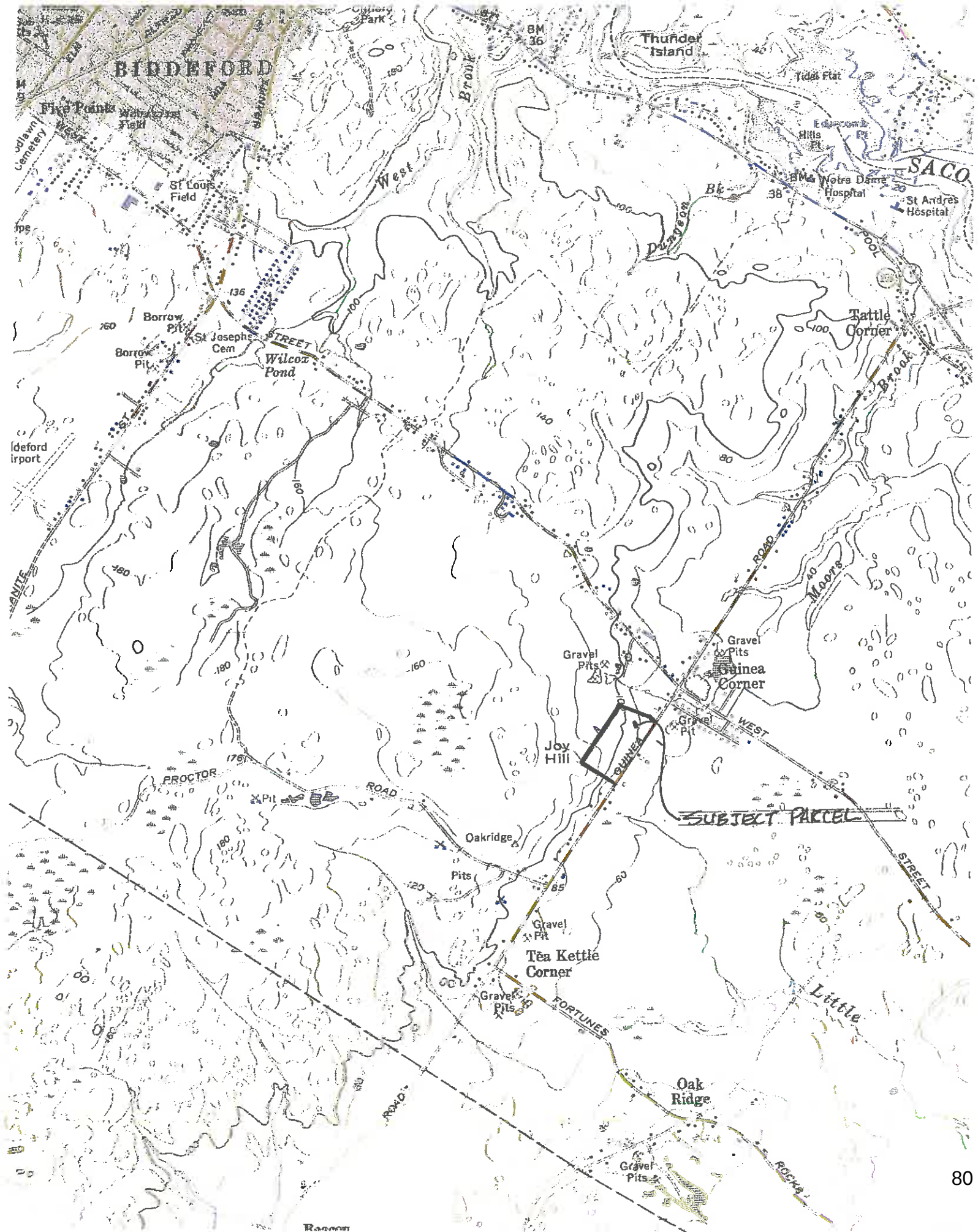
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

1" = 600'

226 GUINEA ROAD National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper





North is based on the  
Maine State  
Coordinate System  
NAD 1983

North Rotation is 33°



UPDATED THROUGH APRIL 1, 2018  
FOR ASSESSMENT PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCES

The City of Biddeford, Maine  
**OFFICIAL TAX MAP**  
Office of the Tax Assessor  
Nicholas D. Desjardins, CMA  
Assessor



This Map is Prepared by  
The City of Biddeford, Maine  
Technology Department  
GIS Division  
202 Maine Street • P.O. Box 580 • Biddeford, Maine 04005  
207-571-4050 • [gis@biddefordmaine.org](mailto:gis@biddefordmaine.org)

**3**

**Tax Map**

KENNESBURYPORT



Comments from the Biddeford Conservation Commission (BCC) re potential zone change at "226 Guinea Road:" (Map 78, Lot 1)

We understand that the planning board has asked for BCC input regarding an applicant's request to rezone a 17 acre parcel abutting Guinea Road from RF/SR-1 to entirely SR-1. Currently most of 78/1 is zoned RF.

Maine's Growth Management Act holds among its goals : "To safeguard ... agricultural and forest resources from development which threatens those resources." Biddeford's 1999 Comprehensive Plan closely mirrors and reflects that concern.

Following the adoption of the '99 plan the BCC spent much of its time working with the planning office and elected officials devising and implementing a "Cluster Ordinance" covering Biddeford's Rural Farm (RF) zone (52% of the city's land mass). If granted, the change to SR-1 would eliminate the cluster requirement for 78/1 and facilitate a perhaps complete "build-out" of the parcel.

We believe this is unwarranted and unwise.

As you know, virtually the entire eastern portion of Biddeford is within the State-identified "Biddeford-Kennebunkport Vernal Pool Complex." This (currently) largely un-fragmented / intact area is of state-wide significance and supports the web of life which supports us.

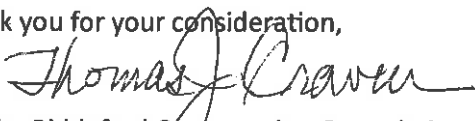
The 226 Guinea Road lot abuts a substantial wooded parcel on which the Saco Valley Land Trust holds a perpetual conservation easement. We believe that you have already received a letter from ecologist, and UNE adjunct Mark Ward documenting some of the unique environmental features of this easement-protected property.

We note here that the conservation easement covering this 170 acre "Cranberry Marsh North" parcel permits forest management under a plan approved by SVLT and that a timber stand improvement practice has recently been conducted there in cooperation with the USDA's Natural Resources Conservation Service (NRCS). SVLT actively collaborates with NRCS in the management/ stewardship of its fee holdings as well. (Please find attached a recent SVLT mailing showing the scope of its protected properties in this area.)

As you heard at the March 6th public hearing on this matter, the downslope Guinea Road neighbors are concerned about build-out of the 78/1 lot. The current erosion and storm water runoff concerns they expressed would likely only be increased by development under the existing zoning regime, much less by a change to SR-1 which would eliminate any requirement to permanently conserve a portion of 78/1 under the cluster ordinance. Frankly we find it hard to imagine how waving away the cluster provisions and the injection Saco River water into this shallow-to-bedrock and shallow-to-water table parcel can fail to impact the downslope abutters' "quiet enjoyment of their property."

In sum; the BCC observes that given the statewide significance of the area, the state/local goal to "safeguard...agricultural and forest resources from development which threatens those resources," the importance of the cluster ordinance within the context of an otherwise quite permissive RF zoning construct (unchanged since the 1960s), and the fact that an update of the 1999 Plan is currently ongoing, such an ad hoc zoning change would be unwise and ill-timed.

Thank you for your consideration,

  
For the Biddeford Conservation Commission  
3/21/19

March 4, 2019

Members of the Biddeford Planning Board-

I am writing in regard to item 2019.04—the proposed rezoning of 226 Guinea Road (Tax Map 78, Lot 1) from a split between RF-1 and SR-1 to entirely SR-1. The planning board should take into consideration that the biological significance of eastern Biddeford is due to the presence of large blocks of undeveloped landscape with a high concentration of wetlands. Because of this, the Biddeford-Kennebunkport Vernal Pool complex has been designated as a natural area of statewide ecological significance.

The parcel in question (Map 78, Lot 1) lies within the largest block of undeveloped habitat east of the interstate (comprising ~1400 acres in Biddeford and ~3000 acres in Kennebunkport and Arundel). In past work with the Biddeford Conservation Commission we referred to this undeveloped habitat block (south of West St., west of Guinea Road and east of Route 1) as the Proctor Road Block. We considered it a high conservation priority because it includes large unfragmented interior forest, a high concentration of wetlands, and documented records of the state threatened spotted turtle.

While I have not personally visited the parcel in question, I have conducted ecological field work at the 170-acre Cranberry Marsh North parcel (Tax Map 3, Lot 32), which abuts this parcel on its west side. I conducted ecological work on the Cranberry Marsh North (CMN) parcel as an assistant on Rob Baldwin's graduate study project in 2003 and on behalf of Saco Valley Land Trust as a consultant for a forest management plan in 2011.

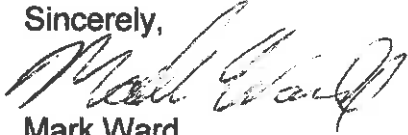
In 2003, I visited several potential vernal pools (on April 21, 2003 and May 9, 2003) including one (B53), which is located (UTM 383676E, 4812087N) in the area designated as Joy Hill on USGS topo maps and in close proximity to the parcel in question (Map 78, Lot1). The B53 wetland is a deep, open pool with scattered buttonbush stems and clear water. Its depth (waist deep in the spring) suggests a longer hydroperiod than many vernal pools, which typically indicates greater biological diversity. I counted a large number of wood frog egg masses (100) and observed numerous fairy shrimp (an obligate vernal pool species), which warrants its designation as a significant vernal pool in Maine and affords it protections for the associated wildlife values. The presence of fairy shrimp in a vernal pool is a particularly uncommon occurrence. Of the many vernal pools that I have visited in Maine, and which meet the state criteria to designate them as significant, I estimate that fairy shrimp were found in less than 2%. In short, B53 is a very special wetland. While it lies within the CMN parcel and is afforded some protection through a conservation easement, its wildlife values could nevertheless be compromised by impacts to adjacent lands.

The CMN parcel is also home to spotted turtles. I documented the presence of 5 spotted turtles on two visits in 2011 (April 22 & April 29, 2011) in the Cranberry Marsh proper and in nearby small wetlands. The open water of Cranberry Marsh is presumably the primary overwintering habitat for this population of spotted turtles. But spotted turtles move overland to foraging wetlands in the spring and females seek out upland nesting sites in summer. I have not observed any spotted turtles at the B53 vernal pool adjacent to the parcel in question, but it is entirely conceivable that spotted

turtles could use this wetland (especially given its long hydroperiod) or adjacent uplands.

The location of the parcel at 226 Guinea Road (Map 78, Lot 1) within a large unfragmented habitat block and its proximity to a high value vernal pool (B53) warrant maintaining the existing RF-1 zoning category for the portion of this parcel that falls under such provision.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ward", written over the printed name.

Mark Ward  
Ecological Consultant  
28 Poor Farm Road  
Bristol, ME 04539  
207-350-6537

# Little River Watershed Conservation Bridge Campaign

30 YEARS OF CONSERVING LAND IN BIDDEFORD AND SACO



**New England  
Cottontail**



**Spotted  
Salamander**



**Salt marsh  
Sharp-tailed  
Sparrow**

## Building Bridges Together

You and the Saco Valley Land Trust-30 YEARS-32 PARCELS

Please help SVLT purchase two parcels (89 acres) that create a bridge to seven other parcels (569.6 acres) enabling the protection of forested wetlands, and early successional scrubland. These two parcels are a valuable part of the state significant Biddeford/Kennebunkport Vernal Pool Complex. This diversity-rich area is home to threatened and endangered species and species of concern: reptiles, amphibians, and migrating waterfowl and song birds. YOU can help by donating to our campaign.

## Be a Part of Conserving Your Community for Our Future

1

### LEARN

Project Details on back  
and at  
[sacovalleylandtrust.org](http://sacovalleylandtrust.org)

2

### PARTICIPATE

Interested in helping us  
on this project? Please  
contact us at  
[sacovalleymaine@gmail.com](mailto:sacovalleymaine@gmail.com)

3

### DONATE

Please consider a factor  
of \$30 in honor of our 30  
years! \$30-\$300.

## In our 30 years of existence,

SVLT has been fortunate to accumulate thirty two holdings in Biddeford, Saco and Buxton through easements, donations, and purchases. Funding from individuals, private foundations, and grants is essential to our all volunteer organization.

Eight of our parcels in eastern Biddeford (listed on our website and in our 2018 newsletter) are located near the intersection of West Street and Guinea Road. We have embarked on a fundraising campaign to purchase two additional parcels. We hope the entire community will help! All ten are within the *state-designated Biddeford /Kennebunkport Vernal Pool Complex that is significant habitat for a variety of species*. There are forested uplands that grew up after the 1947 fire and fields that are remnants of a farming past, interspersed with wetlands, brooks and tributaries to the Little and Batson Rivers and home to some endangered species.



**Please donate today towards this significant purchase, by mail or by visiting our website:**  
[www.sacovalleylandtrust.org](http://www.sacovalleylandtrust.org)

Please join these organizations who have already donated to this campaign:

Maine Outdoor Heritage Fund  
 Davis Conservation Foundation  
 Fields Pond Foundation  
 Saco Biddeford Savings Institution

### YES. I WANT TO SUPPORT THE LITTLE RIVER WATERSHED CONSERVATION CAMPAIGN



\$30



\$60



\$150



\$300



other

Name \_\_\_\_\_

Address \_\_\_\_\_ Phone (optional) \_\_\_\_\_

Email address \_\_\_\_\_

Company Match? \_\_\_\_\_

Please mail to: Saco Valley Land Trust, PO Box 1581, Saco, ME 04072

Donations by debit / credit card or Paypal accepted securely at our website: [www.sacovalleylandtrust.org](http://www.sacovalleylandtrust.org)



# CITY OF BIDDEFORD

## PLANNING DEPARTMENT

2019.04

Greg D. Tansley, A.I.C.P.  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley".

DATE: February 26, 2019

RE: **NEW BUSINESS ITEM #A - Part III (Land Development Regulations), Article III (Official Zoning Map), be amended to rezone the entire property at 226 Guinea Road (Tax Map 78, Lot 1) from both R-F and SR-1 to entirely SR-1.**

MEETING DATE: March 6, 2019 @ 6:00 PM

The owner of the property at 226 Guinea Road has requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. According to the applicant/owner's cover letter, the purpose of the rezoning would be to connect it with the rest of the SR-1 Zone in its entirety and eliminate the requirement that all lots be off of a new "internal" road. What is not noted is that in the R-F Zone Cluster Subdivisions are required. In the SR-1 Zone, Cluster Subdivisions are not required.

### SAMPLE MOTIONS:

*Motion to recommend/not recommend the Zoning Change pass at the City Council.*

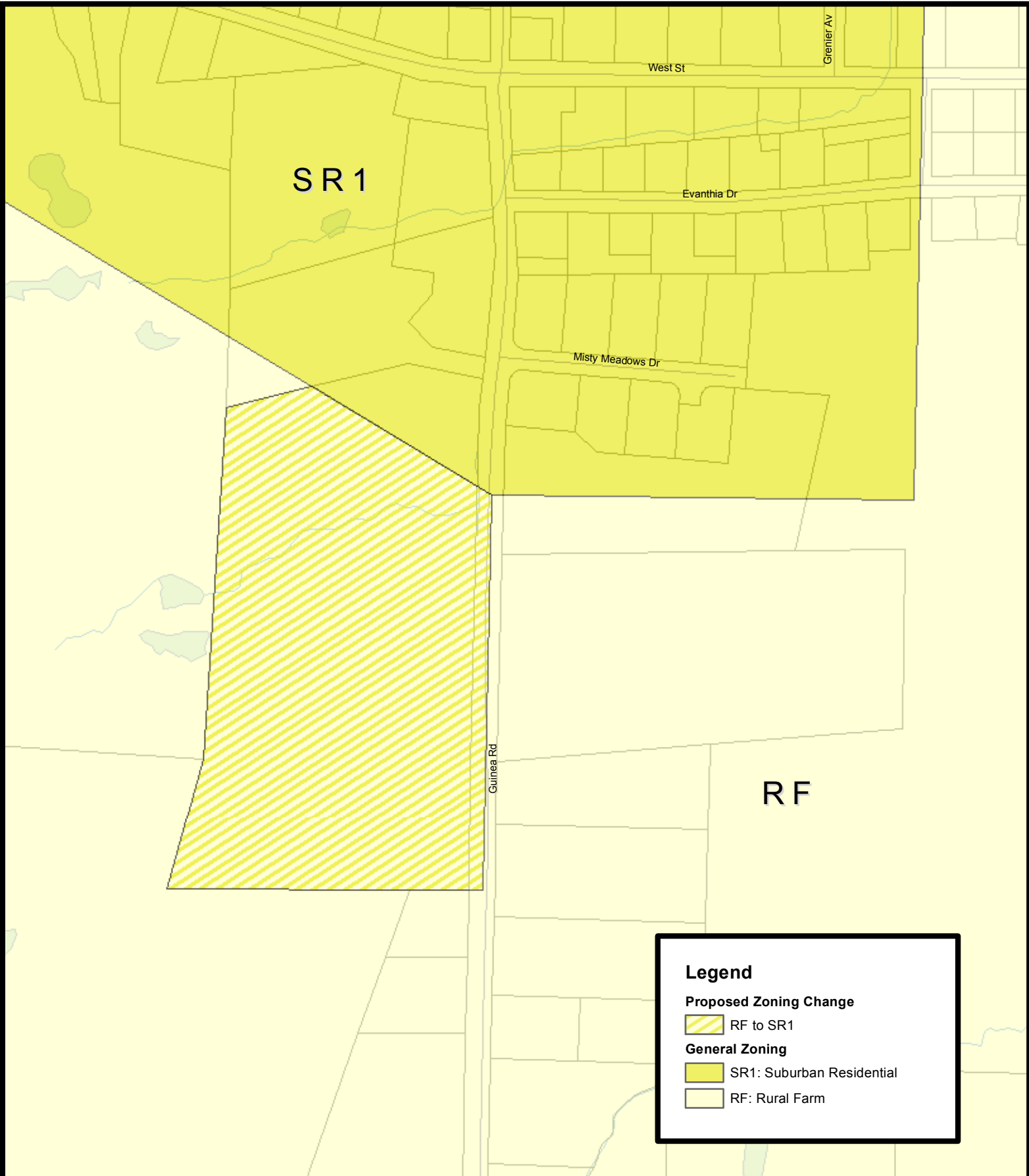
### ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance

Sincerely,

Greg D. Tansley, A.I.C.P.  
City Planner

Cc: File



## Proposed Zoning Change - RF to SR1



This map was prepared by:  
**BiddGIS**



**The City of Biddeford, Maine**  
**Technologies Department - GIS Mapping**

205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586"  
Tel. 207-571-0660 • Email [gis@biddefordmaine.org](mailto:gis@biddefordmaine.org)



0 300 600 Feet  
1 inch = 300 feet

**TABLE A: TABLE OF LAND USES**

|         |                                                                 |
|---------|-----------------------------------------------------------------|
| *       | Subject to Article VI, Performance Standards, of this ordinance |
| {BLANK} | Not Permitted                                                   |
| P       | Permitted                                                       |
| C       | Conditional Use                                                 |
| A       | Accessory Use                                                   |

| <b>Residential uses:</b>                                                       | <b>Article VI Section</b>   | <b>SR-1</b> | <b>R-F</b> |
|--------------------------------------------------------------------------------|-----------------------------|-------------|------------|
| Accessory dwelling units* 27                                                   | 78                          | P           | P          |
| Accessory structure*                                                           | 2                           | P3          | P          |
| Boarding, rooming house*                                                       | 10                          |             |            |
| Bed-and-breakfast*                                                             | 9                           |             | C          |
| Cluster development*                                                           | 18                          | C           | C17        |
| Congregate housing*                                                            | 19                          |             | C          |
| Duplex/2-family                                                                | 24                          | C           | C          |
| Home occupation*                                                               | 38                          | C           | C          |
| Manufactured housing*                                                          | See Article VI, Section 45. |             |            |
| Mobile home park*                                                              | See Article VI, Section 45. |             |            |
| Multifamily dwelling*                                                          | 47                          |             |            |
| Planned unit development*                                                      | 73                          |             |            |
| Single-family dwelling 11                                                      | 2                           | P           | P          |
| <b>Commercial uses:</b>                                                        | <b>Article VI Section</b>   | <b>SR-1</b> | <b>R-F</b> |
| Adult business                                                                 | 3                           |             |            |
| Amusement center*                                                              | 5                           |             |            |
| Art gallery                                                                    |                             |             | C          |
| Art studio                                                                     |                             |             | C          |
| Auto body shops                                                                |                             |             |            |
| Automobile graveyard, automobile recycling business, junkyard*                 | 7                           |             |            |
| Automobile repair, sales                                                       |                             |             |            |
| Boat building, repair, marine services, sales, boat livery, marina, yacht club |                             |             |            |
| Building materials retail sales                                                |                             |             | C          |
| Carwash*                                                                       | 14                          |             |            |
| Commercial gardening, commercial greenhouse*                                   | 17                          | C           | P          |
| Commercial recreation*                                                         | 18                          |             | C          |
| Commercial school*                                                             | 53                          |             |            |
| Drugstore/medical supply                                                       |                             |             |            |
| Financial institution                                                          |                             |             |            |
| Firewood processing*                                                           | 33                          |             | P          |
| Fisheries processing, storage*                                                 | 34                          |             |            |

|                                                                              |                           |             |            |
|------------------------------------------------------------------------------|---------------------------|-------------|------------|
| Funeral parlor                                                               |                           |             |            |
| Gasoline service station*                                                    | 36                        |             | C          |
| Hotel/motel*                                                                 | 40                        |             |            |
| Indoor theater                                                               |                           |             |            |
| Kennel, veterinary hospital*                                                 | 42                        |             | P          |
| Medical marijuana dispensaries                                               |                           |             |            |
| Medical marijuana growing facilities                                         |                           |             |            |
| Neighborhood convenience store/service                                       |                           | C4          | P          |
| Off-street loading and parking lot and facilities, commercial parking garage | 49                        |             | C          |
| Offices, business and professional*                                          | 52                        |             |            |
| Planned unit developments*                                                   | 73                        |             |            |
| Publishing, printing                                                         |                           |             |            |
| Restaurant*                                                                  | 56                        |             | C          |
| Retail store                                                                 |                           |             | C          |
| Sawmill*                                                                     | 33                        |             | C          |
| Services                                                                     |                           |             | C          |
| Shopping center                                                              |                           |             |            |
| Telecommunications facilities                                                | 71                        |             | C          |
| Wholesale business                                                           |                           |             |            |
| <b>Industrial uses:</b>                                                      | <b>Article VI Section</b> | <b>SR-1</b> | <b>R-F</b> |
| Air transportation related use                                               |                           |             |            |
| Air transportation dependent use*                                            |                           |             |            |
| Airport                                                                      | 4                         |             |            |
| Bulk oil terminal*                                                           | 41                        |             |            |
| Contractor's storage yard                                                    |                           |             | C          |
| Demolition disposal*                                                         | 23                        |             |            |
| Experimental research and testing laboratory                                 | 29                        |             |            |
| Light manufacturing*                                                         | 41                        |             |            |
| Light trucking dependent industry*                                           | 41                        |             |            |
| Manufacturing*                                                               | 41                        |             |            |
| Planned unit developments*                                                   | 73                        |             |            |
| Resource recovery facility                                                   |                           |             |            |
| Recycling facilities                                                         | 76                        |             |            |
| Redemption centers                                                           |                           |             |            |
| Storage of bulk gaseous fuels*                                               | 41                        |             |            |
| Transportation facilities                                                    |                           |             |            |
| Trucking, distribution terminal*                                             |                           |             |            |
| Warehousing and storage*                                                     | 60                        |             |            |
| Self-storage facilities*                                                     | 60                        |             |            |

| <b>Educational, institutional public uses:</b> | <b>Article VI Section</b> | <b>SR-1</b> | <b>R-F</b> |
|------------------------------------------------|---------------------------|-------------|------------|
| Addiction treatment facility                   | 22                        |             |            |
| Church, synagogue*                             |                           | C           | C          |
| Civic, convention centers                      |                           |             |            |
| Community centers, clubs                       |                           |             |            |
| Day-care center, adult                         | 22                        | C           | C          |
| Day-care home, adult                           | 22                        | C           | C          |
| Day-care home, children's                      | 22                        | C           | C          |
| Day-care center, children's                    | 22                        | C           | C          |
| Essential services                             | 27                        | C           | C          |
| Fire, police station                           |                           |             | C          |
| Group homes, hospice                           | 19                        | C           | C          |
| Hospital*                                      | 39                        |             |            |
| Municipal use                                  | 47.1                      | C           | C          |
| Museum, library                                |                           |             | C          |
| Nursing home*                                  | 39                        | C           | C          |
| Public and private schools*                    | 53                        |             | P          |
| Public facility                                |                           | C           | C          |
| Rehabilitation facility                        |                           |             |            |
| University/college*                            |                           | C           | C          |
| University uses*                               |                           | C           | C          |
| Water supply system                            | 27                        | C           | C          |
| <b>Outdoor, resource-based uses:</b>           | <b>Article VI Section</b> | <b>SR-1</b> | <b>R-F</b> |
| Agriculture*                                   | 3, 31                     |             | P          |
| Agricultural products processing and storage*  | 3, 31                     |             | P          |
| Animal breeding or care                        | 42                        |             | P          |
| Campground*                                    | 13                        |             | C          |
| Cemetery                                       | 14.1                      | C           | P          |
| Extractive industry*                           | 30                        |             | P2         |
| Farm stands* 13                                | 31                        |             | P          |
| Timber harvesting                              | 64                        |             | P          |
| Golf course excluding miniature golf           |                           | P           | P          |
| Parks and recreation*                          |                           | P           | P          |

**TABLE B: DIMENSIONAL REQUIREMENTS**

| Zoning District      | Minimum Lot Size, Square Feet Per Unit A |                 |                 |                         | Frontage        |                |                         | Minimum Setback, Feet** |                  |      |      | Maximum |      |
|----------------------|------------------------------------------|-----------------|-----------------|-------------------------|-----------------|----------------|-------------------------|-------------------------|------------------|------|------|---------|------|
|                      | Water and Sewer                          | Water, No Sewer | Sewer, No Water | Neither Water Nor Sewer | Water and Sewer | Water or Sewer | Neither Water Nor Sewer | From Major R.O.W.       | From Other R.O.W | Side | Rear | Stories | Feet |
| SR-1                 | 15,000<br>C                              | 20,000<br>C     | 20,000<br>C     | 40,000<br>C             | 100             | 100            | 200                     | 40                      | 25               | 10   | 10   | 3       | 35   |
| R-F, single-family M | 20,000                                   | 20,000          | 20,000          | 40,000                  | 120             | 120            | 200                     | 40<br>H                 | 25<br>H          | 25   | 25   | 3       | 35   |
| R-F, duplex M        | 20,000                                   | 20,000          | 20,000          | 40,000                  | 120             | 120            | 200                     | 40<br>H                 | 25<br>H          | 25   | 25   | 3       | 35   |
| R-F, all other       | 40,000                                   | 40,000          | 40,000          | 40,000                  | 200             | 200            | 200                     | 40<br>H                 | 25<br>H          | 25   | 25   | 3       | 35   |

**From:** [Richard Rhames](#)  
**To:** [Tansley, Greg](#)  
**Cc:** [Ken Buechs](#)  
**Subject:** Guinea Rd rezone request  
**Date:** Tuesday, April 2, 2019 4:07:50 PM

---

Greg,

I took the liberty of sharing the BH2M comment in the April packet with ecologist Mark Ward. If the vernal pool is not, in fact, duly registered with the state, it's purely an oversight (and news to me). Anyway.... Mark's response is below. Sorry to be so slow in this—got a beastly bug.

Richard Rhames  
BCC

I don't get back until Friday, 4/5. Can I count on you to attend the PB meeting and, if allowed, address this point please? I hope you are feeling better Richard.

Ken

-----Original Message-----

From: Richard Rhames  
Sent: Mar 29, 2019 9:47 AM  
To: tom craven  
Cc: Susan Amons , Ken Buechs , Bill Murray , Steve Reiter , Marsha Reynolds , denis  
Subject: Re: Van Hertl - Guinea Road--- Mark Ward's reply

Here's Mark's reply. Kinda interesting. When Rob Baldwin was doing his vernal pool research years ago I signed a letter/ permission form authorizing him to do so. I guess I assumed (always dangerous) that I was therefore allowing the fruits of the research to be public. Based on Mark's reply, I guess not. Anyway..... BH2M is perhaps attempting to dismiss the environmental critique as uninformed.

It's not.

Hi Richard-

I agree with you that the BH2M consultant conveniently left the location of the fairy shrimp pool off of the map that he provided and does not adequately address its proximity to the portion of the parcel that is currently zoned RF. That pool does not appear on state maps of sensitive features, because I don't believe that it was ever submitted to the state as an example of a significant vernal pool. The original visits by Rob and me in 2002 and 2003 preceded the legislation that provided protection for such pools. As the landowner, you could authorize permission to submit biological evidence to support its inclusion in the state database of significant vernal pools (though we might have to submit more recent biological evidence-- with either egg mass counts or documentation of fairy shrimp). If you were to authorize that, it would mean that the pool would show up on future maps as a significant vernal pool. Regardless, it would be worthwhile to demonstrate where the actual fairy shrimp pool is for the benefit of the planning board so that

they don't complete dismiss the points that I made about that pool in the letter. On the aerial photo of NWI wetlands in the packet the fairy shrimp pool is one of the "freshwater ponds" in blue (not the one that has adjacent forested swamp--PFO1E, but the larger and closer of the two small solated "ponds" located due west from the SW corner of the 226 parcel).

I also think that it would be helpful for the planning board to see a visual of the 2 proposed build-out scenarios that the consultant describes, but does not provide any plans for, in the argument that he makes about how the rezoning would actually offer better protections.

Hope that this is helpful.

Mark



# CITY OF BIDDEFORD

## PLANNING DEPARTMENT

2019.04

Greg D. Tansley, A.I.C.P.  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley".

DATE: April 25, 2019, 2019

RE: **NEW BUSINESS ITEM #C - 2019.04 Public Hearing, take comments, and make recommendations to the City Council, regarding a property owner's REVISED proposed amendment to the Official Zoning Map to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.**

MEETING DATE: May 1, 2019 @ 6:00 PM

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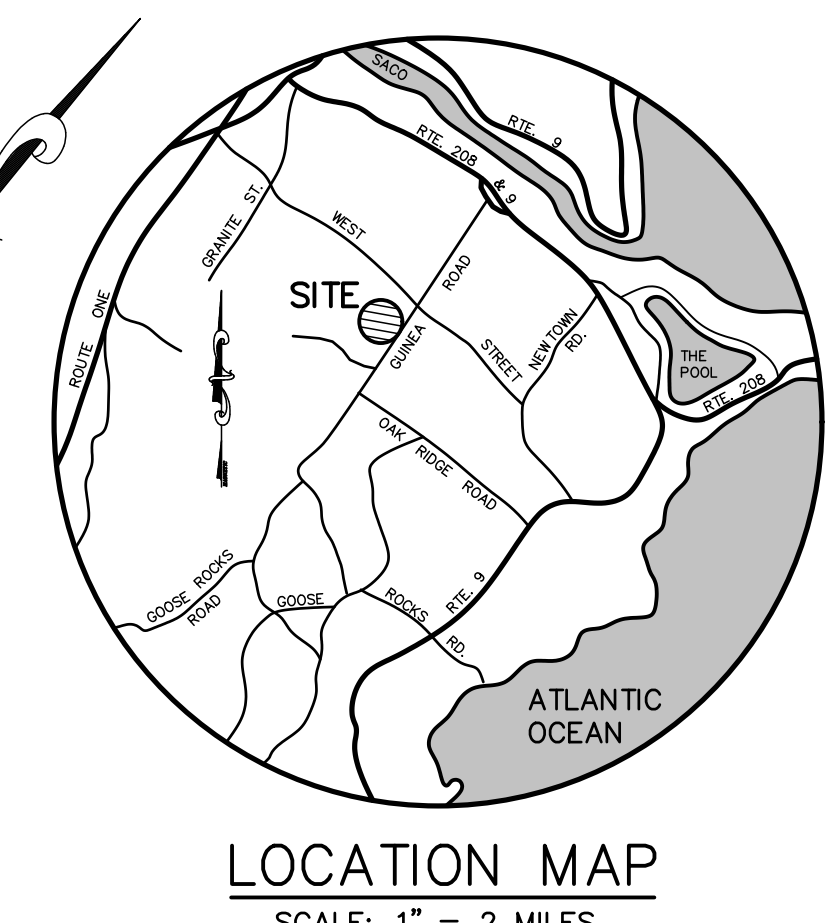
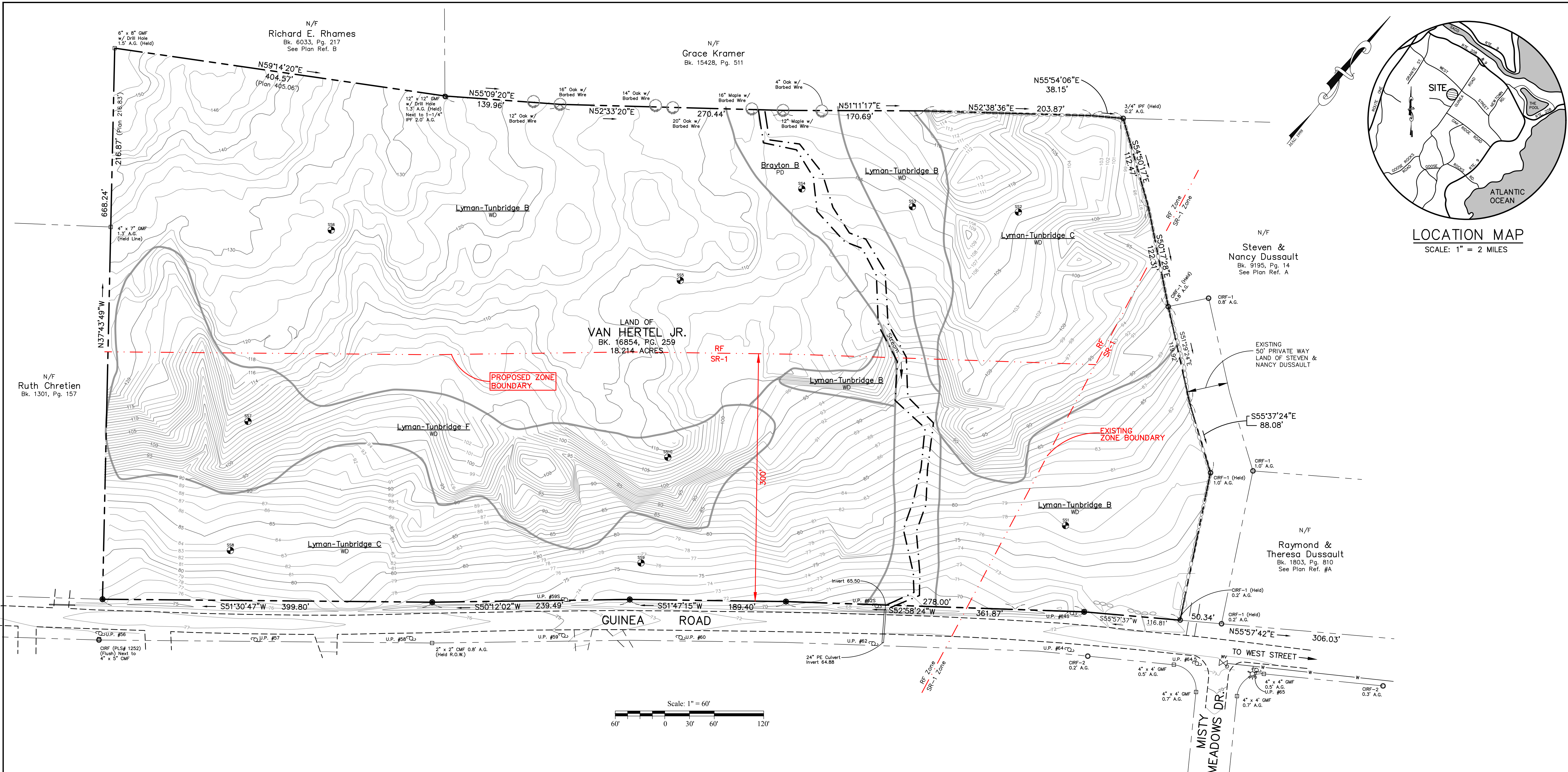
The owner of the property at 226 Guinea Road *had* requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. Following the April Planning Board Public Hearing, the applicant has withdrawn this request based on the Planning Board's negative recommendation to the City Council.

Instead, this new proposal has been submitted. It limits the zone change to only the first 300' off Guinea Road. Staff are of the opinion this represents a reasonable compromise in this case.

### SAMPLE MOTIONS:

*Motion to recommend/not recommend the Zoning Change pass at the City Council.*

ATTACHMENTS: Applicants Revised Request



| SYMBOL | DESCRIPTION                      |
|--------|----------------------------------|
|        | FIRE HYDRANT                     |
|        | WATER VALVE                      |
|        | GRANITE MONUMENT FOUND           |
|        | CONCRETE MONUMENT FOUND          |
|        | IRON PIPE/IRON ROD FOUND         |
|        | CAPPED IRON ROD FOUND (PLS#1285) |
|        | CAPPED IRON ROD FOUND (PLS#2147) |
|        | CAPPED IRON ROD FOUND            |
|        | 5/8" IRON ROD W/ CAP TO BE SET   |
|        | UTILITY POLE                     |
|        | DECIDUOUS TREE W/ BARBED WIRE    |
|        | CONIFEROUS TREE W/ BARBED WIRE   |
|        | PROPERTY LINE                    |
|        | EDGE OF PAVEMENT                 |
|        | EXISTING CONTOUR                 |
|        | ABOVE GROUND                     |
|        | NOW OR FORMERLY STREAM           |

| SOILS LEGEND          |                     |
|-----------------------|---------------------|
| SYMBOL                | DESCRIPTION         |
|                       | SOIL BOUNDARY LINES |
| SLOPE DESIGNATION     |                     |
| A                     | 0 - 3%              |
| B                     | 3 - 8%              |
| C                     | 8 - 20%             |
| D                     | 20%+                |
| HYDROLOGIC SOIL GROUP |                     |
| SOIL                  | GROUP               |
| BRAYTON               | C                   |
| LYMAN-TURNBRIDGE      | D                   |

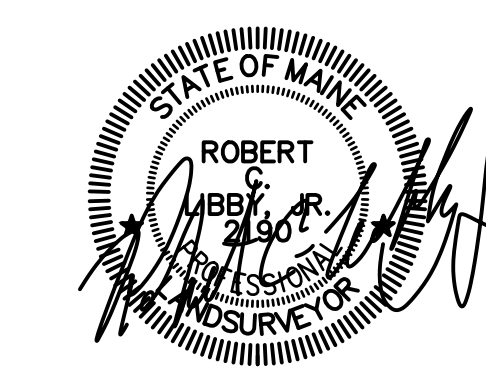
CLASS B HIGH INTENSITY SOIL SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE MAINE ASSOC. OF PROFESSIONAL SOIL SCIENTISTS AND MAINE BOARD OF CERTIFICATION OF GEOLOGISTS AND SOIL SCIENTISTS



MARK J. HAMPTON

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF REGISTRATION FOR LAND SURVEYORS STANDARD BOUNDARY SURVEY CATEGORY I, CONDITION I, WITH THE FOLLOWING EXCEPTIONS:

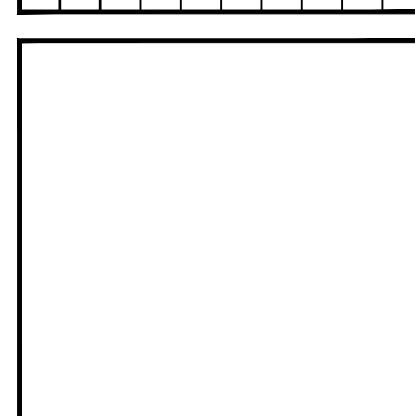
1. NO WRITTEN REPORT



ROBERT C. LIBBY JR.

| NOTES:                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. OWNER:             | VAN HERTEL JR.<br>5 SHADY CREEK LANE<br>SCARBOROUGH, ME 04074                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2. SOILS:             | MARK HAMPTON ASSOCIATES<br>PORTLAND, MAINE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3. SURVEYOR:          | ROBERT C. LIBBY JR. PLS #2190<br>BH2M<br>28 STATE STREET, GORHAM, MAINE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4. DEED REFERENCE:    | BK. 16854, PG. 259                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5. TAX MAP REFERENCE: | MAP 78, LOT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6. ZONING:            | RF (RURAL FARM), SR-1 (SUBURBAN RESIDENTIAL)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 7. PLAN REFERENCE:    | A. "STANDARD BOUNDARY SURVEY, THE ESTATE OF ARLENE CHAPPELL", DATED JANUARY 2010, BY ROSS BOUNDARY SURVEYS<br>B. "SITE PLAN SHOWING A STANDARD BOUNDARY SURVEY, PROPOSED PRIVATE WAY & PROPOSED LOT, LAND OF RAYMOND & THERESA DUSSAULT", DATED 9/22/98, BY JOHN BRUCKLER, RECORDED IN THEY Y.C.R.D., PLAN BOOK 245, PAGE 22.<br>C. "SUBDIVISION PLAN OF LAND OF PAULINE MARCOTTE, WEST STREET, BIDDEFORD, MAINE", DATED JULY 8, 1981 BY WM. PIERCE ASSOCIATES, RECORDED IN THE Y.C.R.D., PLAN BOOK 113, PAGE 38.<br>D. "FINAL SUBDIVISION PLAN, MISTY MEADOWS SUBDIVISION - PHASE 2", DATED OCTOBER 2, 2004, BY NORTHEAST CIVIL SOLUTIONS. |

| REVISION | DESCRIPTION |
|----------|-------------|
| NO.      | DATE        |



FOR  
Van Hertel Jr.  
5 Shady Creek Lane  
Scarborough, Maine 04074

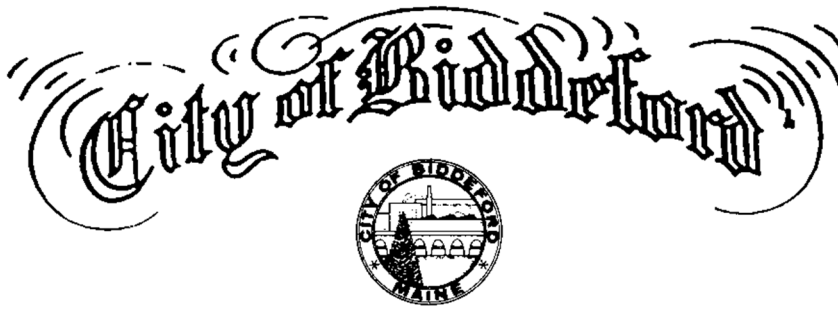
EXISTING CONDITIONS &  
STANDARD BOUNDARY  
SURVEY

LAND OF  
VAN HERTEL JR.  
226 GUINEA ROAD  
BIDDEFORD, MAINE

|                         |                    |
|-------------------------|--------------------|
| DESIGNED<br>W. Thompson | DATE<br>March 2017 |
| DRAWN<br>Dept           | SCALE<br>1" = 60'  |
| CHECKED<br>R. Libby Jr. | JOB. NO.<br>14064  |

SHEET  
2

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



2019.90

IN BOARD OF CITY COUNCIL..AUGUST 20, 2019

**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Biddeford Code of Ordinances Part III (Land Development Regulations), Article XIV (Shoreland Zoning):**

**Section 15. Land Use Standards.**

**B. Principal and Accessory Structures.**

1. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that:
  - a. ~~In~~ In the General Development District the setback from the normal high-water line of the wetland shall be at least 25 feet, horizontal distance;
  - b. ~~In~~ In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback;
  - c. The setback for structures associated with Essential Services in the Limited Residential District shall be at least 75 feet, horizontal distance; and
  - d. ~~and~~ The setback for structures from the normal high-water line of the wetland shall be at least 75 feet, horizontal distance, in that portion of the Institutional (IN) Zone subject to the Limited Residential (LR) Shoreland District described as follows:

A certain lot or parcel of land situated on the easterly side of Hills Beach Road, in the City of Biddeford, County of York, State of Maine, and being more specifically bounded and described as follows:

BEGINNING at a point marking the intersection of the north westerly extension of the south westerly sideline of the UNE wastewater treatment plant and the upper edge of the coastal wetland adjacent to the Saco River, thence southerly

along a line through the south westerly sideline of the UNE wastewater treatment plant a distance of 310 feet more or less to the intersection of said line with the city of Biddeford Limited Residential (LR) zone boundary;

THENCE: north easterly along said LR zone boundary a distance of 414 feet more or less to a point;

THENCE: northerly 340 feet more or less to a point on the upland edge of the coastal wetland adjacent to the Saco River.

Meaning and intending to encompass a portion of Lot 4, as shown on City of Biddeford Official Tax Map 52.

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.



## CITY OF BIDDEFORD PLANNING DEPARTMENT

---

Greg D. Tansley, AICP  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### MEMORANDUM

**To:** Mayor Casavant  
Council President McCurry & Members of City Council

**From:** Greg Tansley, AICP, City Planner

A handwritten signature in black ink that reads "Greg Tansley".

**Date:** August 8, 2019

**Re:** A zoning amendment to allow for a 75' setback (rather than 100' setback) for Essential Services in the Limited Residential Shoreland Zone.

---

Please find my memo to the Planning Board attached. I believe this memorandum describes the amendment proposal in full, explaining why this is now before the City Council for consideration.

On August 7, 2019 the Planning Board held a duly noticed Public Hearing on the proposal before you. **Following the Public Hearing the Planning Board voted 4-0 (unanimously) to recommend the proposed amendment before you BE APPROVED by the City Council.**

Note: As recommended by Staff and agreed to by the Planning Board, we ask that the City Council consider this ordinance amendment in as expeditious manner as it considers possible.

**Attachments:** City Planner's Memo to the Planning Board dated July 30, 2019

**Cc:** R. Knowlton, Maine Water (via email)  
M. Eddy, Planning and Development Director (via email)  
K. Buechs, Conservation Commission Chair (via e-mail)  
File



# CITY OF BIDDEFORD

## PLANNING DEPARTMENT

2019.30

Greg D. Tansley, A.I.C.P.  
205 Main Street  
PO Box 586  
Biddeford, ME 04005  
(207) 284-9115

[Greg.Tansley@Biddefordmaine.org](mailto:Greg.Tansley@Biddefordmaine.org)

### PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: July 30, 2019

RE: **NEW BUSINESS ITEM #B - 2019.30 Public Hearing, take comments, and make recommendations to the City Council, regarding a zoning amendment to allow for a 75' setback (rather than 100' setback) for essential services in the Limited Residential Shoreland Zone.**

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

---

Maine Water is planning a new water treatment facility on the south side of South Street. The new facility will replace the existing facility, which is north of South Street along the River. This relocation will allow them to upgrade the facility and remove it from potential damage since it is located in the Saco River Floodplain.

In developing their plans, however, it has become apparent to Maine Water that in order to generate enough draw pressure to get the water from the River to the new treatment facility, a pump station is needed.

City Staff and Maine Water discussed the possibility that the water intake system proposed by Maine Water, inclusive of the pump station, is a functionally water dependent use and therefore not subject to the minimum setback. Since it is unclear that the Maine Water facilities fully meet a functionally water dependent use as it is defined in the ordinance, Maine Water and their engineers met officials of the Maine DEP to seek their input. As a result of that meeting, the preference of both the City and the Maine DEP is to amend the ordinance as presented for the sake of clarity.

The proposed pump station will transfer water from the river uphill to the new water treatment facility. Two functional design alternatives exist for such a pumping station and both alternatives were considered. The first option requires placing the pumps below the river level to provide a gravity flow of water to the pumps. On the Maine Water property, this would require a very deep excavation, either adjacent to the river within the Shoreland Zone setback or, with the use of a deep tunnel, further back from the river. This alternative either violates the minimum setback limit or

101

becomes financially impractical due to the distance from the river that a pump station could be placed after accommodating the floodplain limit and a CMP easement that crosses the property. The second design option uses a vacuum priming system to lift the river water to the pumps so that the excavation can be minimized, both on land and in the river. This alternative has hydraulic design limitations, however, as there is a limit to the amount of suction lift that can be created. In this location, the pump station cannot be more than 75 feet from the river and function properly. Working with this setback, Maine Water has also addressed the siting challenges of the CMP easement and the floodplain, so the vacuum priming system has been selected by Maine Water as the desired option.

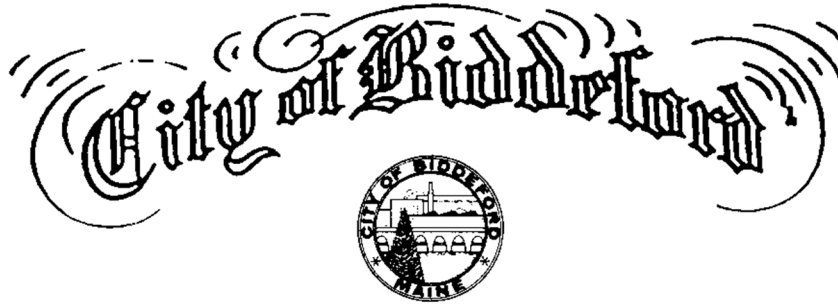
Hence, the Shoreland Zoning Amendment proposal that is before you.

Staff support this amendment. Maine Water is an essential utility in Biddeford and the region. Decreasing the setback in the LR for Essential Services enables the project to happen with no discernable impacts on the River, while maintaining state minimum required setbacks of 75'. Maine DEP have indicated they will approve this amendment should it be approved locally.

Further, staff recommend that when this reaches the City Council, the Council consider ways in which to expedite its approval to move this forward to Maine DEP for their approval in a timely manner.

SAMPLE MOTIONS:

*Motion to recommend/not recommend the revised Zoning Change pass at the City Council as expeditiously as possible.*



**2019.91**

**IN BOARD OF CITY COUNCIL..AUGUST 20, 2019**

**BE IT ORDERED**, that in accordance with the provisions set forth under *Ch. 6, Amusements, 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 Heart of Biddeford to serve liquor at the **2019 Fringe Fest** on September 20<sup>th</sup> at Shevenell Park, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under *Ch. 6, Section 6-178 et seq.*



**TO: Recreation Commission, and City Council, City of Biddeford**  
**FR: Delilah Poupore, Executive Director, Heart of Biddeford**  
**RE: Requests for Alcohol Permits, Sept. 20 and Sept. 21, 2019**  
**DATE: July 30, 2019**

Thank you for reviewing Heart of Biddeford's packet of Event Applications for the River Jam Festival and Fringe Fest that occur on Friday night and all-day Saturday, Sept. 20-21, 2019. This letter is to request permission to serve alcohol in Shevenell Park during Friday night's Fringe Fest and in a cordoned off section of Mechanics Park during Saturday night's River Jam Festival in Mechanics Park.

After holding the Saturday evening River Jam event on Saco Island for the past several years, we have decided to slightly scale down the event, and hold all of Saturday's activities in Mechanics Park in Biddeford. We believe the grassy, park setting and reduced hours (ending by 9 p.m.) will enhance the "family-friendly" aspects of the festival.

After five years of hosting a weekend of events that includes a 5K Run, Dash to the Sea, free canoe and kayak rides, community booths, food trucks, art, performances, and musical entertainment, we have found that alcohol has not become the major focus of Friday night or Saturday night's festivities. For both evenings, those who chose to be near alcohol can find it in a designated location; those who choose to avoid alcohol do not need to be near it.

We wish to request permission for alcohol sales/consumption per the procedures outlined in Chapter 6, Article IV and Amendment V of the Code of Ordinances. Per the code:

- 1) We request permission to hold the events in two authorized parks: Shevenell Park and Mechanics Park, and
- 2) We agree to the following restrictions:
  - a) Liquor is limited to malt liquor only. No other spirits or wine permitted.
  - b) Liquor may be served for on-premises consumption only by a licensed caterer. Prior to the special event, the caterer shall provide proof that the caterer has received all State and local licenses and permits necessary for service of liquor at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to be determined by

**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.*



the City, which Certificate names both the City of Biddeford and the Applicant as additional insureds.

- c) At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) copy of all required permits, licenses and insurance certificates; (2) the name(s) and complete and accurate contact information for the Statelicensed caterer who will be staffing the event; (3) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training; and (4) the name of a Responsible Party (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of liquor at the special event.
- d) The Responsible Party on the Event Application shall serve as the contact person during the event, and must be present on the site and for the entire duration of the sale or service of liquor at the special event.
- e) The Security and Fees Chart below specifies the number of Security Personnel to be present, and the arrangements and expense for the same shall be borne by the Applicant. Security company must be approved by Chief of Police.
- f) All liquor servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine.
- g) Liquor may be served only in area(s) identified as such in the special events application and approved by the City. The Applicant shall assure that prominent signs are posted liquor-restriction at all entrance and exit points.
- h) The Applicant must designate TIPS trained servers (number specified in chart below) to serve and oversee the area that is licensed for the sale and consumption of liquor at all times. This person is responsible for verifying the legal age of each person consuming or possessing liquor.
- i) The Applicant or its caterer is responsible for the purchase and transportation of all liquor to be sold or served at the special event.
- j) Patrons attending the event are strictly prohibited from bringing in their own beverages.
- k) Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty liquor containers is the responsibility of the Applicant.
- l) No person less than 21 years of age may serve, possess and/or consume liquor.
- m) Oversized drinks, contests, volume discounts, or similar incentives are not permitted.

**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.*



- n) The serving of all liquor must cease at least 30 minutes prior to the specified and approved closing time of the special event.
- o) All liquor and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any liquor residue or smell on the premises.
- p) An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-liquor must be made available and at a lower cost than any liquor.

We have contracted with Production Services of Maine once again to be our Security Company. Prior to the event, we will set up a meeting between Production Services and Biddeford Police Department to ensure clarity of roles. We expect up to 300 people to be in Shevenell Park over the course of Friday night, and we plan to exceed the required minimum number of security personnel to 4 or 5. We expect up to 400 people to be drinking alcohol in the cordoned off section of Mechanics Park, and we plan to have at least 7 security personnel that night. (More, if requested by Chief Beaupre.)

Please see the event application for Fringe Fest and River Jam to see how we plan to cordon off areas where alcohol will be consumed. You will see that there are food sales and non-alcoholic beverages available during both evenings.

Please let me know if you have any questions or concerns. Thank you for creating a policy that allows for restricted consumption and sale of alcohol in 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.*

APPLICATION NUMBER                     

**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

9/30/19  
Date

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 2019 River Jam / Fringe Fest Location of Event Main St + Shevenell / Mechanic + Washington St  
Date of Event: Sept. 20, 2019 Start Time 4pm Finish Time 9 p.m.  
↳ road closed @ 3pm

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

Event #1: Fringe Fest - Fri Sept 20, 4-9pm

Shevenell Park + Main St. (from Alfred to Washington)

Fringe Fest Kicks off River Jam Weekend

Estimated # of Participants \_\_\_\_\_ Estimated Attendance ~~350~~ 500

Type of Event:

☒ Festival/Fair With Alcohol: Yes: ☒ \*\* No: \_\_\_\_\_

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: \_\_\_\_\_

**\*\* NOTE:** If alcohol is being sold, a Separate License must be obtained through application at City Clerk's Office, and must be approved by the City Council.

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain:

- noise for downtown residents  
- detour on main street

**APPLICATION NUMBER:** \_\_\_\_\_

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

City Council Meeting, Through Press Releases + all social media platforms from HOB + City.

**Organization (Applicant) Information**

Name of Organization or Name of Applicant if NOT an Organization

Heart of Biddeford

Physical Address: 205 Main St, Suite 103 Biddeford

Mailing Address: Same

Business Telephone 284 8520 Fax N/A E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: \_\_\_\_\_ No: \_\_\_\_\_ Tax Exempt Number: \_\_\_\_\_

**Contact Person/Event Coordinator**

Name & Address

Delilah Poupore

Telephone 284 8520 Cellular 251 5493 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? yes If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event?

Volunteer cleanup; Adopt-a-Park

Is any other Public Works assistance anticipated?

Pick up trash bags after event.

**Parks and Recreation Department**

**APPLICATION NUMBER:** \_\_\_\_\_

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

If yes, where

Shreveville Park + Portion of Main Street.

Will tenting/staging be utilized for this event? yes If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc?

Staging does not require any stakes.

Any Parks and Recreation assistance required?

no thank you.

**Fire Department**

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

yes

Will any fire hydrants be obstructed? no Will you have access to E 9-1-1?

yes

Will you have First Aid or medical staff present?

no

\*\*\*\*\* 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? no If yes, who will provide it?

\_\_\_\_\_

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

Production Services of Maine

\_\_\_\_\_

**Other**

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

APPLICATION NUMBER: \_\_\_\_\_

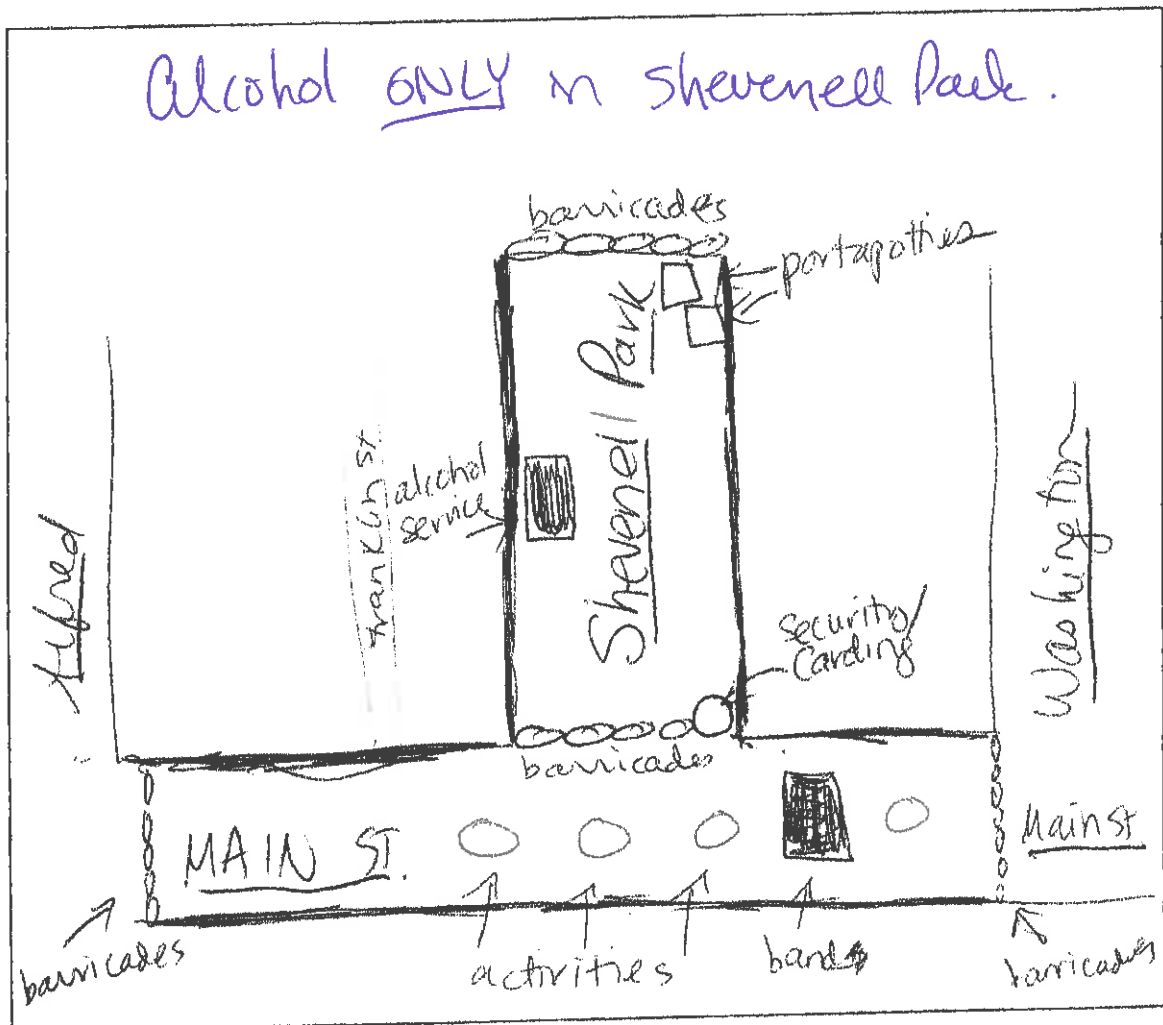
**SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)**

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



**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

FRINGE FEST IS SPONSORED BY



# RIVER JAM FESTIVAL

## FRIDAY FRINGE FEST

FRINGE FEST IS PRODUCED BY



- A BEER GARDEN
- B MAIN STAGE
- C PIE LUCK: A POTLUCK OF PIES
- D LO-MAIN STAGE
- E ART FAIR
- F
- G
- H
- I
- J
- K
- L
- M
- N
- O

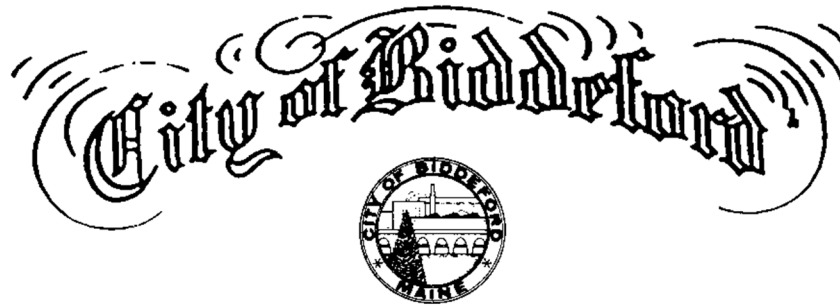
PEPPERELL MILL CAMPUS

**A**  
BEER GARDEN  
IN SHEVENELL

**P**

**P**

**WIN \$100**  
Enter by taking the  
River Jam survey  
[RiverJamFest.com/About](http://RiverJamFest.com/About)



**2019.92**

**IN BOARD OF CITY COUNCIL..AUGUST 20, 2019**

**BE IT ORDERED**, that in accordance with the provisions set forth under *Ch. 6, Amusements, 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 Heart of Biddeford to serve liquor at the **2019 River Jam Festival** on September 21<sup>st</sup> at Mechanics Park, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under *Ch. 6, Section 6-178 et seq.*

**CITY OF BIDDEFORD**  
**SPECIAL EVENT APPLICATION**

Name of Event 2019 River Jam Location of Event Mechanics Park  
Date of Event: 9/21/19 Start Time 12 pm Finish Time 9 pm

Noon-4 Family Fun + Makers Market on the Green  
+ free canoe/kayak rides  
+ slip + slide on grassy hill, near parking

4-9 Main Stage Music, food trucks on Water St.  
+ a beer garden

☒ Festival/Fair With Alcohol: Yes: X \*\* No:       

☒ Concert

☐ Other – Please Specify: \_\_\_\_\_

500 during day  
1000 during evening

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain:

noise, road closure

**APPLICATION NUMBER:** \_\_\_\_\_

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

City Council meeting, City + HOB Social media channels + newsletter

**Organization (Applicant) Information**

Name of Organization or Name of Applicant if NOT an Organization

Heart of Biddeford

Physical Address: 205 Haven St, Suite 103 Biddeford

Mailing Address: same

Business Telephone 284 8520 Fax N/A E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: \_\_\_\_\_ No: X Tax Exempt Number: \_\_\_\_\_

**Contact Person/Event Coordinator**

Name & Address

Delilah Poupore

Telephone 284 8520 Cellular 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 already requested 15 for 5K race in morning

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

What is your plan for cleanup and debris disposal for this event?

Volunteer + Adopt-a-Park

Is any other Public Works assistance anticipated?

Road closure plan

**Parks and Recreation Department**

RJ. Sat

APPLICATION NUMBER: \_\_\_\_\_

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

Mechanics Park / Water Street

Will tenting/staging be utilized for this event? no If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc?

Any Parks and Recreation assistance required?

no

#### Fire Department

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

yes

Will any fire hydrants be obstructed? no Will you have access to E 9-1-1?

yes

Will you have First Aid or medical staff present?

no

\*\*\*\*\* 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? no If yes, who will provide it?

Is crowd control necessary for this event? no If yes, who will provide it?

But we hope this will provide a community-police opportunity, with interaction w/ youth + adult community members.

#### Other

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

4 Food Trucks will be set upon Water Street.

**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)**

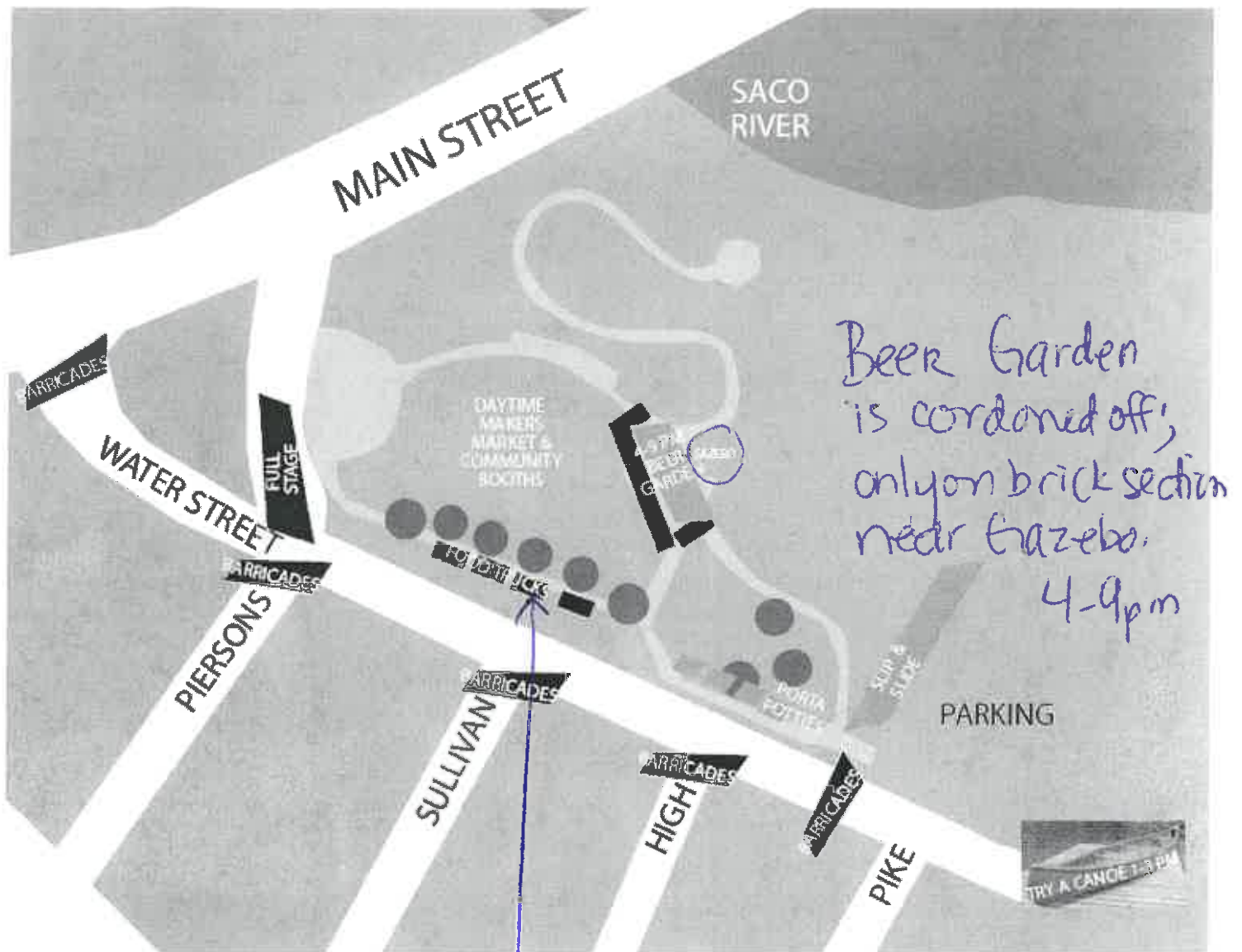
In the space below, please provide the following information. Attach a separate map if necessary.

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 printed map



**APPLICATION NUMBER:** \_\_\_\_\_

**REVIEW BY SPECIAL EVENTS COMMITTEE:**

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: \_\_\_\_\_

APPROVED AS SUBMITTED: \_\_\_\_\_

DENIED: \_\_\_\_\_

**Modifications / Restrictions:**

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**REASON(S) FOR DENIAL:**

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\_\_\_\_\_  
Police Chief

Date:

\_\_\_\_\_  
Fire Chief

Date

\_\_\_\_\_  
Public Works Director

Date:

\_\_\_\_\_  
Codes Enforcement Officer

Date:

\_\_\_\_\_  
Parks & Recreation

Date:

p16

**APPLICATION NUMBER:** \_\_\_\_\_

**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 7/30/19



**TO: Recreation Commission, and City Council, City of Biddeford**  
**FR: Delilah Poupore, Executive Director, Heart of Biddeford**  
**RE: Requests for Alcohol Permits, Sept. 20 and Sept. 21, 2019**  
**DATE: July 30, 2019**

Thank you for reviewing Heart of Biddeford's packet of Event Applications for the River Jam Festival and Fringe Fest that occur on Friday night and all-day Saturday, Sept. 20-21, 2019. This letter is to request permission to serve alcohol in Shevenell Park during Friday night's Fringe Fest and in a cordoned off section of Mechanics Park during Saturday night's River Jam Festival in Mechanics Park.

After holding the Saturday evening River Jam event on Saco Island for the past several years, we have decided to slightly scale down the event, and hold all of Saturday's activities in Mechanics Park in Biddeford. We believe the grassy, park setting and reduced hours (ending by 9 p.m.) will enhance the "family-friendly" aspects of the festival.

After five years of hosting a weekend of events that includes a 5K Run, Dash to the Sea, free canoe and kayak rides, community booths, food trucks, art, performances, and musical entertainment, we have found that alcohol has not become the major focus of Friday night or Saturday night's festivities. For both evenings, those who chose to be near alcohol can find it in a designated location; those who choose to avoid alcohol do not need to be near it.

We wish to request permission for alcohol sales/consumption per the procedures outlined in Chapter 6, Article IV and Amendment V of the Code of Ordinances. Per the code:

- 1) We request permission to hold the events in two authorized parks: Shevenell Park and Mechanics Park, and
- 2) We agree to the following restrictions:
  - a) Liquor is limited to malt liquor only. No other spirits or wine permitted.
  - b) Liquor may be served for on-premises consumption only by a licensed caterer. Prior to the special event, the caterer shall provide proof that the caterer has received all State and local licenses and permits necessary for service of liquor at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to be determined by

**Mission Statement:**

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- the City, which Certificate names both the City of Biddeford and the Applicant as additional insureds.
- c) At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) copy of all required permits, licenses and insurance certificates; (2) the name(s) and complete and accurate contact information for the State-licensed caterer who will be staffing the event; (3) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training; and (4) the name of a Responsible Party (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of liquor at the special event.
  - d) The Responsible Party on the Event Application shall serve as the contact person during the event, and must be present on the site and for the entire duration of the sale or service of liquor at the special event.
  - e) The Security and Fees Chart below specifies the number of Security Personnel to be present, and the arrangements and expense for the same shall be borne by the Applicant. Security company must be approved by Chief of Police.
  - f) All liquor servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine.
  - g) Liquor may be served only in area(s) identified as such in the special events application and approved by the City. The Applicant shall assure that prominent signs are posted liquor-restriction at all entrance and exit points.
  - h) The Applicant must designate TIPS trained servers (number specified in chart below) to serve and oversee the area that is licensed for the sale and consumption of liquor at all times. This person is responsible for verifying the legal age of each person consuming or possessing liquor.
  - i) The Applicant or its caterer is responsible for the purchase and transportation of all liquor to be sold or served at the special event.
  - j) Patrons attending the event are strictly prohibited from bringing in their own beverages.
  - k) Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty liquor containers is the responsibility of the Applicant.
  - l) No person less than 21 years of age may serve, possess and/or consume liquor.
  - m) Oversized drinks, contests, volume discounts, or similar incentives are not permitted.

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- n) The serving of all liquor must cease at least 30 minutes prior to the specified and approved closing time of the special event.
- o) All liquor and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any liquor residue or smell on the premises.
- p) An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-liquor must be made available and at a lower cost than any liquor.

We have contracted with Production Services of Maine once again to be our Security Company. Prior to the event, we will set up a meeting between Production Services and Biddeford Police Department to ensure clarity of roles. We expect up to 300 people to be in Shevenell Park over the course of Friday night, and we plan to exceed the required minimum number of security personnel to 4 or 5. We expect up to 400 people to be drinking alcohol in the cordoned off section of Mechanics Park, and we plan to have at least 7 security personnel that night. (More, if requested by Chief Beaupre.)

Please see the event application for Fringe Fest and River Jam to see how we plan to cordon off areas where alcohol will be consumed. You will see that there are food sales and non-alcoholic beverages available during both evenings.

Please let me know if you have any questions or concerns. Thank you for creating a policy that allows for restricted consumption and sale of alcohol in events that are positive for the City.

Sincerely,

Delilah Poupore  
Executive Director

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/31/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                        |  |                                                                                                                                                                            |  |
|----------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>PRODUCER</b><br>P&C Insurance<br>260 Main St.<br>P.O. Box 356<br>Biddeford ME 04005 |  | <b>CONTACT NAME:</b> Nicole Cote<br><b>PHONE (A/C, No, Ext):</b> (207) 283-1486<br><b>FAX (A/C, No):</b> (207) 283-4258<br><b>E-MAIL ADDRESS:</b>                          |  |
| <b>INSURED</b><br>Heart of Biddeford<br>205 Main St, Ste 103<br>Biddeford ME 04005     |  | <b>INSURER(S) AFFORDING COVERAGE</b><br>INSURER A: Philadelphia Ins Co<br>INSURER B: Maine Employers Mutual Ins Co<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F: |  |

## COVERAGES

CERTIFICATE NUMBER: 2019-2020

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                              | ADDL INSD                                     | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                          |
|----------|------------------------------------------------------------------------------------------------|-----------------------------------------------|----------|---------------|-------------------------|-------------------------|---------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                               |                                               |          | PHPK2013036   | 08/06/2019              | 08/06/2020              | EACH OCCURRENCE \$ 1,000,000                                                    |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                 |                                               |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000                            |
|          |                                                                                                |                                               |          |               |                         |                         | MED EXP (Any one person) \$ 5,000                                               |
|          |                                                                                                |                                               |          |               |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                                              |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:                                                             |                                               |          |               |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                                  |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |                                               |          |               |                         |                         | PRODUCTS - COMP/OP AGG \$ 2,000,000                                             |
|          | OTHER:                                                                                         |                                               |          |               |                         |                         | D&O Liability \$ 1,000,000                                                      |
|          | AUTOMOBILE LIABILITY                                                                           |                                               |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$                                          |
|          | <input type="checkbox"/> ANY AUTO                                                              |                                               |          |               |                         |                         | BODILY INJURY (Per person) \$                                                   |
|          | <input type="checkbox"/> OWNED AUTOS ONLY                                                      | <input type="checkbox"/> SCHEDULED AUTOS      |          |               |                         |                         | BODILY INJURY (Per accident) \$                                                 |
|          | <input type="checkbox"/> HIRED AUTOS ONLY                                                      | <input type="checkbox"/> NON-OWNED AUTOS ONLY |          |               |                         |                         | PROPERTY DAMAGE (Per accident) \$                                               |
|          | <input type="checkbox"/> UMBRELLA LIAB                                                         | <input type="checkbox"/> OCCUR                |          |               |                         |                         |                                                                                 |
|          | <input type="checkbox"/> EXCESS LIAB                                                           | <input type="checkbox"/> CLAIMS-MADE          |          |               |                         |                         | EACH OCCURRENCE \$                                                              |
|          | <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$                             |                                               |          |               |                         |                         | AGGREGATE \$                                                                    |
| B        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                  |                                               |          | 1810096123    | 03/16/2019              | 03/16/2020              | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH)                    | Y/N                                           |          |               |                         |                         | E.I. EACH ACCIDENT \$ 100,000                                                   |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                         | N                                             | N/A      |               |                         |                         | E.I. DISEASE - EA EMPLOYEE \$ 100,000                                           |
|          |                                                                                                |                                               |          |               |                         |                         | E.I. DISEASE - POLICY LIMIT \$ 500,000                                          |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

|  |                                                                                                                                                                |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|  | AUTHORIZED REPRESENTATIVE<br><i>Nicole Cote</i>                                                                                                                |



**TO: Recreation Commission, and City Council, City of Biddeford**  
**FR: Delilah Poupore, Executive Director, Heart of Biddeford**  
**RE: Requests for Alcohol Permits, Sept. 20 and Sept. 21, 2019**  
**DATE: July 30, 2019**

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Delilah Poupore  
Executive Director

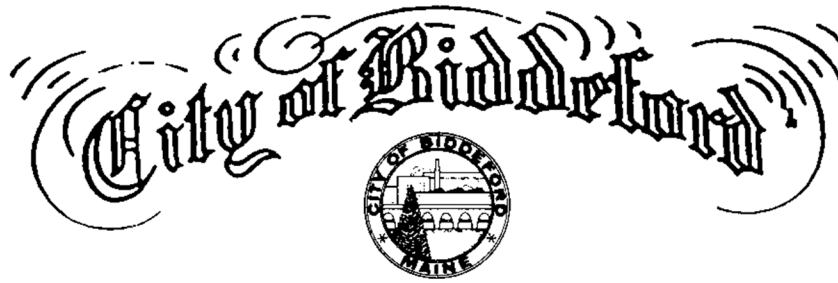
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Submitted by Heart of Biddeford

Map to accompany Mechanics Park request to serve alcohol





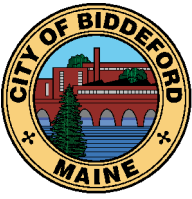
**2019.93**

**IN BOARD OF CITY COUNCIL....AUGUST 20, 2019**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize an increase in the maximum grant award for the Business Improvement Program (formerly Façade Program) from \$15,000 to \$30,000 with a one-to-one match, enabling projects up to \$60,000 to be completed.

Note: Funding for the program is designated through the CDBG program. The current fund balance is \$102,296.

# City of Biddeford, Maine



## MEMORANDUM

|              |                                                                                               |
|--------------|-----------------------------------------------------------------------------------------------|
| <b>TO:</b>   | <b>Honorable Mayor Casavant<br/>Honorable City Council<br/>James A. Bennett, City Manager</b> |
| <b>FROM:</b> | Brad Favreau, Economic Development Coordinator                                                |
| <b>DATE:</b> | August 14, 2019                                                                               |
| <b>RE:</b>   | <b>Business Improvement Program (Formerly Façade Improvement)</b>                             |

Last year's Business Improvement program offered grants as high as \$15,000 to downtown businesses or property owners to repair and improve commercial spaces. These grants were funded by HUD's Community Development Block Grant (CDBG) program.

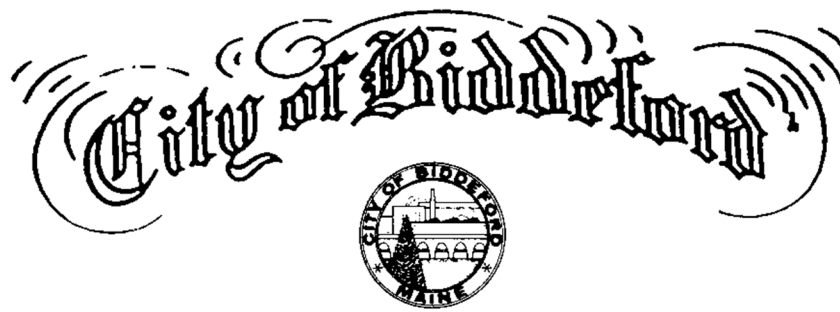
With the required dollar-for-dollar match, projects up to \$30,000 were possible, but, with escalating construction costs, we have found that this amount is too low to make meaningful improvements.

We wish to increase the maximum grant award from \$15,000 to \$30,000, enabling projects up to \$60,000 (again, with a dollar-for-dollar match) in total cost to be completed. CDBG will continue to fund this program.

Currently, there is \$102,296 available, supporting at least three projects in the coming year.

This higher award will allow businesses and/or property owners here to make noticeable improvements, thereby creating a safer, more inviting and accommodating downtown experience for residents and visitors alike.

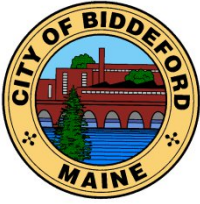
cc: Mathew Eddy, Economic Development Director



2019.94

**IN BOARD OF CITY COUNCIL... AUGUST 20, 2019**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the attached Exchange Agreement and Master Lease with Draft Room LLC substantially in the form as presented, for the development of the Riverdam Mill Building.



## CITY OF BIDDEFORD

---

### ECONOMIC and COMMUNITY DEVELOPMENT DEPARTMENT

Mathew Eddy  
Director, Planning and Development  
205 Main Street  
Biddeford, ME 04005  
[Mathew.Eddy@biddefordmaine.org](mailto:Mathew.Eddy@biddefordmaine.org)  
207-282-7119

To: Biddeford City Council  
From: Mathew Eddy  
  
Date: August 14, 2019  
  
Subject: Riverdam Exchange Agreement

At the August 20 meeting, we will be asking you to approve the temporary exchange of the Riverdam property between the owners, aka Draft Room (Tom Watson), and ourselves. In this exchange, we would hold the property and lease it to Draft Room for no dollar consideration. During this period, we will be able to take advantage of Environmental Protection Agency Brownfield grant funds (\$200,000) through the Southern Maine Planning and Development Council (SMPDC), to assist in the removal of asbestos and lead paint from within the building<sup>i</sup>. That work ties nicely into our commitment to assist in the demolition of the corner of the building, to assist in the construction of the Riverwalk. Upon completion of our share of the work, the land and structures will be conveyed back to Draft Room so that they may continue in their redevelopment of Riverdam.

With the assistance of SMPDC, we have retained Acorn Engineering (Mark Arienti) to put together documents needed to move forward with the environmental actions. These are all considered prep work prior to the demolition and redevelopment process. Once the public hearing process is completed, then the work will begin. Depending on other site plan review approvals, we anticipate that work beginning and ending in the September-October timeframe.

---

<sup>i</sup> This was part of our commitment to assist in the demolition of the corner of the structure by providing \$500,000 towards the redevelopment of Riverdam.

## EXCHANGE AGREEMENT

This Exchange Agreement is dated as of \_\_\_\_\_, 2019 by and between the **CITY OF BIDDEFORD, MAINE** (the “City”) a municipal corporation with offices at 205 Main Street, Biddeford, Maine 04005, and **DRAFT ROOM, LLC** (“Draft Room”) a Maine limited liability company with an address c/o Port Management, 104 Grant Street, Portland, Maine 04101.

### RECITALS

Whereas, Draft Room owns certain real estate described in two deeds to Draft Room, the first dated April 30, 2019 and recorded in the York County Registry of Deeds in Book 17961, at Page 178, and the second deed dated May 23, 2019 and recorded in said Registry in Book 17961, at Page 183 (together the “Property”); and

Whereas, the Property is generally located at Building #3 and Building #4 of the Riverdam Mill at 26-28 Pearl Street in Biddeford, and certain portions of the Property have historically been the site of unregulated disposal of asbestos and unmitigated lead paint and other adverse environmental conditions created by parties other than Draft Room, as summarized in a Phase II Environmental Site Assessment Report Rev. 2, Riverdam Mill, by Credere Associates, LLC, dated February 20, 2008; a Phase I Environmental Site Assessment, Riverdam Mill, by Acorn Engineering, Inc., December 31, 2018; as supplemented by a summary of Phase I ESA Follow-up Activities, Riverdam Mill, by Acorn Engineering, Inc., dated February 1, 2019, which waste materials are however, subject to removal, remediation and cure as set forth in a certain Voluntary Response Action Program (VRAP) Application (MDEP file #REM03000) for the Lofts at Saco Falls, Riverdam Mill, Pearl St. Biddeford, Maine, Biddeford, Maine, dated May 24, 2019 (the “Remediation”); and

Whereas, following Remediation at the Property, Draft Room proposes to redevelop the Property as a mixed use residential/commercial development as part of the City’s Riverwalk project; and

Whereas, the City acknowledges that the proposal by Draft Room to redevelop the Property will generate economic benefits to the City including enhanced property values, the removal of adverse environmental conditions which affect public health, increased employment, and other economic benefits to the City and its residents, and therefore the City has applied for and received approval for a brownfield remediation grant of \$200,000 from the Southern Maine Planning and Development Commission (the “Grant”) to apply for the Remediation; and

Whereas, it is a condition of the Grant that the funds be applied only to real estate where title is held by the City; and

Whereas, the City and Draft Room wish to transfer title to the Property to the City on a temporary basis so that the City can apply the funds from the Grant to the Remediation and then re-convey the Property to Draft Room following the completion of the Remediation for further redevelopment by Draft Room as set forth above;

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the parties agree as follows:

1. Conveyance to the City. Subject to the further terms and conditions hereof, within five (5) days of the execution of this Agreement, Draft Room agrees to convey the Property to the City for no additional consideration.

2. Remediation by the City. Following the transfer of the title to the Property to the City, the City shall conduct the Remediation, with an estimated time of completion of approximately 30-45 days, it being acknowledged however, that the actual Remediation may take a different number of days. The City and Draft Room agree that the City shall pay up to \$200,000.00 from the Grant funding for such Remediation with any additional costs and expenses over the Grant funding to be paid by Draft Room. The City agrees to proceed promptly after the Closing to perform the Remediation work required by the terms of the VRAP in accordance with all applicable laws and requirements imposed by the Maine Department of Environmental Protection. Upon completion of such work the City shall provide Draft Room with a copy of documents confirming that the Maine Department of Environmental Protection has approved such work and will require no further actions with respect thereto.

3. Draft Room Option to Re-acquire. For a period of one (1) year, Draft Room shall have the right and option to require the City to convey the Property back to Draft Room for no additional consideration, such right and option to be exercised by written demand from Draft Room to the City, with a closing to take place within five (5) business days from the date of demand.

4. No additional consideration; costs. There shall be no cash consideration for this exchange, it being solely an exchange of deeds and other rights and performance by the parties as described elsewhere herein. Subject to the further terms and conditions below and except as set forth herein, both parties shall bear their own costs associated with the exchange that is contemplated by this Agreement, it being acknowledged however that Draft Room shall prepare initial drafts of all necessary documents to transfer title to the Property both to and from the City (subject to the City's reasonable review and approval of all documents by legal counsel), and Draft Room shall pay all transfer tax (the City being exempt) and recording fees associated with any and all deeds and other documents that may be recorded in connection herewith.

5. Condition of title; Master Lease. Draft Room and the City will convey (or cause to be conveyed) the Property to the other by short-form Quitclaim Deeds at the closing subject to existing easements, covenants, restrictions and encumbrances of record, with good and marketable title free and clear of all liens and mortgages, provided however, that title to the Property shall be conveyed subject to all leases, tenancies, and occupancies effective as of the date hereof. The Property shall further be conveyed to the City subject to a certain Master Lease (the "Master Lease") in the form set forth on Exhibit A attached hereto, which provides for the Property to be leased back to Draft Room during the Remediation, and which further provides that Draft Room shall continue to serve as landlord under all leases affecting the Property. Under the Master Lease Draft Room may continue to collect rents, but shall indemnify the City

for any and all claims arising under any leases affecting the Property. In the event that either party is unable to transfer these rights as described above, after notice by the other of the existence of title defects, the party receiving notice agrees to take reasonable steps to remedy those title defects. In the event that said defects cannot be corrected or remedied within a reasonable period of time not to exceed 45 days, then this agreement and all obligations will terminate, or at the option of the party giving notice, each party may elect to close notwithstanding such defects.

6. Closing. Any closing that transfers an interest in the Property will take place at the offices of Bernstein, Shur, Sawyer & Nelson, 100 Middle Street, Portland, Maine, or, if agreed in advance and in writing, at another time and place.

7. No representations. Neither party makes any representations or warranties, express or implied, or arising by operation of law, including, but not limited to, any warranty of condition, habitability, merchantability, suitability or fitness for a particular purpose or otherwise for the Property and both parties specifically acknowledge the existence of the conditions requiring the Remediation and release any and all claims against each other resulting therefrom.

8. Risk of loss; insurance. Risk of loss to the Property shall be borne by Draft Room through the Master Lease, provided however, that this shall be without waiver of any right to insurance proceeds as may be available should a casualty or loss occur during the time of the City's ownership and which may be covered by any insurance carried by the City. In the event of any casualty or loss affecting the Premises prior to the re-conveyance to Draft Room by the City, Draft Room may elect to take an assignment of any claim to insurance proceeds otherwise payable to the City.

9. Default and remedies. Should either party default in its obligations hereunder, the non-breaching party shall have the right to seek specific performance, including the right to recover attorneys' fees and costs. The terms of the Master Lease shall be separately enforceable under that document.

10. Miscellaneous.

a. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

b. Notices. All notices, demands and other communications hereunder shall be in writing and shall be given by one party to the other either: (i) by first class mail, postage prepaid, registered or certified, return receipt requested, to the address set forth above; (ii) by hand delivery to the address set forth above; (iii) by Fed Ex, or similar overnight express mail, prepaid, to the address set forth above; (iv) by email to the email addresses listed below. All notices shall be deemed to have been duly given if postmarked prior to the expiration date and time specified herein (in the case of mailing) or upon delivery (if hand delivered) or when delivered to a Fed Ex (or similar overnight delivery service) courier or office at the time indicated on the proof of delivery (if sent by overnight delivery service) or upon time of confirmed receipt in case of emails received prior to 3:00 p.m. or if received thereafter shall be effective as of the next business day.

Draft Room: \_\_\_\_\_;  
with a copy to [HStrait@bernsteinshur.com](mailto:HStrait@bernsteinshur.com)

City: James Bennett, City Manager  
City of Biddeford  
205 Main Street  
Biddeford, Maine 04005

with a copy to [krj@woodedlaw.com](mailto:krj@woodedlaw.com)

Either party may change its addresses for purposes of this subparagraph by giving the other party notice of the new addresses in the manner described herein.

c. Time; governing law. Time is of the essence of this Agreement. This Agreement shall be governed by the laws of Maine.

IN WITNESS WHEREOF, Draft Room and the City have executed this Agreement as of the date first above written.

DRAFT ROOM, LLC

\_\_\_\_\_  
By:  
Its:

CITY OF BIDDEFORD, MAINE

\_\_\_\_\_  
By:  
Authorized City Manager

## **EXHIBIT A**

### **MASTER LEASE**

Riverdam Mill Properties, Biddeford, Maine

This Master Lease (the "Lease") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the **CITY OF BIDDEFORD, MAINE** (the "City" or "Landlord") a municipal corporation with offices at 205 Main Street, Biddeford, Maine 04005, and **DRAFT ROOM, LLC** ("Draft Room" or "Tenant") a Maine limited liability company with an address c/o Port Management, 104 Grant Street, Portland, Maine 04101.

### **WITNESSETH**

WHEREAS, on near or even date herewith the Tenant shall deed certain real estate at Building #3 and #4 of the Riverdam Mill at 26-28 Pearl Street, to the City (the "Property") pursuant to the terms of an Exchange Agreement dated as of \_\_\_\_\_, 2019 to which reference is made for all capitalized terms not defined herein, which Property is occupied under various leases (the "Prior Leases") by the parties listed on **Schedule A** attached hereto ("Prior Tenants"); and

WHEREAS, the Landlord desires to conduct certain Remediation activities at the Property but also desires to rent the entire Property back to the Tenant, as a master tenant for the Property to administer the Prior Leases during the period of such Remediation;

Now therefore, in consideration of the lease of the Property, the mutual promises and covenants herein contained and contained in the Exchange Agreement, and other good and valuable consideration the receipt and sufficiency of which is acknowledged, Landlord and Tenant hereby agree as follows:

1. **PREMISES LEASED.** Landlord does hereby lease to Tenant, and Tenant does hereby lease from Landlord, the entire Property, subject to the Prior Leases and all rights of occupancy by the Prior Tenants. Tenant agrees to fully cooperate with the Landlord in the use of the Property and appurtenant land and approaches, and agrees to comply with reasonable rules imposed from time to time by Landlord on the use of same so that Landlord can perform the Remediation.

Tenant acknowledges that Tenant has inspected the Property, and has in fact owned the Property at all relevant times prior to the date of this Master Lease, and that it accepts same in their "as is" condition.

2. **PERFORMANCE OF PRIOR LEASES; OCCUPANCY.** The Tenant shall perform all obligations of landlord/lessor under each, any, or all of the Prior Leases and shall be entitled to collect all rents thereunder. Tenant may alter, renovate, or reconfigure the Property during the term hereof, provided that Tenant's activities shall coordinate with Landlord so that Tenant does not unreasonably interfere with the Remediation.

3. **TERM.** This Agreement shall have a term running from the date hereof until the earlier of: (a) the completion of the Remediation activities as described under Section 2 of the Exchange Agreement; or (b) written notice of termination is delivered by Tenant to Landlord.

4. **RENT.** Tenant's performance as Landlord under the Prior Leases shall be considered Tenant's rent to Landlord and Tenant shall pay no additional rent hereunder. Tenant is responsible for all

charges and systems for heat and other services provided to the Property. Landlord shall not be responsible for any delivery of or payment for fuel, electricity or any other charges of any kind or nature relating to the Property, with all such charges to be borne by and paid directly by Tenant.

5. **UTILITIES.** Tenant shall pay (or arrange payment through the Prior Leases) directly for all charges for gas, electricity, security system, lights, power and telephone or other communication utility service used, rendered or supplied upon or in connection with the Property. Tenant agrees to maintain heat at a reasonable level in the Property and to comply with any and all state or local statutes.

6. **MAINTENANCE, REPAIRS AND REMEDIATION ACTIVITY.**

- (a) **Maintenance by Tenant.** Tenant agrees to maintain the Property and any furnishings and appliances therein and thereon in a good, clean and safe condition at all times, and, except for repairs and maintenance required on account of fire or other casualty, Tenant shall be responsible for all ordinary maintenance of the interior and exterior of the Property except as may be affected by the Remediation. All garbage and trash must be placed in suitable containers and shall be emptied on a regular basis. Tenant shall be responsible for recycling any and all recyclable materials as provided by the Town of Biddeford, and shall be responsible for supplying Tenant's own trash bags and/or other payment of any other garbage disposal fees for Tenant's own garbage.
- (b) **Snow Plowing / Groundskeeping.** The Tenant is responsible for snow plowing and removal from accessways and other areas of the Property. Tenant shall be responsible for all mowing, raking and lawn care of the Property.
- (c) **Tenant's Personal Property; Insurance.** Any personal property of the Tenant shall be at the sole risk of the Tenant. Subject to provisions of applicable law, Landlord shall not be liable for damage to or loss of property of any kind which may be lost or stolen, or damaged or destroyed by fire, water, steam or otherwise, while on the Property, unless arising from the omission, fault, negligence or other misconduct of Landlord. Tenant shall insure Tenant's personal property and liability and Tenant's property shall be the sole responsibility of Tenant. Tenant shall, upon reasonable demand by Landlord, present evidence of Tenant having an adequate insurance policy which shall name Landlord as an additional insured, including coverage for Tenant's liability in amounts and with such carriers as shall be approved by Landlord.
- (d) **Landlord's Right to Enter for Remediation.** Landlord reserves the right from time to time to enter the Property and conduct the Remediation.
- (e) **Real Estate Taxes and Landlord's Insurance.** Tenant shall be responsible for the payment of and shall pay directly all real estate taxes on the Property and shall purchase, at its own expense, any such insurance as Landlord shall deem necessary for any liability associated with Landlord's ownership of the Premises or this Lease, it being the intent of the parties that this is a "net rent" master lease arrangement with all underlying expenses paid by Tenant.

7. **ASSIGNMENT AND SUBLETTING.** Tenant may freely sublease the Property or any part thereof without Landlord's prior written consent.

8. **DESTRUCTION or DAMAGE BY FIRE, EMINENT DOMAIN OR CASUALTY.** In the event that the Property or any part thereof shall be taken by eminent domain or shall be so damaged or

destroyed by fire or unavoidable casualty, that the Property is thereby rendered untenable, then either Landlord or Tenant may terminate this Lease upon written notice to the other.

9. **DEFAULT AND INDEMNIFICATION.**

- (a) **Tenant's Default:** If Tenant shall default in the performance of any of Tenant's obligations hereunder, or if an assignment shall be made by Tenant for the benefit of creditors, or if Tenant's leasehold interest hereunder shall be taken on execution, then in any of such cases Landlord shall be entitled to all remedies available to Landlord at law and/or equity, including, without limitation, the remedy of forcible entry and detainer (eviction), and Landlord may lawfully, immediately and at any time thereafter, and without further notice or demand, and without prejudice to any other remedies mail or hand deliver a notice of termination addressed to Tenant at the Property, and upon such delivery or mailing this Lease shall terminate. Landlord's termination of this Lease shall not terminate or defeat Landlord's right to recover damages.
- (b) **Landlord's Default:** Unless otherwise provided by applicable law, Landlord shall in no event be in default on the performance of any of its obligations hereunder unless and until Landlord shall have failed to perform such obligations within thirty (30) days or such additional time as is reasonably required to correct any such default after written notice by Tenant to Landlord specifying wherein Landlord has failed to perform such obligation. Moreover, unless otherwise provided by applicable law Tenant agrees to look solely to Landlord's available insurance proceeds or Landlord's interest in the Property for recovery of any judgment from Landlord, it being specifically agreed that neither Landlord nor anyone claiming under Landlord shall ever be personally liable for any such judgment. The provision contained in the foregoing sentence is not intended to and shall not limit any right that Tenant might otherwise have to obtain injunctive relief against Landlord or Landlord's successors in interest, or any other action not involving the personal liability of Landlord or anyone claiming under Landlord to respond in monetary damages from their assets, other than their interest in the Property.
- (c) **Indemnification.** Tenant will defend and, except to the extent caused solely by the negligence or willful conduct of Landlord, will indemnify Landlord and its employees and agents, and save them harmless from any and all injury, loss, claim, damage, liability and expense (including reasonable attorney's fees) in connection with the loss of life, personal injury or damage to property or business, arising from, related to, or in connection with the occupancy or use by Tenant of the Property (including the Prior Tenants under the Prior Leases), or occasioned wholly or in part by any act or omission of Tenant its contractors, subcontractors, subtenants, licensees or concessionaires, or its or their respective agents, servants or employees while on or about the Property. The provisions of this paragraph shall survive the termination or earlier expiration of the term of this Lease. Without limitation of any other provision herein, neither Landlord, its employees or agents shall be liable for, and Tenant hereby releases them from all claims for, any injuries to any person or damages to property or business sustained by Tenant or any person claiming through Tenant due to the Property or any part thereof, or any appurtenances thereof, being in need of repair or due to the happening of any accident in or about the Property or due to any act or neglect of Tenant or of any subtenant, employee or visitor of Tenant. Without limitation, this provision shall apply to injuries and damage caused by nature, rain, snow, ice, wind, frost, water, steam, gas or odors in any form or by the bursting or leaking of windows, doors, walls, ceilings, floors, pipes, gutters, or other fixtures; and to damage caused to fixtures, furniture, equipment and the

like situated at the Property, whether owned by Tenant or others. The foregoing shall not constitute a waiver by the Landlord of any provision of the Maine Tort Claims Act, 14 M.R.S. §8101 *et seq.*

10. **QUIET ENJOYMENT**

- (a) Quiet Enjoyment. Tenant, upon payment of the rent and observing, keeping and performing all of the terms and provisions of this Lease on its part to be observed, kept and performed, shall lawfully, peaceably and quietly have, hold and occupy and enjoy the Property during the term without hindrance by persons lawfully claiming under Landlord.
- (b) Tenant's conduct. Tenant agrees not to do or permit any act or thing on the Property that shall be unlawful or create a nuisance.

11. **MISCELLANEOUS.**

- (a) Entire Agreement; Amendments and No Waiver. This Lease with its attachments and the Exchange Agreement constitute the entire agreement between Landlord and Tenant with respect to the subject matter contained herein and there are no understandings or agreements between Landlord and Tenant with respect to said subject matter which are not contained herein or therein. This Lease cannot be amended except by written instrument executed by both Landlord and Tenant. The waiver of a breach of any term, condition or covenant contained in this Lease shall be effective only if in writing and shall not be considered to be a waiver of any other term, condition or covenant, or of any subsequent breach of any nature.
- (b) Invalid provisions. Any provisions of this Lease which shall prove to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision hereof and such other provisions shall remain in full force and effect; in particular and without limitation, it is not the intention of the parties that any provision of this Lease be construed to require Tenant to waive any non-waivable tenant rights established in Title 14, Maine Revised Statutes Annotated, Section 6001, and subsequent sections and Section 6031, and subsequent sections. The headings or captions in this document shall not be taken into account in construing the meaning of the provisions hereof.
- (c) Governing Law; Successors and Assigns; Time. This Lease shall be governed exclusively by the provisions hereof and the laws of the State of Maine. The provisions of this Lease shall be binding upon and inure to the benefit of the respective successors and assigns of Landlord and Tenant. Time is of the essence of this Agreement.
- (d) Nothing herein shall be construed to constitute Tenant as the partner or agent of Landlord.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease as of the date first above written.

WITNESSETH:

LANDLORD:  
CITY OF BIDDEFORD, MAINE

By: \_\_\_\_\_  
Its Authorized City Manager

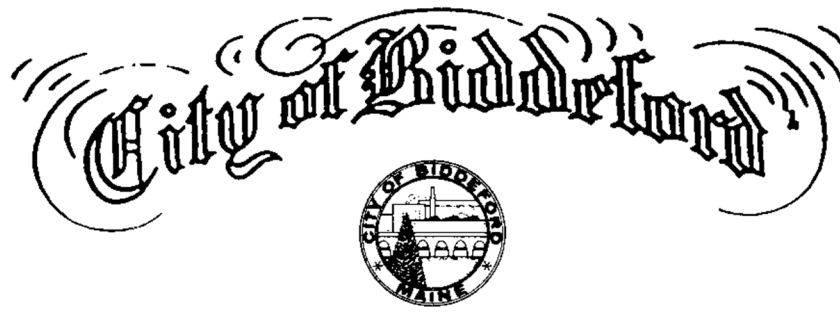
TENANT:

DRAFT ROOM, LLC

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By:

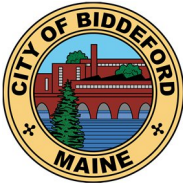
Its:



2019.95

**IN BOARD OF CITY COUNCIL... AUGUST 20, 2019**

**BE IT ORDERED,** that the City Council of the City of Biddeford does hereby direct the City Manager to prepare and release a request for bid (RFB) for professional services for a qualified parking consultant. The RFB shall address reviewing and providing feedback and recommendations specific to on-street parking time limits and layout, public parking lot parking time limits, integrated parking fee and enforcement technology, and overall parking management plan implementation. The RFB shall be issued no later than seven (7) days from the date of this order.



## City of Biddeford

Chief Operating Officer/Technology Dept/IPP  
P.O. Box 586 • 205 Main Street  
Biddeford, ME 04005  
Phone: (207) 571-0032 • Fax: (207) 571-0656

### Briefing Memo

**TO:** Mayor Alan Casavant  
Council President John McCurry and Members of the City Council

**CC:** James Bennett, City Manager

**FROM:** Brian S. Phinney, COO/Technology/IPP

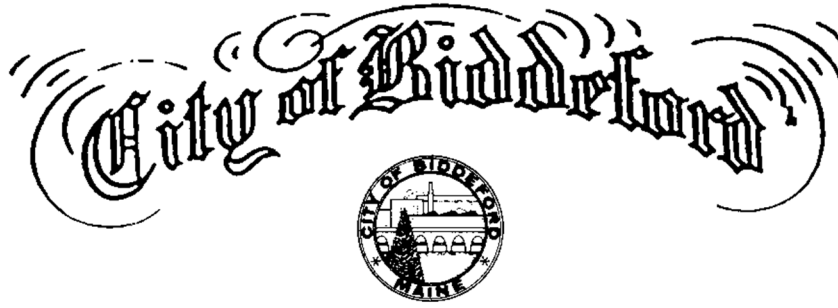
**DATE:** August 16, 2019

**RE:** Briefing Memo – Order 2019.95, Parking Consultant

The Downtown Committee voted unanimously on July 29<sup>th</sup> to recommend to the City Council that the city engage the services of a qualified parking consultant to review and make recommendations specific to the overall parking program.

The Order directs the city manager to prepare and release a request for bid (RFB) within seven (7) days of approval of the Order. This item was not budgeted therefore the resulting bids will be submitted to the Finance Committee or the Finance Committee and City Council depending in the dollar amount, in accordance with establish purchasing rules. A funding source recommendation will be identified once the bids are received and the dollar amount is known.

Downtown Committee members may wish to offer additional comment.



**IN BOARD OF CITY COUNCIL...AUGUST 20, 2019**

**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Jeffrey Dorais  
71 May Street  
Ward 7**

to the *Recreation Commission*, replacing Ronald Ouellette, with a term to expire December 2022.

# CITY OF BIDDEFORD

## Application for City Committees, Commissions and Boards

Date: August 14th, 2019

Name: Jeffrey Dorais

Street Address: 71 may street  
Biddeford Maine 04005

Mailing Address:  
(if different) \_\_\_\_\_

Phone Number(s): 207-205-1878

Email Address: coach.dorais@gmail.com

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

- |                          |                                       |                                     |                                     |
|--------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | • Airport Commission                  | <input type="checkbox"/>            | • Harbor Commission                 |
| <input type="checkbox"/> | • Biddeford Fire Advisory Committee   | <input type="checkbox"/>            | • Historic Preservation Commission  |
| <input type="checkbox"/> | • Biddeford Housing Authority         | <input type="checkbox"/>            | • Planning Board                    |
| <input type="checkbox"/> | • Biddeford Police Advisory Committee | <input type="checkbox"/>            | • Policy Committee                  |
| <input type="checkbox"/> | • Board of Assessment Review          | <input type="checkbox"/>            | • Project Canopy Committee          |
| <input type="checkbox"/> | • Cable T.V. Committee                | <input checked="" type="checkbox"/> | • Recreation Commission             |
| <input type="checkbox"/> | • Capital Projects Committee          | <input type="checkbox"/>            | • Shellfish Conservation Committee  |
| <input type="checkbox"/> | • Conservation Commission             | <input type="checkbox"/>            | • Solid Waste Management Commission |
| <input type="checkbox"/> | • Downtown Development Commission     | <input type="checkbox"/>            | • Wastewater Management Commission  |
| <input type="checkbox"/> | • Economic Improvement Commission     | <input type="checkbox"/>            | • 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)

Biddeford Little League Softball President 2017 - Current  
Biddeford Youth Hockey Web/Communication Director 2019 - Current

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

~~Both~~ Both my kids are in rec programs and play rec sports

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

I like being involved with sports and programs and helping to make things work out. I get involved in all my kids programs as much as possible to help whenever is needed. My kids can use the fields and parks in Biddeford and I would love to help and give back.

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