

City of Biddeford

City Council

August 03, 2021 6:00 PM Council Chambers and via Zoom

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/96061121667?pwd=VXU4cVF4V1orQnVkY3pTbFEyR0RyQT09>

Passcode: 894041

Or One tap mobile :

US: +13017158592,,96061121667# or +13126266799,,96061121667#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

**US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1
346 248 7799 or +1 669 900 9128**

Webinar ID: 960 6112 1667

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- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - 3.a. Order 2021.86) Confirmation of Appointment of Finance Director

Nominations:

MMA Annual Election - Vice President and Executive Committee Members
[8-03-2021 Nomination-MMA VP and Executive Committee.pdf](#)

- 4. Public Hearing**
 - 4.a. State of Maine Liquor License Application: B Peachee, Inc., dba: Suger
- 5. Liquor License Consideration**
 - 5.a. B Peachee, Inc dba: Suger
[8-03-2021 Suger Licensing Applications.pdf](#)
- 6. Consideration of Minutes:**
 - 6.a. July 20, 2021 Council Meeting Minutes
[7-20-2021 Council Meeting Minutes.docx](#)
- 7. Second Readings:**
 - 7.a. 2021.72) Amendment/Land Development Regulations/Art. XV-Historic Preservation Ordinance/Process for nomination and addition of historic buildings, landmarks and sites/Responsibilities of Historic Preservation Commission
[7-20-2021 Historic Preservation Ordinance Zoning Amendment-ORDER.pdf](#)
[7-20-2021 Hist Preservation Ordinance Revisions-MEMO.pdf](#)
 - 7.b. 2021.75) Amendment/Land Development Regulations/Art. XIII-Amendments/Sec. 3, Contract Zone #19-York County Judicial Center/Allowance of Solar Panel Arrays
[7-20-2021 YJC CZ 19 Amendment-ORDER.docx](#)

[7-20-2021 YJC CZ 19 Amendment-MEMO.pdf](#)
[7-20-2021 YJC CZ 19- Notice of Decision-Conditional Use Permit.pdf](#)
[7-20-2021 YJC CZ 19-Amendment Agreement.pdf](#)
[7-20-2021 YJC CZ 19-Amendment Application Package.pdf](#)
[7-20-2021 YJC CZ 19-Findings of Fact.pdf](#)

8. Orders of the Day:

- 8.a. 2021.86) Confirmation/Appointment of Finance Director/Nichole Wood
[8-03-2021 Finance Director Appt-Wood-ORDER.docx](#)
[8-03-2021 Finance Director-Wood-Resume.pdf](#)
- 8.b. 2021.83) Approval/Saxon-Eon Credit Enhancement Agreement/Barra Road Housing Project
[8-03-2021 Saxon Company-Eon Associates-Barra Rd1-ORDER.docx](#)
[8-03-2021 Saxon-Eon Credit Enhancement-MEMO.docx](#)
[8-03-2021 Saxon-Eon JDA-Barra Road Project.doc](#)
- 8.c. 2021.84) Approval/Easement Deed to Saco-Lowell, LLC c/o Port Property Management
[8-03-2021 Saco-Lowell Easement Deed-ORDER.docx](#)
[8-03-2021 Saco-Lowell LLC Easment - MEMO.docx](#)
[8-03-2021 Saco-Lowell LLC-Easement Deed-Smith Street.docx](#)
- 8.d. 2021.79) Remove from table: Authorization/FY22 Property Tax Commitment
[08-03-2021 Property Tax Commitment-FY22-Rev.docx](#)
- 8.e. 2021.85) Purchase of (2) Detective Vehicles/Rowe Ford of Westbrook, Maine
[8-03-2021 Purchase of \(2\) Police Detective Vehicles-CIP Funds-ORDER.docx](#)
[8-03-2021 Purchase of Detective Vehicles-BIDS.pdf](#)
- 8.f. 2021.68) Remove from table: Approval/Additional Compensation for Non-Union Employees
[7-06-2021 Employee Additional Compensation-ORDER.doc](#)
[7-20-2021 Additional Compensation-MEMO.pdf](#)

9. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)

10. City Manager Report

11. Other Business

12. Council President Addressing the Council

13. Mayor Addressing the Council

14. Executive Session

- 14.a. 1 MRSA 405(6)(A)...Personnel Matter

15. Adjourn



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: David Barrett, Interim MMA Executive Director
(Director, MMA Personnel Services & Labor Relations)

DATE: July 12, 2021

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 20, 2021 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote in the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying for and interested in serving as the MMA Vice President and on the MMA Executive Committee. The MMA Nominating Committee completed its task in May and put forth the 2022 Proposed Slate of Nominees to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Friday, July 9, by 4:30 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “Write-in Candidates” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 20, 2021. We have enclosed a self-addressed self-stamped envelope for your convenience. MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President James Gardner, Jr., Town Manager, Town of Easton.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Monday, August 23. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held and live broadcasted on Thursday, September 30, at 11:00 a.m. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon as well as the MMA Annual Business Meeting and will officially take office on January 1, 2022.

If you have any questions on the Election Process, please contact me or Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.



MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of MMA Vice President and Executive Committee Members

Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 20, 2021

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Elaine Aloes, Chair of Selectboard, Town of Solon

☐

EXECUTIVE COMMITTEE MEMBERS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

David Cyr, Town Manager, Town of Frenchville

☐

Melissa Doane, Town Manager, Town of Bradley

☐

**Justin Poirier, Town Manager, Town Administrator
Town of Chebeague Island**

☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____
Position: _____

Signature: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

Return To:
MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358
Email: rlambert@memun.org

**MAINE MUNICIPAL ASSOCIATION
BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2022 EXECUTIVE COMMITTEE**

**MMA VICE PRESIDENT
(1-Year Term)**

ELAINE ALOES (CHAIR OF SELECTBOARD, TOWN OF SOLON)

Professional & Municipal Experience:

- Chair of Selectboard, Assessor and Overseer of the Poor, Town of Solon, Maine (March 1998 – present)
- 2nd Selectman, Assessor and Overseer of the Poor, Town of Solon, Maine (March 1990 – March 1994)
- Auto Damage Appraiser, Bishop Adjustment Company (March 1990 – present)
- Budget Committee, Town of Solon (1995 – 1998)
- Owner/Operator, Mid Maine Adjustment Company (independent insurance adjusting company) (June 1987 – March 2005)
- Auto body repair businesses in Massachusetts and Maine (1972 – June 1987)
- Tax Preparer, H & R Block (1985 – 1992)
- Salesperson, Combined Insurance (health and accident insurance) (1985 – 1986)

Other Experience, Committees and Affiliations:

- Member, Somerset County Budget Committee (2001 – present); Vice Chair (2012 – 2016); Chair (2017 – present)
- Member, MMA Legislative Policy Committee (1999 – present)
- Member, MMA Executive Committee (2001 – 2003) and (Dec 2016 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2001 – 2003) and (Dec 2016 – present)
- Member, MMA Workers Compensation Fund Board of Trustees, (2001 – 2003) and (Dec 2016 – present)
- Member, MMA Strategic & Finance Committee (2002 – 2003) and (2017 – present)
- President, Somerset County Municipal Association (2001 – present)
- First Park Representative (2006 – present)
- Member, MMA Nominating Committee for Executive Committee (2011, 2012 and 2014)
- Member, Maine Municipal Association Rural/Service Center Committee (2002)
- Member, Somerset County Jail Planning Committee (2006 – 2008)
- Vice Chairman, Somerset County Charter Commission (2008 – 2010)
- Chair, Regional School Planning Committee for MSAD 74, MSAD 59, MSAD 12, MSAD 13 and several small towns (2007 – 2009)

Education:

- High school graduate, Medfield High School, Medfield, Massachusetts
- Kennebec Valley Technical College (courses in computers, accounting and supervisory management)
- Insurance Institute of America (Introduction to Claims)
- State of Maine (four part Property Tax Assessment course)
- Maine Municipal Association (many workshops and training on a wide variety of municipal topics such as budget preparation, finance management, personnel issues, right to know, town meetings, assessing)
- Maine Local Roads Center (variety of workshops on road issues and maintenance)

Awards and Certifications:

- State of Maine, All Lines Adjuster
- Maine Roads Scholar – Maine Local Roads (completed ten required road related workshops to earn award)

MMA EXECUTIVE COMMITTEE MEMBERS

(3-Year Terms)

DAVID CYR (TOWN MANAGER, TOWN OF FRENCHVILLE)

Professional & Municipal Experience:

- Town Manager, Town of Frenchville (2021 – present)
- Town Manager, Town of Mars Hill (2014 – 2020)
- Resident Project Representative, NicCait Construction Services, Presque Isle
- Construction Engineer, Soderberg Construction, Caribou
- Engineer, Criterium Brown Engineers, Washburn
- Public Works Director, Town of Fort Kent
- Project Engineer, Civil Engineering Services, Brewer
- Public Works Director for the Unorganized Territories, County of Aroostook, Caribou
- Project Engineer, Cianbro Corporation, Pittsfield
- Engineer/Soil Technician, Brescia Construction/Caribou Soils, Inc., Caribou
- Selectmen, Town of Woodland (1995 – 2004); Chairman for five years
- Firefighter 1/EMT, Caribou Fire and Ambulance, Town of Caribou (1985 – 1988)
- Firefighter 1/EMT, Budd Lake Volunteer Fire Company, Budd Lake, New Jersey (1983 – 1984)

Other Experience, Committees and Affiliations:

- Member, MMA Executive Committee (2020)
- Member, MMA Property & Casualty Pool Board of Directors (2020)
- Member, MMA Workers Compensation Fund Board of Trustees, (2020)
- Member, MMA Strategic & Finance Committee (2020)
- Member, Aroostook Municipal Association (2014 – present); Treasurer (2017); Secretary (2017 – 2019); Vice Chair (2019 – 2020)
- Board Member, Northern Maine Development Commission Executive Committee (2014 - present), Chair (2016-2018); NMDC Revolving Loan Committee (2014 – present), Chair since 2016; NMDC Treasurer (2017); NMDC Finance & Audit Committee; Chairperson (2018 - present)
- President, Mars Hill Rotary Club (July 2016 – June 2020)
- Assistant Chief of Stadium, US Ski and Snowboard Association Supertour competition, Presque Isle (2019)
- Volunteer, Cross Country Ski Trail Groomer at Woodland Community Trails
- Volunteer, Biathlon World Cup Competitions in Presque Isle; Assistant Chief of Stadium (2016)
- Board Member, Northern Maine Solid Waste Management Committee, (1992 – 2000); Chairman (1999 – 2000)
- Member, MDOT Regional Transportation Advisory Committee (1997 – 2002); Chair (1999 – 2000)
- Member, Public Advisory Committee, MDOT Aroostook County Transportation Study
- Board Member, Maine Chapter of the American Public Works Association (1998 – 2000); Secretary (1999); Treasurer (2000)

Education:

- Bachelor of Mechanical Engineering Technology, University of Maine at Orono

Awards and Certifications:

- State of Maine State Board of Registration for Professional Engineers
- Maine Municipal Certified Assessor
- Maine Department of Transportation Local Roads Center “Road Scholar”
- Graduate, Rotary Leadership Institute, Rotary District 7810
- State of Maine Class A Commercial Driver’s License with Hazardous Materials Endorsement

MELISSA DOANE (TOWN MANAGER, TOWN OF BRADLEY)

Professional & Municipal Experience:

- Town Manager, Clerk, Treasurer, Tax Collector, General Assistance Administrator, Registrar of Voters and Road Commissions, Town of Bradley, Maine (2005 – present)
- Membership Coordinator, GrowSmart of Maine (2016 – 2020)
- Secretary/Administrative Assistant, Roy Associates, CPAs (2004 – 2005)
- Administrative Assistant/Town Agent, Town of Bradley, Maine (1998 – 2004)
- Coor, Clinical Operations/Secretary/Patient Accounts/Registrations, Neurology Associates, (1994 – 1998)
- Secretary/Receptionist, Dr. James Iannetta Medical Office (1991 – 1994)

Other Experience, Committees and Affiliations:

- Member, MMA Executive Committee (2019 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2019 – present)
- Member, MMA Workers Compensation Fund Board of Trustees, (2019 – present)
- Member, MMA Strategic & Finance Committee (2019 – present)
- Member, Executive Board, Municipal Review Committee (2021 – present)
- Member, Executive Board, Maine Town, City & County Management Association (2016 – present)
- Co-Chair Membership Committee, Maine Town, City & County Management Association (2016 – present)
- Chair, Sponsorship Committee, Maine Town, City & County Management Association (present)
- Member, Maine Town, City & County Management Association (2005 – present)
- Member, Maine Town & City Clerks Association
- Member, Maine Municipal Tax Collectors & Treasurer Association
- Member, Maine Welfare Directors Association
- President, Executive Board, Living History Museum, Maine Forest and Logging Museum

Education:

- Business Management Studies, Husson College
- Associate Degree, Business Management, Beal College
- Associate Degree, Office Management, Beal College
- Associate College Preparation, Foxcroft Academy

Awards and Certifications:

- Certified Municipal Manager, Maine Town, City & County Management Association
- Rookie of the Year Award, Maine Town, City & County Management Association (2009)
- State of Maine Notary
- State of Maine Dedimus Justice

JUSTIN POIRIER (TOWN ADMINISTRATOR, TOWN OF CHEBEAGUE ISLAND)

Professional & Municipal Experience:

- Town Administrator, Town of Chebeague Island (Nov 2020 – present)
- Urban Development Specialist, City of Auburn (July 2020 – November 2020)
- Director, Maine Revenues Services, Property Tax Division (2017 – 2020); Deputy Director (2014 – 2017)
- Member, Town of Winthrop, Planning Board (2019 – 2020)
- Member, City of Augusta, Planning Board (2013 – 2018); Chair (2017 – 2018)
- Director, Community Development Coordinator; City of Bath (2012-2014; Coordinator (2011 – 2012)
- Administrative Assistant, Board of Selectpersons, Town of Pownal (2010 – 2011)
- Administrative Coordinator, Building Services Department, Town of Belmont, MA (2007 – 2010)

(continued)

Other Experience, Committees and Affiliations:

- Member, Maine Town City and County Management Association
- Member, Maine Association of Assessing Officers
- Member, Executive Committee, Greater Portland Council of Governments (January 2021 – present)
- Member, Ecomaine Board of Directors (2010 – 2011)

Education:

- Master of Public Policy; Concentration on Public Management, Environmental Policy, University of Massachusetts Dartmouth
- Bachelor of Arts in Public management; Major in Public Management; Minor in Political Science, University of Maine in Orono

Awards and Certifications:

- Certified Maine Assessor
- Certified Community Development Block Grant Administrator

7/8/2021 - per 4.15 for new

\$10.00 application fee is applicable to all NEW businesses

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

as of 7/16/21, needs to pay \$75 ret + \$60 advert
↓
paid

City of Biddeford

BUSINESS LICENSE APPLICATION

BUSINESS NAME: Bleacher Inc dba Suger

Business Address: 5 Washington St. Map 38 Lot

Mailing Address: 40 Main Street, suite B-109

Business Telephone Number: 207.494.8456

Email Address: julian@angelrox.com

OWNER/OPERATOR: Julian Schlaver + Roxi Suger

Home Physical Address: 34 Union Street

Home Mailing Address: 34 Union Street

Home Telephone Number: N/A - cell = 973.012160

Applicant(s) Date of Birth: 12/04/1976 + 06/12/1971

[Signature] 7/8/21
Applicant's Signature **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 (need to show proof of at least \$500,000 liability insurance)	\$75.00
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 State Cert. Required	\$150.00
☐ Taxicab, motorbus, public automobile (plus \$20.00 per vehicle)	\$50.00
☐ 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: _____
(Occupancy Permit Issued)

CITY CLERK ISSUED: Carminy. Mon

DATE: 7/9/2021



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information;
Type of License and Status

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

Legal Business Entity Applicant Name (corporation, LLC): B. Peachee Inc	Business Name (D/B/A): Suger
Individual or Sole Proprietor Applicant Name(s): Roxi Suger	Physical Location: 5 Washington Street
Individual or Sole Proprietor Applicant Name(s): Julian Schlaver	Mailing address, if different: 40 Main Street, Suite 13-109, Biddeford ME 04005
Mailing address, if different from DBA address:	Email Address: julian@angelrox.com
Telephone # Fax #: 9173012160	Business Telephone # Fax #: 2076026262
Federal Tax Identification Number: 13-4136487	Maine Seller Certificate # or Sales Tax #: 1164023
Retail Beverage Alcohol Dealers Permit: RET-2021-13374	Website address: www.angelrox.com

1. New license or renewal of existing license? ☒ New Expected Start date: 09/01/2021
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$0,000 Beer, Wine or Spirits: \$2,000 Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

40 Main Street, Suite 13-109, Biddeford ME 04005

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Julian Schlaver	12/05/1976	Cottage Grove, OR
Roxi Suger	06/12/1971	Midwest City, OK
Residence address on all the above for previous 5 years		
Name	Address:	
Julian Schlaver	34 Union Street, Biddeford ME 04005	
Name	Address:	
Roxi Suger	34 Union Street, Biddeford ME 04005	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Jason Hutchins - 256 Read Street, Portland ME 04103

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Within the larger retail store there is a small cafe area

20. 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?

Name: Anchor Baptist Church

Distance: 0.2 mile / 1200 feet

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: _____

7/16/21

Signature of Duly Authorized Person

Julian Schlaver

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Roxi Suger

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§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.

COUNCIL MEETING

JULY 20, 2021

NOTE: Due to COVID-19, this meeting was held in-person in the Council Chambers, as well as virtually (via ZOOM),

Mayor Casavant called the meeting to order at 6:22 p.m.

Roll Call: John McCurry, Jr., Stephen St. Cyr, Ashanti Williams, Amy Clearwater, Michael Ready, Doris Ortiz, Marc Lessard

William Emhiser and Norman Belanger were excused.

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

Adjustments to the Agenda:

Remove Orders 2021.70; 2021.71; and 2021.77

Update: Climate Control Committee

Chairman of the Climate Control Committee, Steven Reiter gave the update. He spoke about the goals for this Committee; as well as what tasks the Committee are currently working through. The expected duration of this Committee to complete its work is one to two years.

Presentation: Adams Point Tax Increment Financing (TIF) Request

Brooks More, Director of Development at South Portland Housing Authority, gave the presentation. The Adams Point Project is located at 69 Adams Street and is expected to be five stories with 39 affordable, non-age restricted apartments, with a mixture of 1, 2, 3 and 4 bedrooms. The TIF request is for 75% of property taxes over 30 years. The City Council will consider and vote on the requested TIF at a future meeting.

Public Hearing: Member and Public Participation in Governmental Public Meetings

The Public Hearing was opened at 7:02 p.m.

Chief Operating Officer Brian Phinney explained the necessity of this Public Hearing, which is a State Law requirement. The State Law requires that municipalities go through this process in order to continue offering remote access to public meetings; even though members of the meeting body are required to meet in-person.

There were no comments from the public.

The Public Hearing was closed at 7:08 p.m.

Consideration of Minutes: July 6, 2021

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

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of July 6, 2021.}

2021.58) Amendment/Ch. 46, Parks/Sec. 46-8-Sanitation & Sec. 46-13-Park operating policy/Add Language for Horses

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

2021.59) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Phillips Lane

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

2021.60) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Sec. 42-90-No Parking/Sec. 42-88-One-way Streets/Add on Day’s Landing

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

2021.61) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-64- Fees for parking violations/Add for All Other Violations

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

2021.62) Amendment/Ch. 58, Solid Waste, Sec. 58-163.1, et al./Change Name of Solid Waste Management Commission to Recycling & Waste Management Commission

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

Orders of the Day:

2021.69 **IN BOARD OF CITY COUNCIL..JULY 20, 2021**

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 **2021 River Jam** on August 21, 2021 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.

Motion by Councilor Clearwater, seconded by Councilor McCurry to grant the order.
Vote: 4/3; Councilors Ready, Lessard and McCurry opposed.
Councilors St. Cyr, Williams, Clearwater and Ortiz in favor.
Motion carries.

2021.72) Amendment/Land Development Regulations/Art. XV-Historic Preservation Ordinance/Process for nomination and addition of historic buildings, landmarks and sites/Responsibilities of Historic Preservation Commission

For a copy of the full Ordinance and amendments, see the July 20, 2021 Council Meeting packet found on the City’s website: www.biddefordmaine.org.

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

2021.73 **IN BOARD OF CITY COUNCIL..JULY 20, 2021**

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 V (Establishment of Zones), Table A (Table of Land Uses):

KEY:

- * Subject to Article VI, Performance Standards, of this ordinance.
- P Permitted use.
- Not permitted.
- C Conditional use. See Article VII for specific standards.
- A Accessory use

	Article VI Section	I-3
Educational, institutional public uses:		
Public and private schools*	53	P

Part III (Land Development Regulations), Article VI (Performance Standards):

~~Section 53 (Primary and secondary schools, fraternal organizations, and not for profit clubs).~~

~~Schools, fraternal organizations and not for profit shall be permitted as a conditional use in accordance with the provisions below:~~

~~A. The buffers standards of this ordinance shall be met.~~

~~B. No building shall be closer than 50 feet from any property line.~~

~~C. When adjacent to residential properties, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier, or stockade fence, not less than six feet in height.~~

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

Vote: All Opposed. Motion fails.

2021.74 IN BOARD OF CITY COUNCIL...JULY 20, 2021

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 565 Elm Street (Tax Map 13, Lot 43) from Business 2 (B-2) to Industrial-1 (I-1).

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

Vote: All Opposed. Motion fails.

2021.75 IN BOARD OF CITY COUNCIL..JULY 20, 2021

BE IT ORDAINED that the City Council of Biddeford, Maine amends Contract Zone #19 for the Maine Governmental Facilities Authority to allow for the installation of photovoltaic (PV) panels in the parking lots east of the courthouse, in addition to PV panels on the roof, and that the amended Contract Zone #19, as recommended by the Planning Board on July 7, 2021, be adopted, and that said Contract Zone as amended be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford, and

BE IT ORDERED that the City Manager is authorized to sign and execute an Agreement to Amend Contract Zone #19 between the City of Biddeford and the Maine Governmental Facilities Authority.

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

Motion by Councilor Ortiz, seconded by Councilor Clearwater to amend the ordinance amendment by adding language that a fencing requirement shall be included in the Contract Zone, along with the solar panel arrays.

Vote: 4/3; Councilors Lessard, Ready and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater and Ortiz in favor.

Motion carries.

Vote on first reading, as amended: 5/2; Councilors Ready and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater, Ortiz and Lessard in favor.

Motion carries.

2021.76 IN BOARD OF THE CITY COUNCIL... JULY 20, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute an Agreement with SPURWINK to expand the Community Engagement Specialist Partnership with the Biddeford Police Department at a cost not to exceed \$230,000 the first year and \$237,000 in the second year.

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

Vote: Unanimous.

2021.78 **IN BOARD OF CITY COUNCIL....JULY 20, 2021**

BE IT ORDERED, that the Deputy Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining funds from the FY 2021 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2021 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>Account Description</u>	<u>Amount</u>
Assessing Consultant (for commercial review)	\$50,000
Engagement Position	\$57,500
Engineering Consulting	\$55,000
Grant Matches*	\$85,000
Biddeford Pool Study	\$30,000
Engineering (MERC Tower)	\$30,000
Crosswalk Warning Lights	\$100,000
Software for Mobile App (citizen focus)	\$30,000
Backstop/netting for field #1 for St. Louis Field #1	\$150,000
Total	<u>\$737,500</u>

BE IT FURTHER ORDERED, that the Deputy Finance Director is authorized to create dedicated reserve accounts for all unspent FY21 Capital Improvement Funds (estimated at \$540,000), and transfer remaining funds from the FY 2021 Budget to said dedicated accounts for the same purposes as of June 30, 2021 deducting any encumbrances:

BE IT FURTHER ORDERED, that the City Manager be authorized to expend from the above dedicated reserves for expenses related to on-going project costs as approved in accordance with the Purchasing Code.

NOTE: The Finance Committee will consider this item at the July 20, 2021 meeting and vote on recommendation for approval by the City Council.

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

Motion by Councilor St. Cyr, seconded by Councilor McCurry to amend by removing the Engagement Position, ½ of Crosswalk Warning Lights, and Backstop/Netting for Field #1 at St. Louis Field; with those freed up funds to decrease the tax rate.

Vote: 2/5; Councilors St. Cyr and McCurry in favor.

Councilors Williams, Clearwater, Ready, Ortiz and Lessard opposed.

Amendment fails.

Motion by Councilor Lessard, seconded by Councilor McCurry to amend by removing the Engagement Position and ½ of Crosswalk Warning Lights.

Vote: 3/4; Councilors McCurry, St. Cyr and Lessard in favor.

Councilors Williams, Clearwater, Ready and Ortiz opposed.

Amendment fails.

Vote on order as presented: 4/3; Councilors McCurry, St. Cyr and Lessard opposed.

Councilors Williams, Clearwater, Ready and Ortiz in favor.

Motion carries.

2021.79 **IN BOARD OF CITY COUNCIL..JULY 20, 2021**

BE IT ORDERED, that the City Assessor be authorized to commit property taxes for the fiscal year commencing July 1, 2021 and ending June 30, 2022 in the total sum of \$50,241,414 with \$1,331,480 raised for County Taxes, \$23,245,570 raised for School/Educational use, \$36,145,876 raised for Municipal use, and \$1,840,868 raised for TIF funding use, less estimated revenues of \$12,322,370, and

BE IT FURTHER ORDERED, that said Property Tax Commitment shall be payable in two equal installments on October 13, 2021 and April 13, 2022 with any odd amount to be due on the first installment, and that interest shall be collected at the rate of 6.00% per annum on any taxes remaining unpaid after each respective installment date.

financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on July 20, 2021 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY22 CIP Budget.

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

2021.82 **IN BOARD OF CITY COUNCIL. July 20, 2021**
BE IT ORDERED, that the Biddeford City Council hereby adopts the *Remote Meeting Participation Policy* in accordance with 1 M.R.S. §403-B. The Policy may be amended from time to time under separate action by the Biddeford City Council.

Motion by Councilor Clearwater, seconded by Councilor Ready to grant the order.
Vote: 5/2; Councilors Lessard and McCurry opposed.
Councilors St. Cyr, Williams, Clearwater, Ready and Ortiz in favor.
Motion carries.

2021.68 **IN BOARD OF CITY COUNCIL...JULY 6, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve that each non-union employee shall be entitled to a one-time monthly bonus of one hundred twenty-five dollars (\$125.00) per each month worked, for the period covering February 2020 to July 2021 (18 months), payable in full by July 31, 2021. Any employee that worked any hours in a given month is deemed eligible for that month.

NOTE: The Personnel Committee considered this item at their June 29, 2021 meeting and voted 3/1 to recommend passage by the City Council.

No motion was made to remove the Order from the table. This Order will be included on the August 3, 2021 Council Meeting Agenda.

Appointments:

IN BOARD OF CITY COUNCIL...JULY 20, 2021
ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Municipal Service Budget Committee**, to determine the allocation of FY22 Social Service Funds:

Marc Lessard
William Emhiser
Norman Belanger
Ashanti Williams

NOTE: Mayor Casavant also serves on this Committee.

Motion by Councilor Ready, seconded by Councilor Clearwater to confirm the appointments.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL....JULY 20, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

JJ Bennett
General Assistance Administrator

to the *Clayton & Virginia Cartmill Trust*.

Motion by Councilor Ready, seconded by Councilor Clearwater to confirm the appointment.
Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
There were not public comments.

There was no City Manager Report.

Other Business:

Councilor Ready asked when the RiverWalk/walkway to the parking garage will be completed. City Manager Jim Bennett will look into this and get back to the Council with an answer. Jim was able to confirm that the permitting process has begun and the design for the RiverWalk/walkway is underway.

Councilor Ready commented on a recent news article that highlighted the work of Jacob Hammer, who is the Community Engagement Specialist working out of the Police Department. He is happy to see the positivity of providing the service that Jacob Hammer brings to the Police Department.

Councilor McCurry asked for an update on the Water-Main-Hill Street project. He also noted that now that the parking garage is open, the City should look into changing the timed parking in the downtown area.

Councilor Lessard cautioned those who do the purchasing for the City to be mindful of the extensive stress currently on the supply chain in general and to plan accordingly for delays and possible unavailability of supplies.

Councilor Clearwater reminded folks that River Jam is coming up on Saturday, August 21st.

Mayor Addressing the Council: Mayor Casavant announced that the section of Pool Street that has not yet been paved is scheduled to be done during the third week of August.

Executive Session: 1 MRSA 405(6)(A)...Personnel Matter

Motion by Councilor McCurry, seconded by Councilor Lessard to move into Executive Session.
Vote: 5/2; Councilors Clearwater and Ready opposed.

Councilors McCurry, St. Cyr, Williams, Ortiz and Lessard in favor.

Motion carries.

Time: 8:37 p.m.

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

Vote: Unanimous.

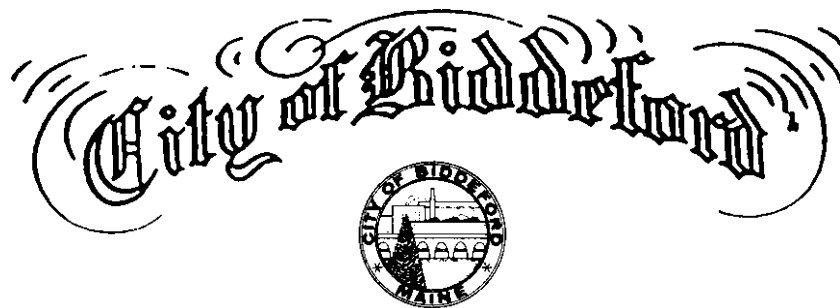
Time: 8:40 p.m.

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

Vote: Unanimous.

Time: 8:40 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2021.72

IN BOARD OF CITY COUNCIL..JULY 20, 2021

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 XV (Historic Preservation Ordinance):

Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance):

Section 1. Authority.

This ordinance is adopted by the municipal officers of the City of Biddeford, Maine, pursuant to the authority granted under 30-A M.R.S.A. § 3001 and § 3007.

Section 2. Purpose and intent.

- A. Purpose. The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the City of Biddeford by providing a legal framework within which the residents of the City can protect the historic and architectural heritage of historically significant areas, landmarks and sites while accepting compatible new construction.
- B. Intent. The intent of this ordinance is to create a legal mechanism to further the above-mentioned purpose and -to:
1. Protect, preserve and enhance the outward appearance and architectural features of structures within designated historic districts and of designated historic landmarks.
 2. Protect and enhance neighborhood character.
 3. Enhance the economic welfare of the City by stabilizing and improving the values of structures and properties within designated historic districts.
 4. Protect and enhance the attractiveness of the City to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers.
 5. Foster civic pride in the City's history and development patterns as represented in such designated historic districts and landmarks.
 6. Apply design standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible construction and

rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.

7. Prevent the demolition or removal of significant historic buildings or structures within designated historic districts or of designated historic landmarks.
8. Preserve, protect and enhance the essential character of designated historic districts by protecting relationships of groups of buildings and structures.
9. Accept new buildings and structures in designated historic districts, which are designed and built in a manner which is compatible with the character of the district.
10. Encourage the use of environmentally sustainable practices in building construction and renovations, while ~~at the same time~~ supporting the ~~overall~~ purpose of this ordinance being historic preservation.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALTERATION — Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including, without limitation, the repair, reconstruction, demolition or relocation of any structure or object or any part of a structure or object.

ALTERED — The word altered includes "rebuilt," "reconstructed," "rehabilitated," "restored," "removed" and "demolished."

APPLICANT — A person who submits an application for issuance of a certificate of appropriateness.

APPLICATION — A form submitted for approval of alteration, construction, demolition or removal that requires issuance of a certificate of appropriateness.

APPROPRIATE — Refers to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission or its designee.

APPROVAL AUTHORITY — Either the Commission or its designee as provided for in Section 8 of this ordinance.

ARCHAEOLOGICAL RESOURCE – An archaeological site or bounded geographical location containing the physical evidence of previous human occupation including but not limited to structures, artifacts, graphics (paintings or drawings) and discarded material including plants or animals.

CERTIFICATE OF APPROPRIATENESS — A certificate issued by the Commission or its designee evidencing approval of specific plans for alteration of a structure or construction on a site in accordance with this article.

CERTIFICATE OF ECONOMIC HARDSHIP — A certificate issued by the Commission or its designee evidencing a hardship variance approved by the Board of Appeals in accordance with Section 134E of this ordinance.

CERTIFICATE OF NONAPPLICABILITY — A certificate issued by the Commission or its designee evidencing a determination that specific plans for alteration of a structure or construction on a site do not require approval under this article.

COMMISSION — The Commission acting as the Historic Preservation Commission established in Section 86 of this ordinance.

CONSTRUCTION — The adding to a structure by an addition, or the erection or placement of any new structure on a lot or property.

CONTRIBUTING — A classification applied to a site, structure or object within an historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archeological significance as embodied in the criteria for designating an historic district, but without being itself a landmark. See Section 197 of this ordinance.

~~CONTRIBUTING STRUCTURE — A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district. See Section 17 of this ordinance.~~

DEMOLITION —

- A. Any act or process that partially or totally destroys a structure or object.
- B. The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

DEPARTMENT — The Planning and Development Department.

EXTERIOR ARCHITECTURAL FEATURE — The ~~architectural parts, elements, style~~ and general arrangement of the exterior of a building or structure, including but not limited to:

- A. The kind, type, and texture of the building materials;
- B. The type and style of elements including, but not limited to, all windows, doors, lights, dormers, roofs, gable cornices, porches, and decorative trim, ~~etc.~~;
- ~~C. The location and treatment of any vehicle access or parking space;~~
- ~~D.C. The design of any signs;~~ and
- ~~E.D. The arrangement of any fencing.~~

HISTORIC (aDJdj.) — Important in or contributing to history.

HISTORIC DISTRICT — Any place or area which includes or encompasses such historic landmarks, buildings, signs, appurtenances, structures or objects as may be designated within this ordinance in Section 5 as appropriate for historic preservation.

HISTORIC LANDMARK — Any improvement, building or structure of particular historic or architectural significance to the City relating to its heritage or cultural, social, economic or political history or which exemplifies historic personages or important events in local, state or national history, as may be designated in accordance with this chapter article. An historic landmark does not necessarily need to be located within an historic district.

~~HISTORIC SIGNIFICANCE — Any building, structure or site identified in Section 179 as contributing. Any building, structure, or site not identified in Section 179 is not considered to possess historical significance.~~

~~LANDMARK — A property, site, structure or object designated as a "landmark" by the City Council.~~

MASSING — The perception of the general shape and form as well as size of a building.

MAJOR REPAIR — Any exterior alteration that does not qualify as a minor repair.

MINOR REPAIR — Exterior alterations that do not change materials, form, style, or overall appearance, and are only necessary to correct deficiencies resulting from normal wear and tear.

NONCONTRIBUTING STRUCTURE — Any structure which is neither a contributing structure within a district nor a landmark and is not identified as contributing in Section 179 of this ordinance.

~~OBJECT — Anything constructed, fabricated or created the use of which does not require permanent or semipermanent location on or in the ground. A material thing of functionality~~

aesthetic, cultural, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. The term “object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

ORDINARY MAINTENANCE — Acts of maintenance or repair which do not include a change in the design, material or outer appearance of a structure, including, without limitation, repainting, replacement of materials or windows of the same scale, texture and color, and landscaping other than within an historic landscape district.

OWNER — The person or persons holding record title to the building, site or property; provided, however, the last previous tax roll in the records of the City Assessor's office may be relied upon as showing record ownership in the absence of substantial evidence to the contrary.

PROPERTY — Land and improvements identified as a separate lot for purposes of subdivision, site plan, or zoning regulation.

RELOCATION — Any removal or relocation of a structure on its site or to another site.

RESTORATION — Any act which returns a structure or a feature of a structure to a prior state of historic significance.

RHYTHM — Characterized by the regular recurrence of strong and weak elements.

SCALE — The size or apparent size of an object seen in relation to other objects, people, or its environment or format.

Section 4. Applicability.

This ordinance shall apply to exterior alterations of all lands, building, structures, and exterior architectural features ~~which require a building permit, including but not limited to sign and demolition permits, from the Code Enforcement Office,~~ as identified in Section 10 A., either located within a designated Historic District or designated as an historic landmark in Section 5 of this ordinance.

Section 5. Historic districts and historic landmarks designated.

The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:

A. Districts:

1. Downtown Historic District, as defined by the MSRD-1 Zone.
2. Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands within MSRD-3 located northwest of Elm Street.
3. Mixed Residential Historic District, as defined by the MSRD-2 Zone.

B. Landmarks: All such structures/places, not including districts, identified on the National Register of Historic Places.

Section 6. Eligibility for Historic Designation.

The historic districts, historic sites, and historic landmarks established in accordance with this article shall have one or more of the following characteristics:

- A. History of Biddeford. Structures, buildings or sites at which events have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social history of Biddeford or the nation, including sites or buildings at which visitors may gain insight or see examples of particular items or of larger patterns in the North American heritage.
- B. Persons. Structures, buildings, or sites associated with important historic persons.
- ~~D.C.~~ Architecture. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living; landscaping; a single notable structure; or a site representing the work of a master builder, master designer, architect or landscape architect.
- ~~E.D.~~ Visual continuity. Structures or buildings contributing to the visual continuity of the historic district.
- ~~F.E.~~ National register. Those sites or areas listed on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

Section 7. Establishment of Historic Sites, Landmarks, and New Historic Districts; and Expansion of Existing Historic Districts.

- A. Amendment process. Any person, including acting members of the Historic Preservation Commission, seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission's recommendation concerning the request, the City Manager shall place the matter on the agenda of the City Council. Any applications or designation of buildings, structures, sites and districts shall be in writing.
- B. Application requirements. Applications shall be in writing and shall include the following, as appropriate:
 - 1. For individual properties, a letter of consent from the property owner.
 - 2. A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
 - 3. A concise statement of how the building, structure or site meets the review criteria of this article.
 - 4. Exterior photographs of the building or structure, and/or a site map, illustrating significant details. In addition, the Commission may request photographs of interior features of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.
 - a. A concise statement of the physical elements which justify making this area an historic district and a description of building types and architectural styles and periods represented
 - b. An explanation of the proposed boundaries of the district.
 - c. Details on the structures that do not contribute to the significance of the district.
 - d. A map showing the location of all district structures.
- C. Studies and recommendations. Before making its recommendation concerning the proposed establishment or expansion of an historic district, historic site or historic landmark, the

Commission may conduct studies and research on the proposal. The Commission shall make a report to the City Manager on every request received within six months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review.

- D. Public hearing. Prior to making a recommendation concerning the proposed establishment or expansion of an historic district, historic site, or historic landmark, the Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation and property within a 200-foot radius of the property under consideration.
- E. Final report. Not later than 30 days after the public hearing, the Commission shall submit a final report to the City Council with the Commission's recommendation.
- F. Action by the City Council. After receipt of the Commission's recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within 20 days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice.
- G. From the time of nomination until the Historic Preservation Board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of Section 12 governing demolition, to the same extent as if designated. Upon final action of the Historic Preservation Board recommending designation, the site, structure, object, or area nominated shall be subject to all of the protections of this article until a final decision on designation by the City Council becomes effective. If the City Council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of -Section 14 of this article.
- H. Applicability of this section. All land, buildings or structures within an historic district are subject to the requirements of this article after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this article after they have been so designated by the City Council.

Section 86. Historic Preservation Commission membership; meetings.

A. Membership.

1. The Board shall consist of seven members, five voting members and two associate members, each a resident of the City of Biddeford. Each member shall be nominated by the Mayor, confirmed by the City Council, for a three year-term. The Mayor shall have the discretion of appointing members and associate members to the Commission with terms expiring after two years but less than three years for the purpose of staggering appointments throughout a calendar year.
2. Associate members may be made voting members of the Board upon the retirement or no appointment of a voting member. Associate members are expected to participate in all hearings and discussions. They shall vote only if the Chair appoints an associate to act in place of a regular member who is absent or has been disqualified because of conflict of interest.
3. When there is a permanent vacancy, the Mayor shall nominate, with confirmation by the City Council, a new member to serve for the remainder of the unexpired term. Vacancies shall be filled within 60 days.
4. No serving municipal officer or official of the City of Biddeford shall serve as a member or associate member of the Board.

- B. Member qualifications.
1. All members of the Commission shall be residents of the City of Biddeford.
 2. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Biddeford. To the extent possible, members should have a background in architecture, historic preservation, planning, engineering, building construction, or a combination thereof.
 3. Ideally a member of the Biddeford Historical Society would be a member, as well as a resident of one of the Historic Districts designated by this ordinance.
- C. Removal of an Historic Preservation Commission member.
1. Members of the Commission may be removed for cause by the City Council. Cause may include, but not necessarily be limited to, the following reasons:
 - a. A member is no longer a resident of the City of Biddeford;
 - b. A member is absent from meetings without good cause; or
 - c. A member conducts himself/herself in a manner that is inconsistent with the official position of the Historic Preservation Commission, such as consistently having conflicts of interest or displaying unprofessional behavior toward applicants, City employees, or members of the public.
 2. Removal action may be initiated by the Mayor or the City Council; however, any member proposed for removal shall be given written notice and shall have an opportunity to be heard prior to final action.
- D. Commission officers.
1. The Commission shall elect from its voting membership a Chair, Vice Chair, and Secretary. Each officer shall be elected each January and shall serve a term of one year.
 2. Elected officers shall be responsible for the following:
 - a. The Chair shall preside at all meetings and shall be responsible for the scheduling of special meetings of the Commission as needed. The Chair shall vote only in case of a tie.
 - b. In the event the Chair is absent or has been recused due to conflict of interest, the Vice Chair shall act as the Chair.
 - c. Secretary: ensures that the records of meetings are accurate and available for the Commission's review and reference.
- E. Staff. The Commission shall be staffed by the Planning Department.
- F. Meetings.
1. The Commission shall conduct monthly meetings. Meetings shall convene on the second Wednesday of each month, unless prior arrangement and announcement has been made by the Commission.
 2. In coordination with the Planning Department, the Chair may call special meetings and workshops as needed.
 3. All meetings of the Commission shall be open to the public. All meeting agendas shall be posted at the same location in City Hall as Planning Board agendas no less than seven days prior to the hearing. Materials and records of the meetings shall be maintained and available for public inspection in the Planning Department.
 4. The Commission shall adopt Roberts Rules of Order and may adopt rules of procedure for the conduct of its business not inconsistent with this article. The Commission shall allow for public comment at all meetings on all applications, with a reasonable amount of time provided to all who wish to speak. In cases where there are applications and a

number of those present wish to speak, the Commission may by motion establish a time limit for public comment.

5. Commission meetings shall be called to order when a quorum of the voting members is present. For this purpose a quorum shall be three voting members. When a regular member of the Commission is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairman.
6. The Commission shall issue a written decision, appropriately signed by the Chairman, on matters when determined by the Commission to be necessary. The decisions shall include:
 - a. A statement of findings and conclusions.
 - b. Any conditional actions and the timetable for completion.
- G. Conflicts. Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.

Section 97. Responsibilities.

The Historic Preservation Commission shall have the following responsibilities:

- A. Issue certificates of appropriateness for eligible activities identified in Section 8-10 of this ordinance.
- B. Conduct or administer an ongoing survey to identify historically and architecturally significant areas, sites, structures, and landmarks.
- C. Make recommendations for designation of landmarks or new or expanded districts to the Planning Board.
- D. Advise the City Council, Planning Board, and City Departments, as necessary, regarding the protection of historic landmarks and districts.
- E. Review and make recommendations regarding all national register proposals for properties and districts within the City.
- F. Assist in the development of relevant sections of the City's Comprehensive Plan pertaining to historic resources and historic preservation.
- G. Educate and inform the citizens and property owners in Biddeford concerning the historic and architectural heritage of the City.
- H. To engage in other activities in furtherance of the purposes of this ordinance.
- I. Provide an annual report of Commission activities to the Maine Historic Preservation Commission.
- J. Attend at least one informational or educational meeting, when available, sponsored by the Maine Historic Preservation Commission, pertaining to the work and functions of the Commission or to historic preservation.
- K. Establish written guidelines for the preservation of designated local landmarks and historic districts in decisions on requests for permits for new construction, alterations, demolition, relocation, additions, or other actions affecting listed landmarks and buildings within historic districts.

Section 810. Certificate of appropriateness required.

- A. Historic Preservation Commission review. The Historic Preservation Commission shall protect historic districts and historic landmarks by the issuance of certificates of appropriateness for certain activities in historic districts and involving historic landmarks. Certificates of appropriateness from the Commission are required for:
1. Any change to the exterior appearance or to an exterior architectural feature of any building or structure in an historic district that requires a building permit or a sign permit from the Code Enforcement Office and for any change to the exterior appearance or to an exterior architectural feature of an historic landmark that requires either a building permit or a sign permit from the Code Enforcement Office;
 2. New construction of a principal or accessory building or structure visible from a public street where such a building or structure will be located in an historic district;
 3. Demolition of an historic landmark or ~~any~~ building or exterior significant architectural feature in an historic district;
 4. Moving of an historic landmark or any building in an historic district; and/or
 5. Any change, except for minor repair, in siding materials, roofing materials, door and window sash and integral decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railings, balusters, columns, cupolas, and cresting ~~and~~ roof decorations.
- 5.6. Improvement projects and objects on contributing properties, such as lighting, sidewalks, raised walkways, handicapped access ramps, paving, curbing, located beyond the right-of-way of any public street or way, but visible from the street, and located within an historic district or affecting any historic site or landmark.
- B. Subcommittee review. In order to process certificates of appropriateness more efficiently, applications for minor alterations, temporary alterations, and the installation or alteration of any exterior sign shall be reviewed by a subcommittee consisting of the City Planner and the Chair of the Historic Preservation Commission, or their respective designees, rather than the Historic Preservation Commission, as follows:
1. The subcommittee shall review the application under the standards of Section ~~11-13~~ and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete application.
 2. No public hearings, meeting agenda postings, or abutter notices are required for applications reviewed under this section.
 3. If the subcommittee has not acted on an application within 10 working days the applicant may seek approval from the Commission instead. Inaction by the subcommittee under this section does not constitute approval or disapproval of the plan.
 4. If the applicant is not satisfied with the determination of the subcommittee, the applicant shall be permitted to have the entire application reviewed by the Commission. The subcommittee can, for any reason, forward any application received under these provisions to the Commission for review.
 5. For purposes of this section only, "temporary" is defined as either a one-time occurrence that does not exceed 30 days or as an annual occurrence that does not exceed one thirty-day period each year.
 6. The City Planner or Commission Chair shall report back to the Commission at the next meeting of the Commission any decisions made by the subcommittee since the last meeting.
 7. "Minor alterations" are defined as incidental changes or additions to a building or site

features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the subcommittee, such change shall alter the historic character of the building or site.

- C. When a certificate of appropriateness is required in any historic district or for any historic landmark, no building or sign permit shall be issued by the Code Enforcement Office until a corresponding certificate of appropriateness has been issued by the authorities described above.

Section 11. Application for certificate of appropriateness.

- A. Applications for certificates of appropriateness can be obtained either in the Code Enforcement Office or the Planning and Development Department.
- B. Completed applications shall be submitted to the Biddeford Planning Department, which shall date and time stamp said applications upon receipt. Completed applications are due 14 days prior to the Commission's regularly scheduled meetings, which are the second Wednesday of every month.
- C. The Commission shall review and make a decision on all complete applications within 35 days of submission. If after 35 days no decision has been made, the certificate of appropriateness shall be deemed as approved.
- D. Applications shall be on a form developed by the Planning Department, and all applications shall include the following:
 - 1. The applicant's name and address and his or her interest in the property;
 - 2. The owner's name and address, if different from the applicant's;
 - 3. If applicable, the contractor's and/or architect's name and address;
 - 4. The address or location of the subject property;
 - 5. The existing use and zoning of the property;
 - 6. A brief description of the proposed activity for which a certificate of appropriateness is sought.
- E. The applicant may wish to also provide, or the Planning Department may also request, on behalf of the Commission, additional information to better enable the Commission to reach a timely decision on an application under review, which may include:
 - 1. Drawings (i.e., exterior elevations) and/or plans to better illustrate the proposed activity for which the certificate is being applied for;
 - 2. Samples of materials proposed for use in the activity;
 - 3. Photographs of other recently completed projects by the applicant in a similar fashion to which the certificate is being applied for; and
 - 4. Photographs of the building involved as well as adjacent buildings.

Section 102. Hearings and action on applications for certificates of appropriateness.

- A. Hearing required. Where applications under Section 810A are reviewed by the Commission, the Commission shall conduct a public hearing prior to rendering a decision.
- B. Notice requirements.
 - 1. Notice requirements for all items scheduled for a public hearing shall include posting the meeting agenda at the same location in City Hall as Planning Board agendas are posted no less than seven days prior to the hearing; and

2. Notice via United States Postal Service shall also be sent to the applicant, owner, and all property owners within 100 feet of the subject property no less than seven days prior; and
- C. Hearing and notice not required. Where applications are reviewed under Section [810B](#), no public hearing or notice is required. If the applicant requests a public hearing, the application shall be forwarded to the Commission, which shall then review and make a decision regarding a certificate of appropriateness for said application under its normal procedure of review.
- D. Approval. If the approval authority determines that the proposed activity is appropriate, it shall approve the certificate of appropriateness and forward it to the Planning Department, which shall subsequently forward it to the Code Enforcement Office for the issuance of necessary permits.
- E. Disapproval. If the approval authority determines that the proposed activity is not appropriate, it shall make findings as to why it is not appropriate and shall forward said decision to the Planning Department, which shall notify the applicant of said determination and provide, as applicable, guidance regarding the opportunity to resubmit the application with revisions or to appeal the determination as outlined in Section ~~15-17~~ of this ordinance.

Section [143](#). Evaluation standards for certificate of appropriateness.

- A. Reconstruction and alterations.
 1. A building or structure classified as an historic landmark or located within an historic district, or any part thereof, or any appurtenance related to such structures, including but not limited to walls, fences, light fixtures, steps, paving and signs, shall not be reconstructed or altered unless a certificate of appropriateness has been issued for such activity. No certificate of appropriateness for a structure or building identified as contributing to the district shall be issued unless the proposed activity is found to preserve or enhance a building's or structure's historical or architectural character. No certificate of appropriateness shall be issued for a noncontributing structure or building unless the proposed activity is complementary to the historic character of surrounding structures and buildings and meets the intent of this ordinance.
 2. The standards and requirements in the United States Secretary of the Interior's Standards of Rehabilitation as well as the following factors shall be considered when reviewing applications for reconstruction or alteration of buildings or structures subject to review under this ordinance:
 - a. Every reasonable effort shall be made to use a property for its historic purpose and in a way which will require minimum alteration to the structure and its environment;
 - b. Rehabilitation work shall not destroy the distinguishing qualities nor character of the structure and its environment. The removal or alteration of any historic material or architectural features should be avoided;
 - c. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings;
 - d. Distinctive stylistic features or examples of skilled craftsmanship which characterize historic structures and often predate the mass production of building materials shall

- be treated with sensitivity;
 - e. Changes which may have taken place in the course of time are evidence of the history and development of the structure and its environment, and these changes shall be recognized and respected;
 - f. All structures shall be recognized as products of their own time. Alterations to create an earlier appearance shall be discouraged;
 - g. Contemporary design for additions to existing structures shall be encouraged if such design is compatible with the size, scale, material and character of the neighborhood, the structure or its environment; and
 - h. Wherever possible, new additions or alterations to structures shall be done in such a manner that if they were to be removed in the future the essential form and integrity of the original structure would be unimpaired.
- B. Demolition or removal: See Section [12-14](#) of this ordinance.
- C. Construction of new buildings or structures. The construction of a new building or structure within an historic district shall be generally of such a design, form, proportion, mass, configuration, building material, texture, color and location on a lot as will be compatible with buildings, structures and open spaces where it is visually related and in keeping with the area. The following factors shall be considered:
1. Height. The height of proposed buildings shall be compatible with adjacent buildings;
 2. Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings, structures and open spaces where it is visually related;
 3. Proportion of openings within the facade. The relationship of the width of the windows to the height of windows and doors in a building shall be visually compatible with that of windows and doors of buildings to which the building is visually related;
 4. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with that of the buildings to which it is visually related;
 5. Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with that prevailing in the area to which it is visually related;
 6. Rhythm of entrance and/or porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible with that of buildings to which it is visually related;
 7. Relationship of materials and textures. The relationship of the materials and textures of the facade of a building shall be visually compatible with that of the predominant materials used in the buildings to which it is visually related;
 8. Roof shapes. The roof shape of a building shall be visually compatible with that of the buildings to which it is visually related;
 9. Scale of building. The size of the building and the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with those characteristics of buildings and spaces to which it is visually related; and
 10. Directional expression of front elevation. A building shall be visually compatible with the building, squares and places to which it is visually related in its directional character, whether this shall be vertical character, horizontal character or nondirectional character.

- D. Signs. Signs shall be reviewed based on the standards contained in Article VI (Performance Standards), Section 59 (Signs). When a certificate of appropriateness is required for a new or altered sign, the following factors shall be considered:
1. See Article VI (Performance Standards), Section 59 (Signs).
 2. Sign size should be contextually compatible with the building or storefront facade. Signs should be placed so as to not obscure architectural details related to the building.
 3. Sign placement should respect adjacent signs and structures.
- E. Exceptional circumstances.
1. The approval authority may issue a certificate of hardship in lieu of a certificate of appropriateness where the standards otherwise set forth in this section are not met but where the approval authority determines that failure to issue a certificate would result in undue hardship to the owner of the property. Before the approval authority may issue a certificate under this subsection, the records must show the following:
 - a. The property cannot yield a reasonable economic return or the owner cannot make any reasonable use of the property;
 - b. The plight of the owner is due to exceptional or unique circumstances and not due to the general applicability of this ordinance; and
 - c. The conditions or circumstances which constitute the hardship were not caused or created by the property owner after this ordinance became applicable to that property.
 2. For the purposes of Subsection E1a, "reasonable economic return" shall not be construed to mean a maximum return, and "any reasonable use" shall not be construed to mean the highest and best use.

Section 124. Demolition.

- A. An historic landmark, or any building or structure identified as contributing, shall not be demolished or removed and a certificate of appropriateness to do so shall not be issued unless one of the following conditions is met:
1. The building or structure has been identified by the Historic Preservation Commission (~~hereafter referred to as "the Commission"~~) as noncontributing or incompatible with the MSRD District in which it is located; or
 2. The property owner can demonstrate to the Commission that it cannot be renovated or reconstructed so as to earn an economic return on its value in its present location as determined by a qualified real estate appraiser; or
 3. The property owner can demonstrate to the Commission that he/-she has offered the property for sale through a real estate broker for at least 180 days and that there has been no bona fide offer to buy the property from any person or entity that is willing to preserve and restore the property.
- B. Applicants applying for the demolition or removal of designated historic landmarks or contributing structures or buildings, or important portions and features thereof, shall clearly demonstrate that their application meets one or more of the following demolition or removal criteria before the Commission will approve the application for demolition or removal:
1. The physical condition of the building makes the continued upkeep of the building, or important portions or features thereof, uneconomical; or
 2. The building or structure, or important portions and features thereof, has been determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures.

- C. Demolition delay. Before the issuance of a demolition permit by the Code Enforcement Office, a delay period of 90 days shall apply to any building or structure and portion thereof that is:
 - 1. An historic landmark or is designated as contributing.
 - 2. Listed and eligible for listing on the National Register of Historic Places, but not designated significant locally.
- D. Demolition delay procedures. At the hearing on an application to relocate or demolish a contributing building in an historic preservation district, or an historic landmark, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, 10 days prior to the expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or finding other ways to preserve the building or structure, such as outright purchase of the property, when feasible, or relocation; or proper recordation of buildings, structures and sites, including photography and narrative report; or preservation of historic artifacts.
- E. This section shall not apply to any structure which has been ordered demolished by the City Council or the court in accordance with 17 M.R.S.A. §§ 2851 through 2959 and amendments thereto, or to any structure which has been partially destroyed and is determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures, specified by the Division of Code Enforcement, including securing apertures and/or erecting fences.

Section 135. Exceptions to requirement for certificate of appropriateness.

A certificate of appropriateness is not required and the City Planner shall issue a certificate of nonapplicability for the following:

- A. Where a certificate of hardship has been issued within the previous 12 months.
- B. Where the activity involves ordinary maintenance, or the repair of exterior features of an historic landmark or of a building or structure in an historic district is permitted, so long as it does not alter the design, materials, or outer appearance thereof.
- C. The construction, reconstruction, alteration, restoration or demolition of any feature which the Code Enforcement Office has certified as required to maintain public safety because of an unsafe or dangerous condition.
- D. Where the activity involves emergency repairs of a temporary nature.
- E. Where the activity proposed results in exterior alterations not readily visible at pedestrian heights, when viewed at any height between four and six feet from any open space or street.

Section 146. Certificate validity.

All certificates of appropriateness, nonapplicability, and hardship shall be valid for no more than 12 months from the date of issuance.

Section 157. Appeals.

Appeals of the issuance of any certificate under this ordinance or denial of any certificate under this ordinance may be appealed within 30 days of such a decision as follows:

- A. Appeals of decisions made by the Commission shall be to the Zoning Board of Appeals.
- B. Appeals of any decision made by the City Planner and Chair of the Commission under Section ~~8B-10B~~ of this ordinance shall be to the Historic Preservation Commission. Appeals of this nature shall be appellate reviews by the Commission and not de novo.

Section 168. Enforcement.

Enforcement of this ordinance shall be as per Part III (Land Development Regulations), Article VIII (Administration, Enforcement, and Penalties).

Section 179. ~~Parcels with s~~Structures or buildings identified as historically contributing.

Parcels ~~comprising "contributing" structures or buildings identified as "contributing"~~ are contained in the "Official Listing of Historically Contributing Buildings or Structures" which has been certified by the Mayor and attested by the City Clerk together with the date of adoption of this ordinance. Identified parcels/structures/buildings may only be added to the list through a zoning amendment that approves such -an amended list. Parcels/structures/buildings may be removed from the list upon recommendation by the Historic Preservation Commission and approval of the Planning Board, at which time it shall be recertified by the Mayor and re-attested by the City Clerk.

July 20, 2021

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

Vote: Unanimous.



Biddeford City Council

Meeting Date: July 20, 2021

Meeting Time: 6:00 p.m.

Agenda Item No: 2021.72

Item Description: Revisions to the Historic Preservation Ordinance

Submitted by: Brad Favreau, Economic Development Coordinator

Supporting Information/Documentation: Current Ordinance with legislative edits

Key Terms: None

Executive Summary:

The Historic Preservation Commission is seeking revisions to the Ordinance as required by the Maine Historic Preservation Commission in order for the City to obtain Certified Local Government (CLG) status.

Detailed Review:

The Maine Historic Preservation Commission grants towns and cities in Maine Certified Local Government (CLG) status to help these communities meet preservation standards as determined by the United States Department of the Interior under the National Historic Preservation Act of 1966.

To achieve CLG status, a community must have an ordinance in place that meets MHPC requirements. Currently, Biddeford's ordinance lacks only three requirements: 1.) Criteria for eligibility as a historic building, landmark or site, 2.) A process to nominate and approve new buildings, landmarks and sites as historic places, and 3.) Additional responsibilities of the Biddeford Historic Preservation Committee. The ordinance changes proposed here fill these omissions and will make Biddeford eligible to apply to the MHPC for CLG status. Other minor changes have been made to enhance content and clarity of the ordinance.

Achieving CLG status will make Biddeford only the 11 community in Maine to be a Certified Local Government. This status confers upon Biddeford the benefits of:

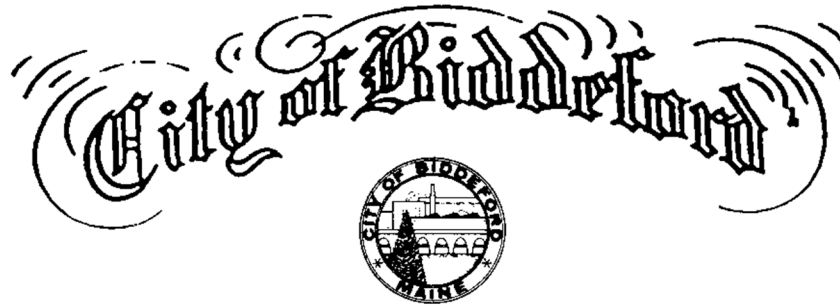
- Technical assistance and design guidelines to support our preservation efforts
- Grant opportunities that may be used for:
 - The preservation of buildings that are listed on the National Register of Historic Places or are eligible for placement on this Register. City Hall is among buildings in Biddeford that could benefit from this grant opportunity.
 - Architectural survey of Biddeford's historic district. The survey in use today was performed by architect Russell Wright in 1999. An updated survey would greatly help the commission's efforts

- O Lectures, workshops and classes that educate both commission members and the citizens of Biddeford about the benefits of historic preservation and how to best achieve preservation standards.

Funding Source: N/A

Staff Recommendation:

On July 7, 2021 the Biddeford Planning board held a duly noticed Public Hearing to address these proposed changes. The Board voted unanimously to recommend approval of these changes by City Council. City Staff agrees with is recommendation.



2021.75

IN BOARD OF CITY COUNCIL...JULY 20, 2021

BE IT ORDAINED that the City Council of Biddeford, Maine amends Contract Zone #19 for the Maine Governmental Facilities Authority to allow for the installation of photovoltaic (PV) panels in the parking lots east of the courthouse, in addition to PV panels on the roof, and that the amended Contract Zone #19, as recommended by the Planning Board on July 7, 2021, be adopted, and that said Contract Zone as amended be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford, and

BE IT ORDERED that the City Manager is authorized to sign and execute an Agreement to Amend Contract Zone #19 between the City of Biddeford and the Maine Governmental Facilities Authority.

July 20, 2021

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

Motion by Councilor Ortiz, seconded by Councilor Clearwater to amend the ordinance amendment by adding language that a fencing requirement shall be included in the Contract Zone, along with the solar panel arrays.

Vote: 4/3; Councilors Lessard, Ready and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater and Ortiz in favor.

Motion carries.

Vote on first reading, as amended: 5/2; Councilors Ready and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater, Ortiz and Lessard in favor.

Motion carries.



Biddeford City Council

Meeting Date: July 20, 2021

Meeting Time: 6:00 PM

Agenda Item No: 2021.75

Item Description: Contract Zone #19 (York Judicial Center) Amendment

Submitted by: Greg Tansley, A.I.C.P., City Planner

Supporting Information/Documentation:

- [Part III \(Land Development Regulations\), Article V, Section 9. Contract and conditional zoning.](#)
- Application to the Planning Board Dated June 16, 2021
- Planning Board Notice of Decision Dated July 13, 2021
- Planning Board Findings of Fact related to the Contract Zone Amendment
- DRAFT Contract Zone Amendment Agreement

Key Terms:

- Zero Net Energy Facility – A facility where the total amount of energy used in the facility on an annual basis is roughly equal to the amount of renewable energy created on site, or nearby.
- *Contract Zoning:* “Contract zoning” is where a property owner or person/entity with interest in property accepts certain conditions or restrictions not imposed on other similarly zoned properties in return for the rezoning of the property as a “Contract Zone”. Contract zones are typically best-suited for unique or unusual projects that are generally consistent with existing or allowed uses in the existing zones.

Executive Summary:

On July 7, 2020 the City Council adopted Contract Zone #19 for the York Judicial Center (YJC) to construct a new courthouse facility off Route 1 (Elm Street). The facility is now well under construction and progressing at a steady rate. On May 4, 2021 the City Council endorsed a proposed amendment to Contract Zone #19 to allow photovoltaic arrays (solar arrays) in the parking lots of the facility, in addition to the solar arrays already planned for the rooftop.

As you recall, the applicant on May 4th presented a goal for the facility to reach 75% Zero Net Energy (ZNE), which in part would be due to the requested solar arrays in the parking lots. 75% ZNE means that 75% of the energy used in the facility would be from renewable energy created on the site. On July 7, 2021 the applicant presented its plans to the Planning Board and expanded this goal with the hopes of reaching 100% ZNE for the facility.

Staff are encouraged by this initiative as it goes towards overall goals of addressing climate change. The Planning Board agreed and has unanimously recommended the City Council adopt the Amendment to the Contract Zone. As part of that approval, however, the Planning Board has conditioned its approval on the applicant returning to the Planning Board for a final review and approval of the design plans before allowing the parking lot solar arrays project to move into construction.

Detailed Review:

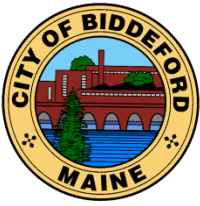
- See above.

Funding Source:

- N/A

Staff/Planning Board Recommendation:

- **The Planning Board recommended the City Council approve the Amendment to Contract Zone #19 which would require the applicant to return to the Planning Board for final review and approval of the design plans for the parking lot solar arrays. Staff concur with this recommendation.**



CITY OF BIDDEFORD

Planning and Development Department

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City Planner
205 Main Street
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Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

NOTICE OF DECISION

July 13, 2021

Doug Reynolds, P.E.
Gorrill-Palmer
707 Sable Oaks Drive, Suite 30
South Portland, ME 04106

RE: 2021.25 Site Plan Review/Conditional Use Permit and Contract Zone Amendment for the York Judicial Center off Elm Street (Route 1). The purpose of the Contract Zone Amendment is to allow for photovoltaic arrays (solar arrays) in the parking lots of the facility.

Dear Doug,

At their meeting of July 7, 2021 the Biddeford Planning Board reviewed the Amendment to the Site Plan, Conditional Use Permit, and Contract Zone for the Maine Governmental Facilities Authority (127 Community Drive, P.O. Box 2268, Augusta, ME 04338-2268) to install solar arrays in the parking lots of the facility that is currently under construction.

Maine Governmental Facilities Authority owns the property and you and representatives of the project team were present for the meeting. Based on the presentation and the materials submitted, the Planning Board approved the site plan and conditional use permit amendment and recommended the Contract Zone Amendment be approved by the City Council conditioned on the following:

- 1. This Amendment is only valid with City Council approval of the Contract Zone Amendment.**
- 2. If the City Council approves the Amendment to Contract Zone #19, the Applicant shall return to the Planning Board for a final review of the design, layout, and site modifications related to the installation of the solar arrays in the parking lots. No building permits shall be issued for the solar arrays in the parking lots without prior final review and approval by the Planning Board.**
- 3. All Previous Conditions of Approval for the York Judicial Center remain in effect.**

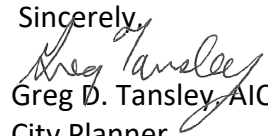
The Planning Board Site Plan and Conditional Use Permit approvals shall be valid for one (1) year from the date of said approval. If a building permit has not been issued within one (1) year, then said approval shall become automatically null and void.

Appeals of the Planning Board's decision may be made as per the Biddeford Revised Code of Ordinances.

Please contact us at 284-9115 if you have any questions.

FOR THE BIDDEFORD PLANNING BOARD

Sincerely,


Greg D. Tansley, AICP
City Planner

Cc: C. Colburn, Finegold Alexander Architects (via e-mail)
P. Johnston, Owner's Project Manager (via e-mail)
R. Fecteau, Code Enforcement Officer (via e-mail)
M. Eddy, Planning and Development Director (via e-mail)
File

AMENDMENT
TO
CONTRACT ZONE 19 AGREEMENT

AGREEMENT made as of _____, 2021, by and between the STATE OF MAINE, acting by and through the Maine Judicial Branch, having a mailing address in care of the Administrative Office of the Courts, P.O. Box 4820, Portland, Maine 04112-4820, and MAINE GOVERNMENTAL FACILITIES AUTHORITY, a body corporate and politic and a public instrumentality of the State of Maine, having a mailing address of 127 Community Drive, P.O. Box 2268, Augusta, Maine 04338 (together with its successors and assigns, hereinafter called "MJB/MGFA") and THE CITY OF BIDDEFORD, a body politic and corporate located in Biddeford, Maine:

WINESSETH:

WHEREAS, MJB/MGFA, is the current owner of parcels identified on the City of Biddeford's Tax Map 88 as Lot 5 and Lot 44 and Tax Map 3 as Lot 66 (the "Property"); and

WHEREAS, on July 7, 2020, the City Council adopted Contract Zone #19 for the York County Judicial Center ("YJC") courthouse facility off Route 1.

WHEREAS, MJB/MGFA has applied for and obtained approval to amend Contract Zone 19 to allow for the installation of photovoltaic canopies within the public and staff parking lots located east of the courthouse building with associated modifications to the lighting plan and island vegetation between the staff and public parking areas; and

WHEREAS, the parties are entering into this Agreement to provide written contractual evidence of the agreement of the parties and the terms and conditions of the Amendment to Contract Zone 19; and

WHEREAS, the Biddeford City Council has determined that:

- As required by Title 30-A, M.R.S. §4352 *Zoning Ordinances*, the Amendment to Contract Zone 19 is:
 - o consistent with an enacted municipal comprehensive plan;
 - o consistent with existing or permitted uses within the existing original zone(s); and
 - o includes only conditions and restrictions which relate to the physical development or operation of the Property.
- The Amendment to Contract Zone 19 will not negatively impact the existing or permitted uses within the original zone and Contract Zone 19, and
- The provisions of this Agreement only include conditions and restrictions which relate to the physical development or operation of the Property; and

WHEREAS, pursuant to 30-A M.R.S. § 4352(8) and City of Biddeford Revised Code of Ordinances Part III, Article V, Section 9, and after notice and hearing and due deliberation thereon, the Biddeford City Council approved the Amendment to Contract Zone 19, subject, however, to the conditions set forth in this Agreement;

NOW, THEREFORE,

in consideration of the mutual agreements hereinafter set forth and in consideration of the granting of the Amendment to Contract Zone 19, the parties agree as follows:

1. Development of the Property. MJB/MGFA agrees that it shall develop the Property in accordance with the following provisions and conditions:
 - A. The terms and conditions of Contract Zone 19 adopted by the City Council on July 7, 2020;
 - B. The Findings of Fact and Recommendations of the Biddeford Planning Board relating to this Amendment attached hereto as Exhibit A, and
 - C. Conditions, waivers and restrictions shown on the plans as part of the Amended Site Plan Application for the York Judicial Center approved by the Planning Board on _____.
2. Failure to Complete Development. In the event MJB/MGFA shall fail to commence construction of the improvements contemplated by the Amendment to Contract Zone 19 within four (4) years of the date hereof, the Amendment to Contract Zone 19 granted hereby shall automatically be void. Significant commencement of construction shall mean the installation of all infrastructure improvements contemplated by the Amendment to Contract Zone 19.
3. Construction and Effect. Except as amended hereby all other provisions of Contract Zone 19 shall remain in full force and effect. This Agreement shall be construed in accordance with the laws of the State of Maine and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The recital clauses above are an integral, substantive part of this Agreement.

IN WITNESS WHEREOF, the parties have caused this instrument to be signed all as of the day and date above written.

WITNESS:

STATE OF MAINE, acting by and through the
Maine Judicial Branch

By: _____
James T. Glessner, State Court Administrator

MAINE GOVERNMENTAL FACILITIES
AUTHORITY

By: _____
Teresea M. Hayes, Executive Director

CITY OF BIDDEFORD

By: _____
James A. Bennett, City Manager

June 16, 2021

Mr. Greg Tansley, Planner

City of Biddeford
205 Main Street
Biddeford, ME 04005

**Subject: Site Plan and Contract Zone Amendment
York Judicial Center
511- 515 Elm Street**

Dear Greg Tansley,

On May 4, 2021 the City of Biddeford's City Council endorsed the York Judicial Center project to seek the Planning Board's approval for an amendment to Contract Zone #19, approved in June 2020, for the addition of photovoltaic (PV) canopies onsite. An amendment to the Contract Zone is required.

Please see the attached Amended Site Plan application, as required by the City for significant changes, that is to be reviewed by the Planning Board.

Proposed Site Plan Improvements

The Courts are proposing the installation of PV canopies above both the public and staff parking located on the eastern and southeastern lots shown on the attached site plan. Approximately 50,000 s.f. of PVs covering 243 parking spaces is proposed at this time. By installing the proposed PV panels the York Judicial Center is hoping to reach 100% Zero Net Energy.

An example of the proposed canopy array is included with this package; the final design of the array has not been determined, as the Courts are currently soliciting bids for their construction. Similar to this example, the PV canopies will be supported by foundations installed within the islands and between parking spaces. The parking lot lighting will be modified from the Contract Zone #19 lighting plan where the proposed PV canopies conflict with pole fixture lighting. In these locations, lights will be installed directly under the PV panels. The vegetation in the island separating staff and public parking will be changed to a gravel bed. As the proposed PV canopies will be constructed above non-vegetated surfaces, there will be limited effect on stormwater analysis and permitting. Additionally, as can be seen on the Amended Site Plan, the snow storage areas are not affected by the proposed panels.

Contract Zone Amendment

Draft Contract Zone Amendment documentation is included within this package. Contract Zone language has been revised to reference the Amended Site Plan, approvals and dates.

Also, on May 4th, the City Council requested the Planning Board consider the installation of fencing. It is our opinion that the abutter's request to add 150' of additional fencing is unrelated to the application to install the PV canopies over the parking lots.



Attachments

1. Application
2. Draft Amended Contract Zone Document
3. Example Photo: Photovoltaic Canopy Array
4. Amended Site Plan

As you requested, we are providing electronic copies of this letter and documentation. Hard copies can be provided upon request. We look forward to presenting the Amended Site Plan at the Planning Board's July 7th meeting.

If you have any questions regarding the submitted information, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Reynolds'.

Douglas Reynolds, PE
Project Manager

Attachments

- c: James Glessner, Administrative Office of the Courts
Clair Coburn, Finegold Alexander Architects
Philip Johnston, MC2

SECTION 1

Planning Board Application

**CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115**

APPLICATION FORM

Type of Application:

- | | | |
|---|---|--------------------------------------|
| ☐ Shoreland Zoning Permit | ☐ Site Plan Review | ☐ Extraction |
| ☐ Conditional Use Permit | ☐ Subdivision | ☐ Private Way |
| ☒ Other: <u>Site Plan + Contract Zone Amendment</u> | | |

Applicant Information:

Applicant's Name: Maine Governmental Facilities Authority
Applicant's Mailing Address: 127 Community Drive P.O. Box 2268, Augusta, ME 04338-2268
Applicant's Telephone: 207-622-9386

What is Applicant's legal interest in the property?

- ☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Name: Maine Governmental Facilities Authority
Owner's Address: 127 Community Drive P.O. Box 2268, Augusta, ME 04338-2268
Owner's Telephone: 207-622-9386

Agent's Name: James T. Glessner, State Court Administrator
Agent's Address: 125 Presumpscot Street P.O. Box 4820, Portland, ME 04112-4820
Telephone: 207-822-0781

Engineer/Surveyor: Gorrill Palmer
Engineer/Surveyor's Address: 707 Sable Oaks Drive, Suite 30, South Portland, ME 04106
Telephone: 207-772-2515

Project Location and Lot Information:

Street Address: 511-515 Elm Street and 384 Hill Street
Tax Map: 88 and 3 Lot: 5 and 66-1
Current Zoning: Contract Zone CZ-19 Shoreland Zoning: _____

Size of lot: 14.4 and 14.1 ☒ acres ☐ s.f. Lot Frontage: 400 feet and 180 feet

Existing Use of Property: Construction site for York Judicial Center

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3 % slope) ☒ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☐ Yes ☐ No If yes, attach information NA

Do you plan to bring fill onto the lot? ☐ Yes ☐ No If yes, attach information NA

Description of proposed use of property:

Project/Proposed Use Description: Installation of Photo Voltaic (PV) panels within the parking lots
East of the courthouse building

Property to be serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☐ Private Hauler

Is this project part of a larger project? ☒ Yes ☐ No

☐ If in a Shoreland Zone:

Percent of residential lot coverage (Max. 20%): _____

Percent of structure expansion (Max. 30%): _____

☐ If Subdivision Review, number of lots proposed: _____

☐ If a Private Way is proposed, number of lots served: _____

☒ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: 34,545

Total new square feet paving/parking: 159,501

Waiver Requests (attach details):

1. _____
2. See Narrative
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986 NA
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543 NA
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118 NA
- ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

A check for \$1290 is included with this application.

-\$250 - Amended Site Plan Review Fee

-\$40 - Administrative Fee

-\$1000 - Contract Zone Amendment Fee

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant: _____

Date: _____

Signature of owner of property: _____

James T. Oleson

Date: JUNE 15, 2021

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**

SECTION 2

**Draft Amended Contract Zone
Documents**

SECTION 3

Example Photo: Photovoltaic Canopy Array

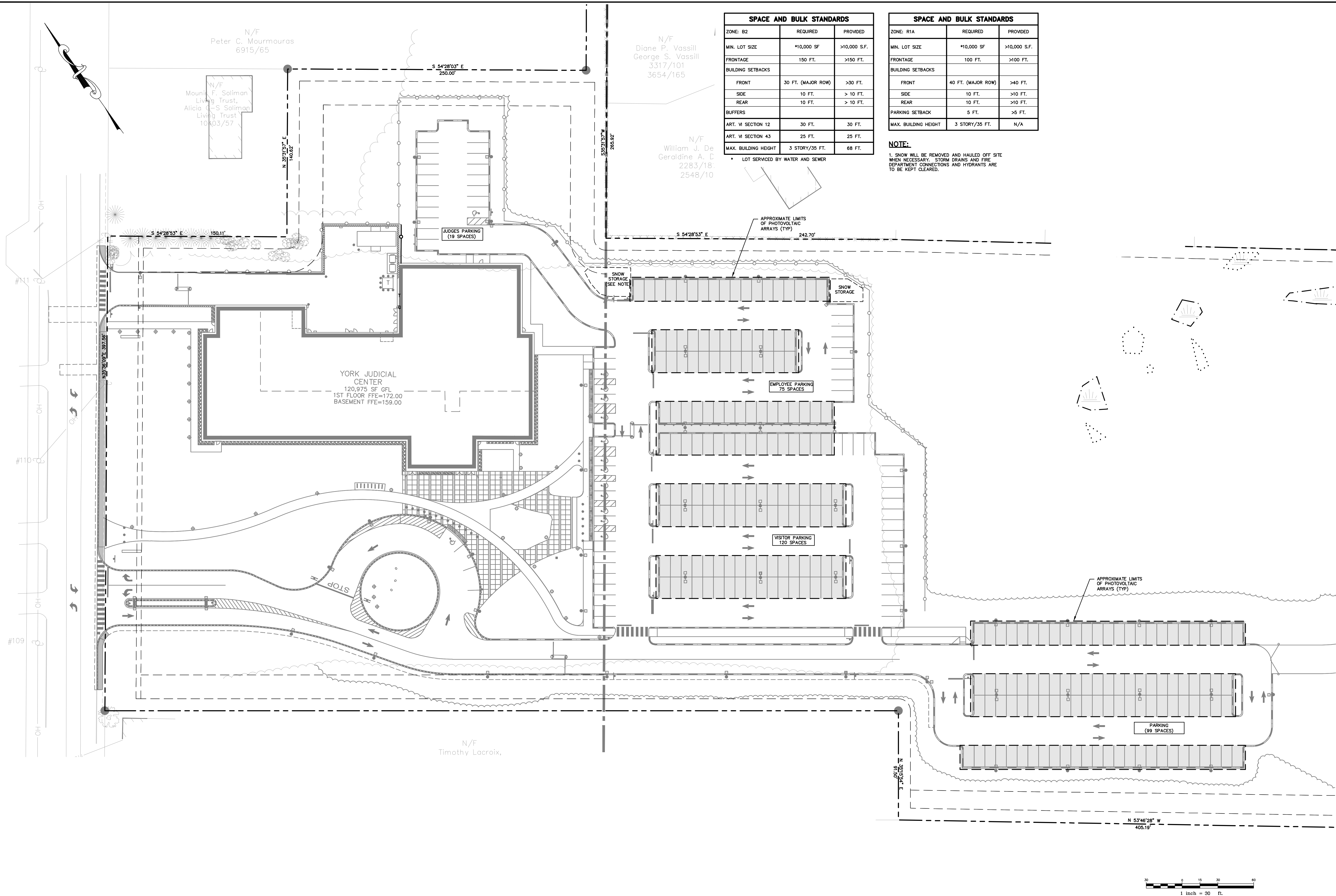
Parking Lot Canopy Array

Example



SECTION 4

Amended Site Plan



SPACE AND BULK STANDARDS		
ZONE: B2	REQUIRED	PROVIDED
MIN. LOT SIZE	*10,000 SF	>10,000 S.F.
FRONTAGE	150 FT.	>150 FT.
BUILDING SETBACKS		
FRONT	30 FT. (MAJOR ROW)	>30 FT.
SIDE	10 FT.	> 10 FT.
REAR	10 FT.	> 10 FT.
BUFFERS		
ART. VI SECTION 12	30 FT.	30 FT.
ART. VI SECTION 43	25 FT.	25 FT.
MAX. BUILDING HEIGHT	3 STORY/35 FT.	68 FT.

• LOT SERVICED BY WATER AND SEWER

SPACE AND BULK STANDARDS		
ZONE: R1A	REQUIRED	PROVIDED
MIN. LOT SIZE	*10,000 SF	>10,000 S.F.
FRONTAGE	100 FT.	>100 FT.
BUILDING SETBACKS		
FRONT	40 FT. (MAJOR ROW)	>40 FT.
SIDE	10 FT.	>10 FT.
REAR	10 FT.	>10 FT.
PARKING SETBACK	5 FT.	>5 FT.
MAX. BUILDING HEIGHT	3 STORY/35 FT.	N/A

NOTE:
1. SNOW WILL BE REMOVED AND HAULED OFF SITE WHEN NECESSARY. STORM DRAINS AND FIRE DEPARTMENT CONNECTIONS AND HYDRANTS ARE TO BE KEPT CLEARED.

SEAL:

Finegold Alexander Architects
Civil Engineer
Gorriil Palmer
707 Sable Oaks Dr. Suite 30, S. Portland, ME 04106
207-772-2515
gorriilpalmer.com
Douglas Reynolds, Project Manager

PROJECT INFORMATION:
York Judicial Center
511 Elm St., Biddeford, ME 04005

DRAWING HISTORY:	
NO.	DATE DESCRIPTION
1	01/30/2020 SITE PLAN REVIEW - CITY OF BIDDEFORD
2	02/12/2020 SITE PLAN SUBMITTAL
3	02/17/2020 STORMWATER LAW PERMIT APPLICATION
4	03/24/2020 MDEP RESPONSE TO COMMENTS
5	04/15/2020 FINAL SITE PLAN REVIEW
6	04/30/2020 MDEP RESPONSE TO COMMENTS
7	05/20/2020 FINAL PLAN APPROVAL
8	10/08/2020 DE MINIMIS CHANGE REVIEW
9	6/9/2021 SITE PLAN & CONTRACT ZONE AMENDMENT

PROJECT # 3201
ISSUE DATE: 05/20/2020
PROJECT STATUS: BID PACKAGE 01
DRAWN BY: CEH/CG
CHECKED BY: DER

SHEET NAME:
Site Plan

SHEET #:
C101

Findings of Fact and Recommendations of the City of Biddeford Planning Board

To: Mayor Alan Casavant
Members of the Biddeford City Council

The Planning Board of the City of Biddeford has met and reviewed the Request for an Amendment to the previously approved Contract Zone #19 for the Maine Governmental Facilities Authority and Maine Judicial Branch at N/F 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1. The purpose of the Contract Zone Amendment is to allow solar panel arrays in the parking lots as per the applicant's Planning Board application dated June 16, 2021 submitted by Gorrill-Palmer of South Portland, Maine.

In reviewing the request for the Amendment to Contract Zone #19, the Planning Board has reviewed and approved this project under Part III (Land Development Regulations), Article XI (Site Plan Review) and Article VII (Conditional Uses) and makes the following Findings of Fact regarding the Contract Zone:

1. The proposed contract zone amendment as hereinafter set forth is consistent with the Comprehensive Plan of the City of Biddeford in that the area to be developed is located in a growth area of the City along a mixed-use corridor zoned to allow for public facilities; and
2. The proposed solar arrays are consistent with those uses allowed in the underlying zones; and
3. The proposed amendment shall meet all of the area, front yard, side yard, rear yard and height requirements of the existing zone and contract zone; and
4. The proposed solar arrays will not affect traffic congestion on contiguous or adjacent streets; and:
5. The proposed solar arrays include provisions for providing and maintaining adequate:
 - Utility services; and
 - Drainage; and
 - Access; and
 - Parking and loading; and
 - All other necessary site improvements.

The Planning Board of the City of Biddeford specifically finds there is a demonstrated need to promote alternative energy sources and the proposed solar arrays will not affect the general intent and purpose of Contract Zone #19 which is to facilitate the location of the new York Judicial Court at N/F 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1.

The Planning Board of the City of Biddeford, therefore, recommends that the Request for an amendment to Contract Zone #19, based on the Planning Board application dated June 16, 2021 submitted by Gorrill-Palmer of South Portland, Maine, be affirmatively acted upon by the City Council thereby permitting the Maine Governmental Facilities Authority and Maine Judicial Branch to construct the proposed solar arrays. This amendment to Contract Zone #19 is pursuant to the provisions of Article XVII, Section 3 of the Zoning Ordinance.

The Contract Zone #19 amendment shall provide for the following:

1. The installation of solar arrays consistent with the Planning Board application dated June 16, 2021 submitted by from Gorrill-Palmer of South Portland, Maine and approved by the Planning Board on July 7, 2020.

In consideration of such Amendment to Contract Zone 19 the Applicant agrees to:

1. Complete construction of the York County Judicial Center and associated on- and off-site improvements in accordance with the previously approved and amended plans.
2. Install the solar arrays in accordance with the application dated June 16, 2021 submitted by from Gorrill-Palmer of South Portland, Maine and approved by the Planning Board on July 7, 2020.

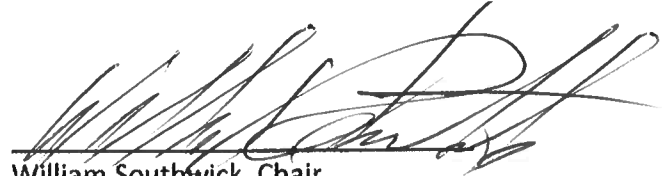
It shall be a condition of this Contract Zone Change that the Developer, or its Approved Assignee, shall commence significant construction of the solar arrays within four (4) years of the effective date of the Contract Zone and shall complete construction within seven (7) years of the effective date of the Zone Change. Significant commencement of construction shall mean the installation of all the solar arrays so approved by the Contract Zone Amendment. In the event Applicant shall not comply with the provisions of this paragraph, the Contract Zone Amendment granted hereby shall automatically be void and the Property shall revert to the original Contract Zone #19 Agreement approved by the City Council on July 7, 2020.

Except as amended hereby all other provisions of Contract Zone #19 shall remain in full force and effect. This Agreement shall be construed in accordance with the laws of the State of Maine and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The recital clauses above are an integral, substantive part of this Agreement.

In the event that the zones have changed, the Property shall revert to the zoning classifications of the abutting properties. In the event the abutting properties shall have more than one zoning classification, the Property shall become part of the more restrictive abutting zone.

July 14, 2021

By:


William Southwick, Chair

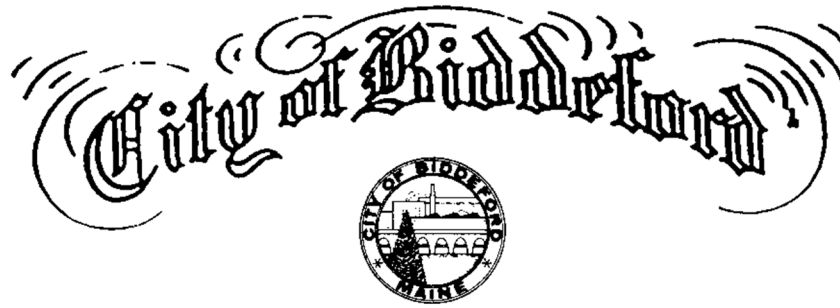
The undersigned Applicant agrees with the City of Biddeford to be bound by the terms, conditions and provisions of this Approval, if the zone change is enacted.

State of Maine, acting by and through the Maine Judicial Branch

July 14, 2021

By:


James T. Glessner, State Court
Adminstrator



2021.86

IN BOARD OF CITY COUNCIL... AUGUST 3, 2021

BE IT ORDERED, that City Manager, James Bennett's appointment of *Nichole Wood* as Finance Director for the City of Biddeford, be confirmed.

NICHOLE A. WOOD

CPA, PMI-PBA

CONTACT

207-205-1871

fivepennies907@icloud.com

James A. Bennett
City Manager
City of Biddeford, ME
205 Main Street, Suite 107
Biddeford, ME 04005

Dear Mr. Bennett,

I am excited to submit my resume for your consideration for the City of Biddeford's Finance Director. I believe that I am an ideal candidate for this position. The city will surely benefit from my decades of accounting and finance expertise, as well as my wealth of knowledge about the Tyler Munis ERP solution. I know that you are looking for an experienced CPA, public administration professional, and business analyst, and I hope that your search will end with me.

I have performed business and process analysis in some shape for my entire career: first working in public accounting performing financial audits, then as the Chief Accountant for the second largest school district in Alaska and most recently as a Senior Implementation Consultant with Tyler Technologies. I am a go-to resource for business process analysis services.

My experience regularly provides a host of opportunities to design business process improvements, drive operational growth and efficiency, and enhance strong financial controls. It also gives me confidence to present complex financial data and concepts to a broad spectrum of stakeholders – from rooms filled with hundreds of users at Tyler Connect, to five power-users in a conference room, to principals and teachers whose primary concern is never financial matters. Connecting with people where they are and at their speed is a skill that I have honed over the years.

During my tenure at the Fairbanks North Star Borough School District, I was responsible for monitoring and reporting financial information, both general fund and grant dollars, using various tools, including the advanced use of Microsoft products like Excel. I was integral in the implementation of the Tyler Munis ERP software, in coordinating the annual financial audit, and in preparation of the Annual Comprehensive Financial Report (formerly CAFR). I had direct oversight of the general ledger, accounts payable, accounts receivable and cash management functions at the district. I worked closely, as part of the overall Administrative Services group, with budget, procurement, payroll and human resource functions. I have an excellent track record for performing under tight deadlines, and my years in public accounting prepared me well for juggling multiple projects with strict deadlines.

Twelve years at the school district developed within me a public servant's heart. In 2018 I completed my Masters of Public Administration. That program reenforced my commitment to service. I continue to foster my commitment while at Tyler Technologies by empowering others to serve their respective communities. I have keen problem-solving abilities, and an analytical mind – two assets that I feel will aid you in meeting the division's objectives.

I know that this position will be challenging, and I look forward to personally discussing with you the ways in which I can contribute to the city's growth and forward momentum. Please let me know if there is anything further that I can provide you.

Sincerely,



Nichole Wood

NICHOLE A. WOOD

CPA, PMI-PBA

CONTACT

207-205-1871
fivepennies907@icloud.com

PROFILE

Skilled financial professional with proven leadership, problem-solving, communication and people skills. Accomplished Certified Public Accountant with decades of accounting and financial reporting expertise. Project Management Institute certified Professional in Business Analysis with demonstrated skill in process analysis, development, and modernization. Collaborative participant in stakeholder engagement, actively involved in improving the Tyler product offerings.

OF NOTE...

- CERTIFIED PUBLIC ACCOUNTANT
- MUNIS ERP SPECIALIST
- INITIATIVE TAKER
- BUSINESS ANALYST
- PROCESS & CONTENT DEVELOPER
- ENGAGED COLLABORATOR

EXPERIENCE

Tyler Technologies, Inc. Senior Implementation Consultant 2016-present

Design and conduct knowledge transfer sessions while maintaining an organized training schedule spanning simultaneous projects. Gain an understanding of multiple financial systems to assist with preparing client data for conversion. Analyze client procedures to find and address inefficiencies, establish buy-in with stakeholders, and develop clear, concise processes. Create and deliver quality educational content surrounding complex topics for both internal resources and external clients. Act as the implementation internal stakeholder on the Next Generation General Ledger Investment Project, the Bank Reconciliation Manager Client Advisory Committee, and the General Ledger development team. Provide education, consultation, and software readiness professional services to clients on the financial suite of Tyler products.

Fairbanks North Star Borough School District Chief Accountant/Grants Accountant 2004-2016

Manage financial operations for a school district with expenditures exceeding \$250M annually. Hire, lead, and support a highly functioning team of financial professionals. Perform fiscal month-end and year-end accounting tasks. Prepare workpapers and trial balances for annual financial statement and federal/state single audits. Facilitate audit fieldwork. Co-author Annual Comprehensive Financial Report. Develop and deliver various financial reports on an ad hoc basis and provide advice regarding financial best practices to school board members, superintendent, principals, and others. Analyze, develop, and document strong internal controls. Build and manage a \$10M/year purchasing card program. Present financial concepts across a broad spectrum of stakeholders.

Kohler, Schmitt & Hutchison, PC / Harold L. Widner, CPA Certified Public Accountant, Senior 1994-2004

Develop and implement audit programs for governments, corporations, and not-for-profit organization. Supervise fieldwork of 1-2 staff auditors. Review workpapers prepared by audit/tax staff. Draft financial statements, including notes, for clients.

EDUCATION

Master of Public Administration 2014-2018

University of Alaska – Southeast
Juneau, AK

Bachelor of Business Administration 1990-1994

Eastern New Mexico University
Portales, NM
Double Major: Accounting / Business Administration

NICHOLE A. WOOD

CPA, PMI-PBA

CONTACT

☎ 207-205-1871

✉ fivepennies907@icloud.com

"The pessimist complains about the wind. The optimist expects it to change. The leader adjusts the sails."

~John Maxwell

ON LEADERSHIP...

- I believe that leadership provides an opportunity for life-long learning
- I seek to understand so that I may gain true wisdom
- I find satisfaction in being, rather than seeming
- I see value in teaching someone how to fish, rather than simply handing them a fish
- I strive to act nobly so that I may earn the trust of others
- I look for the chance to build relationships through a smile and a laugh

ON PUBLIC SERVICE...

- Serve citizens, not customers
- Seek the public interest
- Value citizenship and public service above entrepreneurship
- Think strategically, act democratically
- Recognize that accountability isn't simple
- Serve, rather than steer
- Value people, not just productivity

Denhardt & Denhardt

PROFESSIONAL REFERENCES

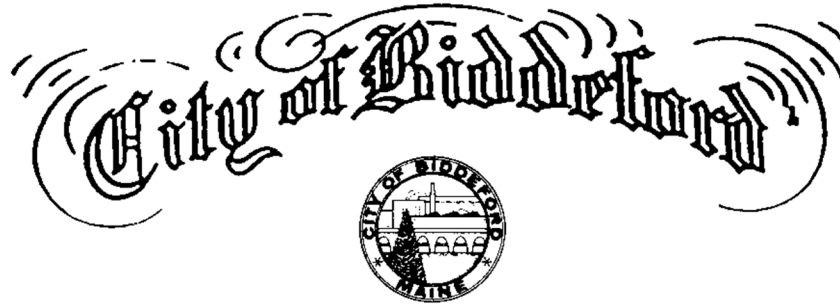
Sue Sturgis, PMP
Account Representative, Tyler Technologies, Inc.
1 Tyler Drive
Yarmouth, ME 04096
sue.sturgis@tylertech.com
800.772.2260 ext. 5643

Colleen Fitzgerald, CPA
Former Director of Accounting Services, Fairbanks North Star Borough School District
P.O. Box 70706
Fairbanks, AK 99707
colleenfitz348@gmail.com
907.460.7730

Mike Fisher, CPA
Former Chief Financial Officer, Fairbanks North Star Borough School District
1621 Baylor Blvd
Fairbanks, AK 99709
mike.fisher@gci.net
907.590.3750

Kirsten Wotton
Financial Systems Manager, Town of West Hartford, CT
50 South Main St
West Hartford, CT 06107
kirstenb@westhartfordct.gov
860.561.7498

Audra Balok, PMP
Information Systems Officer, Technology & Innovation Department, City of Long Beach, CA
411 West Ocean Blvd, 6th Floor
Long Beach, CA 90802
audra.balok@longbeach.gov
562.570.6848



2021.83

IN BOARD OF CITY COUNCIL..AUGUST 3, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a Joint Development Agreement with Mike Eon Associates, Ltd., Indian Cliff Development Corporation and Sawmill Park Properties, LLC (Eon Properties); and further, to enter into a Credit Enhancement Agreement with Saxon Partners for the development of a 250-unit housing project at the end of Barra Road, both in substantial compliance with the terms and conditions presented.



Biddeford City Council

Meeting Date: August 3, 2021

Meeting Time: 6:00

Agenda Item No: 2021.83

Item Description: Proposed Credit Enhancement Agreement with Saxon Partners
Proposed Joint Venture Agreement with Mike Eon

Submitted by: Mathew Eddy

Supporting Information/Documentation:

Previous Background Material and Action by Council (including Planning Board Memo):

Order (first reading): Attachment 1

Meeting Reference: December 17, 2019 ([City Council Agenda
\(granicus_production_attachments.s3.amazonaws.com\)](https://granicus-production-attachments.s3.amazonaws.com))

Saxon Power Point Presentation-Barra Road Project ("The Marek): Attached by Email

Mike Eon Letter: Attachment 2

Saxon Letter: Attachment 3

Support Letters: Attachment 4

Joint Development Agreement: Attachment 5

Detailed Executive Summary: Saxon Partners is requesting a credit enhancement for the support of a 250-unit apartment at the end of Barra Road on the land that Saxon Partners would purchase from Eon Entities if the CEA is approved. In addition, Mike Eon Associates, Ltd., Indian Cliff Development Corporation and Sawmill Park Properties, LLC (Eon Entities) is proposing a Joint Development Agreement to master plan the land just beyond the proposed Saxon apartments.

To accomplish this, we are proposing the following two-part approval:

1. Joint Development Agreement with Eon Entities for the remainder of the property. That agreement will establish the following:
 - a. Beginning development of a mixed use Master Plan by property controlled by Eon Entities (and shown in Exhibit A of the JDA)

within 18 months of the execution of the CEA, and completion of that plan within 18 months of a Saxon occupancy permit. The Master Plan will include incorporating necessary easements for an eastern trail connection, including some green preservation areas that would be deeded to the City for public use, a traditional housing development program, and an affordable senior housing component.

- b. Eon Entities shall start the planning process, within 2 years of the Saxon Occupancy Permit, for a low-income housing project of 35-45 units to serve senior citizens; and, shall complete that project within two years of obtaining the appropriate financing and permits. With the exception of the property needed for Saxon and property to be conveyed to abutters of lots 17/3 or 17/5, no residential development shall commence on Eon Entities property (specifically, lots 7/17/2 and 7/15) until the 2-acre lot is formally set aside for low-income senior housing; failure to move forward with the low income housing project at all shall result in forfeiture of said lot to the City.
 - c. The design of a trail system that would allow for future connection of Eastern Trail at Barra Road through this property, along the Thatcher Brook corridor, with added protections for Thatcher Brook segments. Using streets and City land, this will permit the connection of the Eastern Trail to the City's Riverwalk at Horrigan's Court.
2. The establishment of a 20-year Credit Enhancement Agreement with Saxon that will include:
- a. For years 1-5, pay taxes to the City of \$255,000 in Year 1, escalating at 2% in Years 2-5
 - b. For Years 6-20, the City will retain 65% of taxes paid
 - c. A \$125,000 contribution from Saxon to Biddeford's affordable housing goals

Further Discussion:

Saxon Partners is requesting a credit enhancement for their 250-unit housing project at the end of Barra Road. This project is City Council approved for a contract zone (including site plan approval) to permit housing in this zoning district at a density level to meet development goals. Planning Board made the recommendation to City Council, having approved the Site Plan and made the contract zoning recommendations. An increase in construction cost, experienced nationally, has driven the need for City support to bridge the financial gap and keep the project financeable and viable. Hence, the request for a credit enhancement.

The housing project is unique in that it has flexible lease rates designed to meet the needs of those working in the health care industry. Affordability is in the project design; to keep rents at levels consistent with underlying local salary ranges. Leases are flexible to reflect short and long-term commitments. Housing is an important factor for local businesses to attract and retain staff, and the project has the support of Southern Maine health Care, the Chamber of Commerce and the University of New England.

In the Credit Enhancement Proposal, Saxon has agreed to the following:

- A 20-year Credit Enhancement Agreement
- An assumed base value of \$19 million (could be as high as \$21 million based on assessor conversations)
- Anticipated agreement based on a tax rate of 20.05, creating an estimated \$380,950 in new annual tax dollars.
- Years 1-5: Taxes paid to the City will be \$255,000, or 67% of the new tax value; the balance of \$125,950. The tax liability to the City will escalate at 2% annually. In the first five years, the total to the City is \$ 1,327,230; to the developer, \$ 577,520;
- Years 6-20: Based on Value, 65% to the City; 35% to the Developer;
- A \$125,000 contribution from Saxon to help advance Biddeford's affordable housing goals

Captured in a separate Joint Development Agreement (JDA), furthering the creation of additional housing, Eon Properties have agreed to negotiate in good faith and create a mutually agreeable Mixed-Use Master Development Plan for the remainder of the property¹. Within that plan, a portion of the total acreage will be reserved for senior affordable housing; a 35-45 unit project is contemplated. If Eon Entities or their assigns do not complete the Master Plan or the senior housing project within the periods previously referenced, then the lot set aside for affordable housing shall become the property of the City. Concurrently, no further development of Eon Entities property accessed via Barra Road will be permitted until the affordable housing residential lot is set aside and the Master Plan completed.

In a review of the City's 5-Year Housing Goals and Strategies, the projects together will help accomplish three out of the five goals set by Council:

- The project adds immediately to the diversity of the rental housing supply, while providing net additional funding to the general fund. *Goal: Create 45 units per year from New Construction;*
- It reserves an area for between 35-45 new affordable housing units, in this case, dedicated for seniors. *Goal: Create/preserve 45 units/year for households with incomes at 40-80% AMI; and,*

¹ The remainder of the property includes pieces that are in the R1A, the R3, and the I3 district; some zoning adjustments may be needed to meet the density requirement for the senior housing.

- A portion of the remaining acreage (not including the current set back requirements for the protection of Thatcher Brook, which will be preserved and a possible Eastern Trail connection) could provide infill residential and multi-use development, creating “next” home opportunities. *Goal: Create 200 “Next Homes” for Growing Families.*

Funding Source: TIF Program Adoption

Staff Recommendation: Staff recommends approval.

Attachment 1

2019.132

IN BOARD OF CITY COUNCIL..DECEMBER 5, 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 XIII (Amendments), § 3 (Contract and Conditional Zoning) is amended as follows:

Contract Zone #18 Sawmill Park Properties, LLC, Indian Cliff Development Corporation, and Mike Eon Associates, Ltd. (Tax Map 2, Lot 43-1 and 42-1 and Tax Map 7, Lot 15).

BE IT FURTHER ORDERED by the City Council of Biddeford, Maine that Contract Zone #18, as recommended by the Planning Board on November 20, 2019, be adopted, and that said Contract Zone be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford,

BE IT FURTHER ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and Sawmill Park Properties, LLC, Indian Cliff Development Corporation, and Mike Eon Associates, Ltd. to establish said Contract Zone #18.

Note: Attached is documentation from the City Planner regarding proposed Contract Zone #18.

December 5, 2019

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

Motion by Councilor Belanger, seconded by Councilor McCurry to amend the order by stipulated that approval is conditioned upon the infrastructure costs being passed on to the developer, to the extent there is any additional infrastructure costs to the City in connection with this project. Further, the approval is subject to the \$56,000.00 agreement allocated for costs of the pumping station.

Vote on amendment: Unanimous.

Vote on ordinance, as amended: 7/1; Councilor McCurry opposed.

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

First reading carries.

Attachment 2 Mike Eon Letter and Map



260 Main Street · P.O. Box 444 · BIDDEFORD, MAINE 04005

OFFICE: 207-283-3000 · FAX: 207-283-4140

E-MAIL: meon@MikeEonAssoc.com

May 18, 2021

Dear Mayor Casavant,

The acute shortage of housing for working people and the senior is making headlines nearly every day now. Proposals and calls for studies are flooding the Maine Legislature, a sure symptom of a real problem. The problem is particularly acute in Biddeford, where to its credit, the City Council has demonstrated its leadership by targeting this pressing crisis as a top priority.

A large area of land we own --- west of Route 111, east of the Maine Turnpike, northwest of the Barra Road and southwest of South Street --- may soon become easier to develop. (I have included a map of the area.) This unbroken tract might be ideal for the type of housing initiatives that are now sorely needed, and which the Council has made clear it wants to support.

As a developer who has completed many successful residential projects in the City in the last 40 years, until recently I have treated development proposals as separate, stand-alone initiatives. Given the housing shortage, however, rather than proceed on a project-by-project basis, I am asking if the City might be interested in a cooperative approach to future housing plans in this area. I am wondering if you, as Mayor, might convene a meeting in which participants could brainstorm ideas, and make serious progress on building housing for Biddeford's working families.

If you and the City Manager think this idea might have some merit, I leave the timing of such a meeting and the selection of attendees up to you. I suggest developing a master plan for the entire area. Regardless of how you prefer to proceed, my purpose is to begin a collaborative discussion that has the potential to ease some very serious housing challenges in Biddeford.

If the Saxon project (outlined on the map in yellow) moves forward, that would provide for the infrastructure improvements leading to the development of both an open public trails system and innovative solutions to help solve the City's housing crunch. While it is premature to discuss specific numbers of units before a master plan is developed, a portion of this area is well suited for projects that would help the senior and working families, as well as mixed-use projects, since it is close to bus routes and medical facilities. I have a great deal of experience with the operation of Pleasantwood Estates in Old Orchard Beach, a project that mirrors the type of solutions needed in Biddeford.

Further, the land we own and/or control has a number of connectivity points (the end of McKenny Drive, the end of the Barra Road and the end of Village Lane/Glaude Avenue) which could possibly facilitate an open public trails and sidewalk system. Theoretically, this could enable pedestrians to travel from Alfred Road to the high school, to Doyon Field or Rotary Park, and theoretically, even to the proposed Diamond Street project and therefore to the Riverwalk through the mill district. I spent a great deal of time in my childhood enjoying the tract of land I later acquired and I am committed to making land available for a public trails system that would allow others to enjoy the same open space opportunities as I had.

Ever since the City Council voted to close the MERC incinerator, the City of Biddeford has done nothing but impress Maine and New England with its vision for revitalization and renewal. There is no other explanation for all the progress since the historic decision the Council courageously took on July 31, 2012. The next big challenge is housing. The practical definition of reasonably-priced housing for the hardworking people who make Biddeford's economy hum is simply this: a place to call home at night, a place that a working family can afford.

I propose that we work together and explore what is possible. Thanks for your consideration.

Michael Eon
President

Attachment 3 Saxon Letter

SAXON PARTNERS

June 22, 2021

Mr. James Bennett
Manager
City of Biddeford
205 Main Street
Biddeford, Maine 04005

Dear Mr. Bennett,

Saxon Partners would like to formally request that our proposal to enter into a public/private partnership with the City of Biddeford be placed on the agenda for consideration by the City Council, ideally during the July 20 meeting. At that time, Saxon Partners would like to make its full presentation to the Council, so that the general public can be informed of its benefits.

As quoted in a recent column in the *Saco Bay News* about the housing crunch in Biddeford, the executive director of the Biddeford Housing Authority astutely noted that, "The real problem is a basic principle of supply and demand. We need much more supply of all types of affordable rentals and homes in southern Maine before the curve can be bent back in the right direction."

He is 100% correct --- supply is indeed an acute problem in Biddeford. The Saxon proposal is directly tailored to the needs of working people in one of Biddeford's growth industries, health care, and it will add 250 units of high-quality housing to the City's supply of housing. As Saxon has discussed with you and your Staff in detail, a CEA is required for the project to move forward, due to financing challenges caused by skyrocketing construction costs, and due to extreme difficulties sourcing materials and sourcing labor. We respectfully ask that Members of the Council review in detail the letters from Southern Maine Health Care, the University of New England and the Biddeford + Saco Chamber of Commerce & Industry, because they articulate the value of attracting and retaining high-quality employees, and this project's important role in meeting that objective. Also, it is important to note that with City Council approval, the development will become one of Biddeford's largest taxpayers.

As a quick review of our discussions in the past few months, in March we proposed a 25-year agreement with a tax payment of \$241,800 annually. Based on discussion with the Council, you informed us on May 4th that the Council will consider:

- A 20-year credit enhancement as follows:
- Years 1-5, taxes paid to the City will be \$255,000 in Year 1, escalating at 2% in Years 2-5
- Years 6-20, the City will retain 65% of taxes paid
- After Year 20, the City will retain 100% of taxes paid

Saxon Partners accepts this compromise, and in addition, is pleased to inform you that it will contribute \$125,000 to advance the City's affordable housing goals. We will rely on you and the City Council to advise us on the best way to disburse these funds. In summary, the project's benefits essentially boil down to four points of focus.

1. **Significant increase in revenues to the City:** This project will provide a significant increase in revenues to the City with little to no impact on the school system. After the CEA, this project would

Saxon Partners, LLC
25 Recreation Park Drive, Suite 204 ♦ Hingham, MA 02043 ♦ (781) 875 - 3300

be a top five taxpayer in Biddeford. In fact, it will pay as much in taxes as the other 9 buildings along Barra Road combined. We are not aware of any replacement project if we are unable to partner with the City. Furthermore, the CEA will provide shelter from the reduction of the State School Funding and Municipal Revenue Sharing program.

2. Increase the housing stock for the Biddeford workforce at more reasonable price points: It is simple supply and demand. This project will add 250 market rate apartments at a budgeted price point that is currently significantly less than what is being charged for residents downtown and in the newer developments. This increase in the housing supply will naturally reduce the pressure on the area's high rents.
3. Support the local economy: This is a \$35+ million construction job. A good portion of that money will go directly into the local and regional economy through construction jobs and materials. In addition, the project will utilize local vendors to help manage the apartment complex after completion. Finally, it is going to help support the local employers and businesses by providing much needed housing.
4. A catalyst to Affordable Housing initiatives: Although Saxon Partner is not a participant in the initiative, local developer Mike Eon has written to Mayor Casavant to make it clear that should Saxon Partners' proposal on Barra Road move forward, he'd like to initiate a Master Plan process, in partnership with the City, that will explore affordable housing, senior housing, second home housing for families, hiking trails and connection points throughout a substantial tract of land between Barra Road, McKenney Drive, South Street and Thatcher Brook. Mr. Eon's imaginative concepts, to be triggered by approval of the Saxon proposal, represent an extraordinary opportunity for the City at a critical point in time in its remarkable and historic revitalization.

Thank you in advance, Mr. Bennett, for sharing this letter with the Mayor and City Council. And I conclude by personally thanking you and Mr. Eddy for your diligent involvement, your honest feedback and your professionalism as we have worked collaboratively to get to this juncture. Saxon Partners is pleased to make this proposal to the City of Biddeford, and its substantial benefits could not be realized had it not been for the critical role that you have played. We really appreciate all the hard work that you and Mr. Eddy invested.

Best Regards,



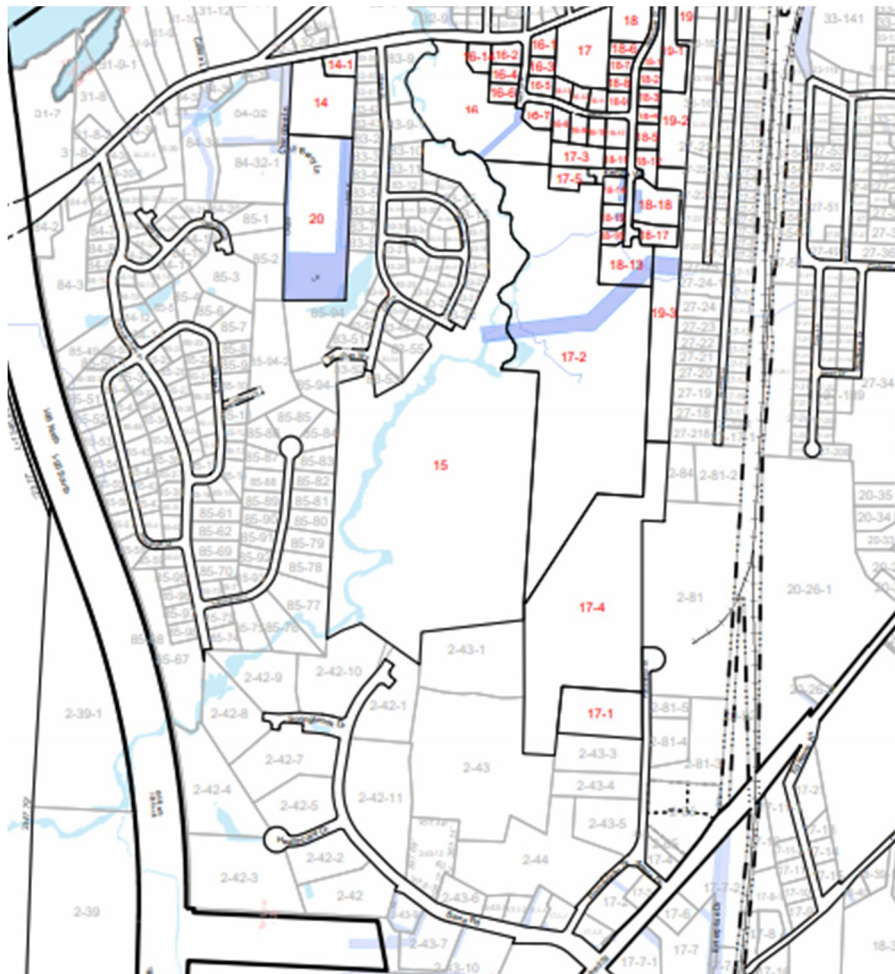
Tom Greco
Director of Multifamily Development and Investment
Saxon Partners

Saxon Partners, LLC
25 Recreation Park Drive, Suite 204 ♦ Hingham, MA 02043 ♦ (781) 875 – 3300

Attachment 4: Support letters

LOCAL LETTERS OF SUPPORT		
 BIDDEFORD & SACO CHAMBER OF COMMERCE & INDUSTRY To: Mayor Alan Casavant City Manager James Bennett Biddeford City Council Members 205 Main St., Biddeford, ME 04005 March 19th, Letter of Support for Barra Rd. Housing Proposal in Biddeford The Biddeford & Saco Chamber of Commerce lends its full support for the proposed Workforce Housing development on Barra Rd. in Biddeford, that could bring approximately 250 new 1-bedroom housing units to the area. The Biddeford area has been growing as of late, with strong ongoing demand for housing, particularly within the younger demographic cohort. Limited availability resulted in rents increasing significantly, making it more challenging for current residents to find affordable housing. New apartment rental opportunities on Barra near Route 95 would help in building much-needed housing stock inventory supply to meet the burgeoning demand. The proposed location for this project is particularly ideal, located in the heart of a growing medical industry district. Our main regional hospital along with supportive medical facilities in that general vicinity continue to grow and attract young professionals. This type of 1-bedroom housing with flexible leasing arrangements specifically be attractive for short-to-medium term contract workers in those business establishments in that area. This proposed commercial development would also result in incremental property revenues for the city with a more limited utilization of municipal resources given the bedroom configuration, which helps keep overall city tax rates in line with current. For these reasons, the Chamber is excited about the positive benefits that will accrue to the City of Biddeford with this project moving forward as anticipated. Sincerely,  James LaBelle Executive Director, Biddeford & Saco Chamber of Commerce	 Southern Maine Health Care MaineHealth March 10, 2021 The Honorable Mayor Alan Casavant Biddeford City Council 205 Main Street Biddeford, ME 04005 RE: Letter of Support for Proposed Apartments Dear Mayor Casavant and Members of the Biddeford City Council: We recently spoke at length with Saxon Partners about their 250-unit proposed apartment housing development on Barra Road. Saxon's focus on balancing lifestyle, quality, and value resonated with us. As a result, Southern Maine Health Care supports the project and believes it will benefit the hospital, the local business community, City of Biddeford and its residents. The development of 250 new high-quality apartments aimed at the Biddeford workforce, and within close proximity to the hospital, will directly support our efforts to attract and retain highly qualified health care professionals. The project's modern amenities and thoughtful design will foster a sense of community which will further support our care team recruitment. Additionally, we believe that a development of this size, quality, and price point is needed in Biddeford to address the overall housing demands. We believe this will have a significant positive impact on the City and its local businesses, which in turn will support employment and the City's continued growth. To that point, Saxon has agreed to continue to work with SMHC to connect with other local businesses in Biddeford. Southern Maine Health Care welcomes Saxon Partners as a stakeholder in the community and looks forward to working with them on this important project. Sincerely,  Nathan Howell President	 UNE UNIVERSITY OF NEW ENGLAND INNOVATION FOR A HEALTHIER PLANET James D. Herbert, Ph.D. President Biddeford Campus 11 Hills Beach Road Biddeford, ME 04005 U.S.A. Portland Campus 77A Silsbee Avenue Portland, ME 04103 U.S.A. Tanger Campus Rue Ali Oussell Oussell Tanger 30000 Morocco T: (207) 403-2254 F: (207) 403-2953 www.une.edu May 4, 2021 Mayor Alan Casavant City Manager James Bennett Biddeford City Hall 205 Main Street Biddeford, ME 04005 Re: Letter of Support for the Saxon Partners Housing Proposal Dear Alan and Jim, My team recently had an opportunity to participate in a presentation from Saxon Partners regarding their exciting plans for a 250-unit efficiency apartment complex proposed to be located on Barra Road in Biddeford. With the ongoing resurgence in Biddeford, there has been a noticeable increase in demand for affordable housing, which we often hear from students and new employees. The proposal outlined by Saxon Partners appears to address this lack of affordable housing and is especially suited to addressing the needs of higher education and health professions work forces. The community-based amenities of the project, its easy access to public transportation and the highway, and its proximity to campus will make the MAREK a desirable option for many of our faculty, profession staff, and students. I believe the proposed flexible leasing arrangements will be especially appealing to many of our community members. The University of New England is supportive of this proposed development and looks forward to welcoming the Saxon Partners to the Biddeford Community. As always, please reach out if I can address any questions. Sincerely,  James Herbert President BIDDEFORD AND PORTLAND, MAINE, U.S.A. TANGIER, MOROCCO ONLINE

Attachment 5: Joint Development Agreement (with map exhibits)



DRAFT
JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement (“Agreement”), dated August ____, 2021 is executed by **Mike Eon Associates, Ltd., Indian Cliff Development Corporation and Sawmill Park Properties, LLC. (the Eon Entities)**, all Maine corporations or limited liability companies and the **CITY OF BIDDEFORD, MAINE** (the “City”) (each a “Party” and, collectively, the “Parties”).

RECITALS

WHEREAS, Saxon Partners (“Saxon”) wishes to enter into a Credit Enhancement Agreement with the City dated as of August ____, 2021 (the “Credit Enhancement Agreement”); and

WHEREAS, the development of the property owned by the Eon Entities as outlined herein is contingent upon the approval and development of the adjacent Saxon property as currently contemplated; and

WHEREAS, the City seeks to expand its connections to the Eastern Trail, bringing it closer to the terminus of the Riverwalk, so-called; and

WHEREAS the Eon Entities and the City have a mutual interest in protecting segments of the Thatcher Brook that run through the property; and

WHEREAS, the City desires to create additional housing options in the community, including affordable housing and “next homes”, to meet its 5-year Housing Goals and Strategies; and

WHEREAS, it is the intent of the Eon Entities to further develop the remaining properties in a mixed commercial and residential fashion, including the creation of new affordable housing for seniors (“Senior Housing”);

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I
COMMITMENTS

1. Eon Entities Commitments

- a. Mixed Use Master Plan. The Eon Entities will draft a mutually acceptable Mixed Use Master Plan, in collaboration with the City, for the remainder of the Eon Entities property to create additional senior housing options for the City, add protections around segments of Thatcher Brook, and create easements for a pedestrian connection through its property with the Eastern Trail between Barra Road and Village Lane. The Master Plan will become the basis for future development of the area and any zoning ordinance changes required to meet housing development goals.
- b. Permanent Easement Commitments. Eon Entities agree to grant the following permanent pedestrian easement to the City in connection with the Eastern Trail by continuing the trail from its end in and around Barra Road through the Eon Entities property to South Street via local roads, sidewalks and dedicated pathways:
 - i. An easement, for use by the public, of a certain area generally enumerated and to be identified as the “City Pedestrian Easement Area” on the concept plan attached hereto as Exhibit A; the area to be further determined during the Master Planning process. The exact location and dimensions of the Pedestrian Easement Area shall be mutually agreed upon by the Eon Entities and the City.

By execution of this Agreement, the City Manager hereby represents that the City Council has authorized the City Manager to accept, on behalf of the City, the Pedestrian Easement Area on the terms and conditions set forth above.

- c. Housing Commitments. The Eon Entities agrees to carve out 2 acres +/- of land adjacent to the Saxon project land (see Exhibit A below), owned by the Eon Entities, to create between 35-45 affordable housing units serving seniors at 80% or less of area median income. Eon Entities will work with an appropriate low-income senior housing developer to create said units. The final unit count and size of the property will be subject to the findings of the master plan study.
- d. Schedule. This agreement shall adhere to the schedule below:
 - i. The Eon Entities will begin work on a Master Plan for the remaining property within 18 months of execution of the Credit Enhancement Agreement with Saxon;
 - ii. Will complete that Master Plan within 18 months of the issuance of a Certificate of Occupancy for the Saxon project;

- iii. Will grant the permanent pedestrian easement within 3 years of the Saxon Certificate of Occupancy; and,
- iv. Within 2 years of the issuance of the Saxon Certificate of Occupancy permit, Eon Entities shall start, in conjunction with an appropriate senior low income housing agency, the planning for 35-45 housing units on 2+/- acres and shall complete that construction within 2 years of obtaining financing and necessary permits. Further:
 - 1. With the exception of the property needed for Saxon and property to be conveyed to abutters of lots 17/3 or 17/5, no other residential housing construction on Eon Entities properties which use Barra Road as its primary access (specifically, lots 7/17/2 and 7/15), shall commence until the road and lot for the affordable housing project is established.
 - 2. Failure to move forward with any senior housing within the schedule described above will result in the forfeiture of the 2+/- acres to the City for the purposes of affordable housing development. It is agreed that the creation and development of the 2+/- acre lot for Senior Housing purposes shall satisfy the provisions hereof.

2. City Commitments

- a. The establishment of a 20 year Credit Enhancement Agreement with Saxon that will:
 - i. For years 1-5, pay taxes to the City of \$255,000 in Year 1, escalating at 2% in Years 2-5
 - ii. For Years 6-20, the City will retain 65% of taxes paid.
- b. Coordinate Master Planning activities with key departments, committees, and agencies to insure a sound planning process and completion within the specified period above.
- c. Based on the Master Planning process, make recommendations to the Planning Board and City Council for zoning adjustments, including but not limited to, height restrictions, reduction in yard setbacks, or adjusting density requirements, consistent with the standards of the Saxon project.
- d. To assist Eon Entities and an appropriate developer in obtaining financing in support of affordable housing development, including the consideration of TIF funds when deemed necessary to complete the project.

ARTICLE II
INDEMNIFICATIONS

The City agrees to indemnify, defend and hold Eon Entities harmless from any claims, damages, costs, liabilities and expenses (including attorney's fees) arising from the City and/or the public's use of the "City Pedestrian Easement Area". Each Party shall indemnify, defend, and hold the other Party harmless from any claims, damages, costs, liabilities and expenses (including reasonable attorney's fees) arising from the gross negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its agents, servants, officers, directors, employees and affiliates.

ARTICLE III
LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their affiliates, by reason of any of their respective acts or omissions relating to this Agreement be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE IV
MISCELLANEOUS

1. Representations and Warranties

Each Party represents and warrants to the other that:

- (a) It is duly qualified to do business and is in good standing in the State of Maine; and
- (b) It has full power and authority to execute, deliver and perform its obligations under this Agreement; and
- (c) The execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and
- (d) The execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the articles of incorporation or by-laws of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material

breach of, or default under, the provisions of any material contract by which either Party is bound.

2. Right to Require Performance

The failure of any Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce the same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. Governing Law

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. Relationship of Parties

- (a) This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's planning, zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the actions required under this Agreement;
- (b) The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City, and the Eon Entities agree to cooperate in good faith with regard to each and every aspect required for the completion of all obligations contemplated by this Agreement; and
- (c) This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. Breach by the Eon Entities

- (a) The City shall provide notice to the Eon Entities of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- (b) If a breach is not cured as set forth above, the City may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

6. Breach by City

- (a) Eon Entities shall provide notice to the City of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- (b) If a breach is not cured as set forth above, the Eon Entities may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. Integration

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written regarding the matters addressed in this Agreement. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

8. No Oral Modifications; Assignment

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and

assigns. This Agreement and any of the rights, interests or obligations under this Agreement may not be assigned or delegated by any Party, without the prior written consent of the other Party, provided, however, that it is hereby agreed and acknowledged that the Eon Entities shall have the right to assign this Agreement to an affiliate or related entity of the Eon Entities, without having to obtain the prior written consent of the City for such assignment. This Agreement is not intended to confer any rights or benefits to any entity other than to the City and the Eon Entities, and their affiliates and/or assignees.

9. Notice

All notices required to be given to City or Eon Entities under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City: City of Biddeford
 c/o James A. Bennett, (or the then current) City Manager
 P.O. Box 586
 205 Main Street
 Biddeford, Maine 04005

With a copy to: Keith R. Jacques, Esq.
 Woodman Edmands Danylik Austin Smith & Jacques, P.A.
 234 Main Street
 P.O. Box 468
 Biddeford, ME 04005

EON: Mike Eon **Associates, Ltd.**,
 PO Box 444
 Biddeford, ME 04005
 Indian Cliff Development Corporation
 PO Box 444
 Biddeford, ME 04005
 Sawmill Park Properties, LLC.
 PO Box 444
 Biddeford, ME 04005

With a copy to: Richard A. Hull, III
Hull Law Office, LLC
409 Alfred Road
Biddeford, ME 04005

10. Severability

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

11. Survival

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

12. Mediation/Arbitration

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

13. Consents

Eon Entities shall use commercially reasonable efforts to obtain all necessary consents of its mortgage holders and other lien holders to this Agreement and the easements contemplated herein.

IN WITNESS WHEREOF, The Eon Entities and the City have set their hands and seals as of the day, month and year first above written.

Witness

By: _____
Name: Michael Eon
Title: President

CITY OF BIDDEFORD

Witness

By: _____
Name: James A. Bennett
Title: City Manager

Exhibit A



EXHIBIT A PAGE 2 OF 2

Photos Corresponding with Numbers on Potential Connectivity Point and Conservation Areas



1 Trail Access Point end of McKenney Drive



2 Intersection South Street and Village Lane



3 Access Point to Bridge and Indian Cliff
Intersection of Glaude & Village Lane



4 Eon Way is the access road from the teen center to beach, fields and boat ramp at Rotary Park.



5 Rotary Park entrance on Main Street facing Doran Field ample room behind fence to access Village Lane



6 Possible Preservation Area

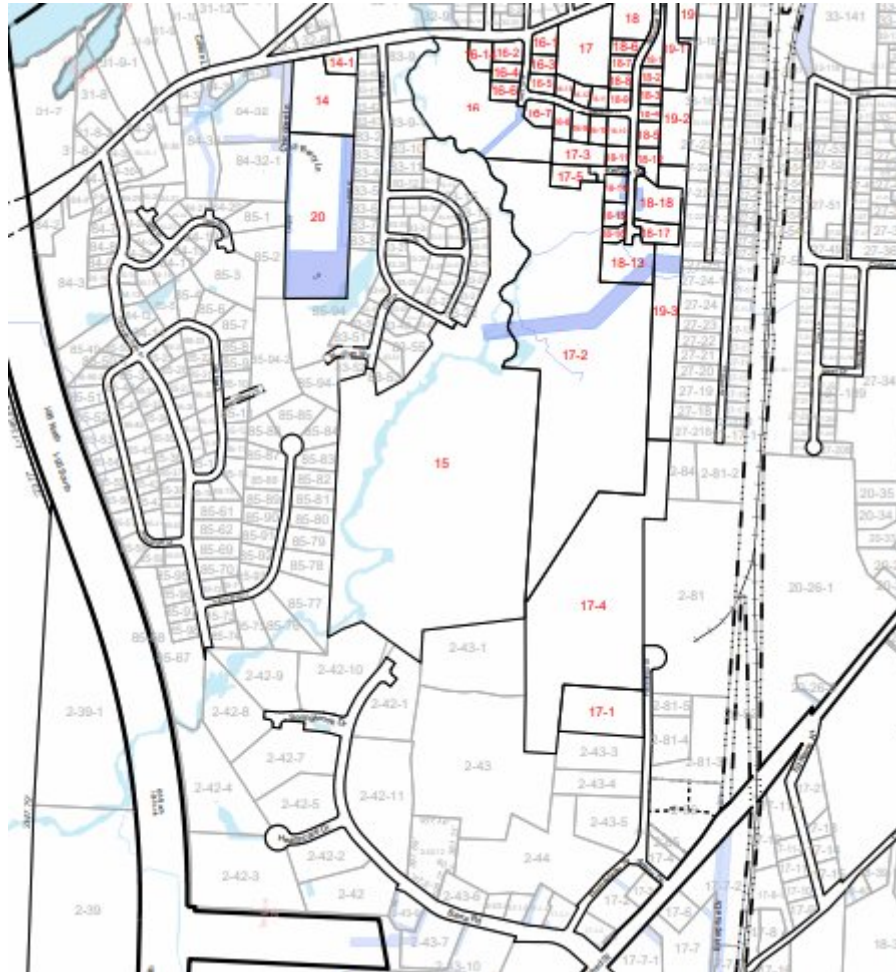


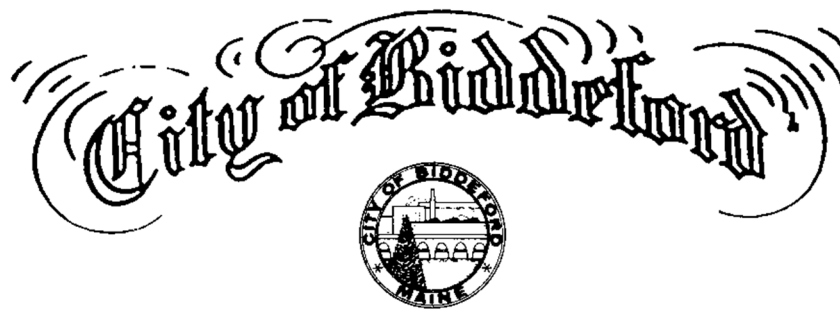
7 Possible Preservation Area



8 Access Point end of Barra Road

Tax Map 7, Lots 15 and 17/2; Lot Areas Included in the Master Plan Restrictions, except for that needed for the Saxon project and land to be conveyed to Lots 17/3 or 17/5





2021.84

IN BOARD OF CITY COUNCIL... AUGUST 3, 2021

BE IT ORDERED, that the City Manager is authorized to execute an Easement Deed in the form attached hereto between the City of Biddeford and Saco-Lowell, LLC granting a non-exclusive perpetual pedestrian and vehicular easement to Saco-Lowell, LLC to provide access for maintenance and repairs to Saco-Lowell LLC's land and buildings.



City Council

Meeting Date: August 3, 2021

Meeting Time: 6:00 PM

Agenda Item No: 8.b.

Item Description: 2021.84) Approval/Easement Deed to Saco-Lowell, LLC c/o Port Property Management

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Easement Deed

Key Terms:

"N/A"

Executive Summary:

Saco-Lowell, LLC request a maintenance easement over property identified as the former Smith Street, which runs directly behind the Saco-Lowell building between the railroad tracks and the building. The maintenance easement is to allow access across the property for renovation and ongoing maintenance access to the back of the Saco-Lowell Building.

Detailed Review:

Renovation of Saco-Lowell building and ongoing maintenance requires access to the exterior of the building. A title search shows that the former Smith Street, which originally ran from Elm Street to Pearl Street, runs along the back of the Saco Lowell building and parallel to the JBL Properties and Boston and Maine Railway property lines. Saco Lowell is seeking an access easement over land behind the building along the former Smith Street area in order to access the back of the building for maintenance purposes by crossing the former Smith Street segment.

Funding Source:

N/A

Staff Recommendation:

The city solicitor worked with counsel from Saco-Lowell, LLC to draft the easement. There have been no objections to the proposed easement from economic development, public works, or engineering.

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the **CITY OF BIDDEFORD**, a body politic and corporate with a mailing address of 205 Main Street, Biddeford, Maine ("Grantor"), for good and valuable consideration, hereby grants and conveys to **SACO-LOWELL LLC**, a Maine limited liability company with a mailing address of c/o Port Property Management, 82 Hanover Street, Suite 5, Portland, Maine 04101 ("Grantee"), the following easement (the "Easement") over a portion of Grantor's property described in a deed from Biddeford & Saco Development Corp., Storage Realty Corp. and Boothbay Harbor Freezer, Inc. dated October 15, 1971 and recorded in the York County Registry of Deeds in Book 1934, Page 603 ("Grantor's Land"):

A perpetual and non-exclusive easement and right of way, in common with Grantor and others, for ingress and egress, by vehicular and pedestrian means over and along land of Grantor, which is formerly a portion of Smith Street, being 40' wide, located southeasterly of Elm Street and extending southerly a distance of 163.59' along Grantee's Land (as such term is hereinafter defined) to the Boston Maine Railroad (the "Easement Area"). The Easement is for the benefit of and shall run with and be appurtenant to the land of Grantee known as 1 Gooch Street, Biddeford, Maine, and which is more particularly described in a deed from Fifty Nine Elm Street LLC dated December 22, 2020 and recorded in the York County Registry of Deeds in Book 18498, Page 581 ("Grantee's Land").

The rights and easements granted hereby are for the purpose of passing and repassing on foot and with vehicles at any and all times for the purpose of ingress and egress as may be necessary and convenient to provide maintenance and repairs to the land, buildings, and improvements located on Grantee's Land, provided that such use shall not unreasonably interfere with the use of the Easement Area by Grantor and others entitled thereto.

Grantee shall also have the right to pass and repass over the Easement Area with such machinery and equipment as may be reasonably necessary for the purposes described herein.

Grantor agrees not to locate or place any materials, structures or improvements, whether temporary or permanent, within, on or under the Easement Area, which would interfere with Grantee's full use, enjoyment or exercise of the rights granted by this Easement.

The Easement burdens Grantor's Land and benefits Grantee's Land and shall run with the land and shall benefit and be binding upon, as the case may be, the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, The City of Biddeford has caused this Easement Deed to be executed by James A. Bennett, City Manager, thereunto duly authorized, this ____ day of _____, 2021.

CITY OF BIDDEFORD

Witness

By: James A. Bennett, Its City Manager

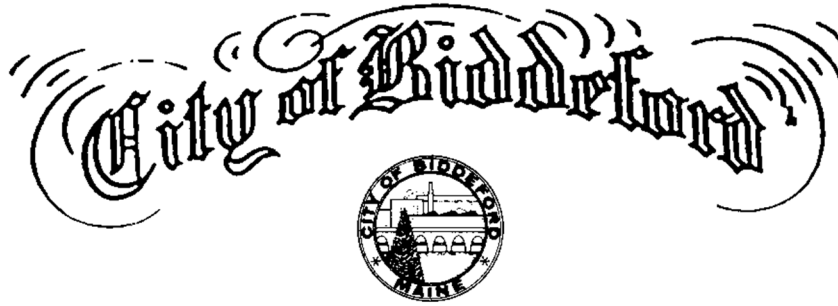
STATE OF MAINE
COUNTY OF YORK

_____, 2021

Then personally appeared the above-named James A. Bennett as City Manager of the City of Biddeford and acknowledged the foregoing instrument to be his own free act and deed and the free act and deed of the City of Biddeford.

Before me,

Notary Public/Attorney-at-Law



2021.79

IN BOARD OF CITY COUNCIL..JULY 20, 2021

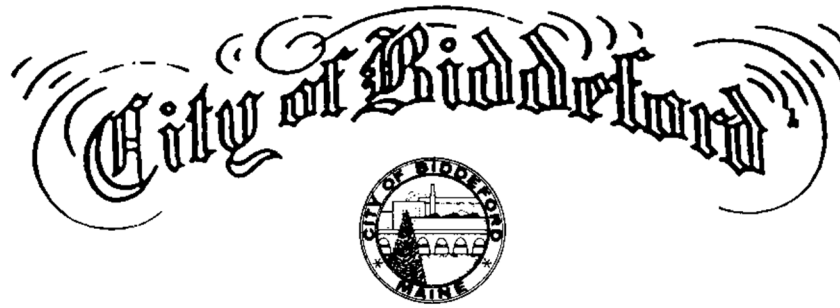
BE IT ORDERED, that the City Assessor be authorized to commit property taxes for the fiscal year commencing July 1, 2021 and ending June 30, 2022 in the total sum of \$50,241,414 with \$1,331,480 raised for County Taxes, \$23,245,570 raised for School/Educational use, \$36,145,876 raised for Municipal use, and \$1,840,868 raised for TIF funding use, less estimated revenues of \$12,322,370, and

BE IT FURTHER ORDERED, that said Property Tax Commitment shall be payable in two equal installments on October 13, 2021 and April 13, 2022 with any odd amount to be due on the first installment, and that interest shall be collected at the rate of 6.00% per annum on any taxes remaining unpaid after each respective installment date.

BE IT FURTHER ORDERED, that the Tax Collector be authorized to accept voluntary prepayments on property taxes and to pay interest on these voluntary prepayments at the rate of 0.00% per annum.

BE IT FURTHER ORDERED, that said Property Tax Commitment be recommended to be at the rate of **\$18.42** per \$1,000 of Property Valuation.

Note: Overlay to be confirmed after commitment by the Assessor.



2021.85

IN BOARD OF CITY COUNCIL..AUGUST 3, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2021 Ford Interceptor Police Cruisers from Rowe Ford of Westbrook, Maine, with trade-ins, in an amount not to exceed \$60,108.00. Funding for these vehicles is in the FY22 CIP Funds.

NOTE: The Finance Committee will consider this item at their August 3, 2021 meeting and vote to recommend approval by the City Council.

Bid Opening for (2) Two All-Wheel Drive Crossovers

Present: Jerry Court - Public Works Matthew Jarvis - All Seasons
Kara Cote - Public Works

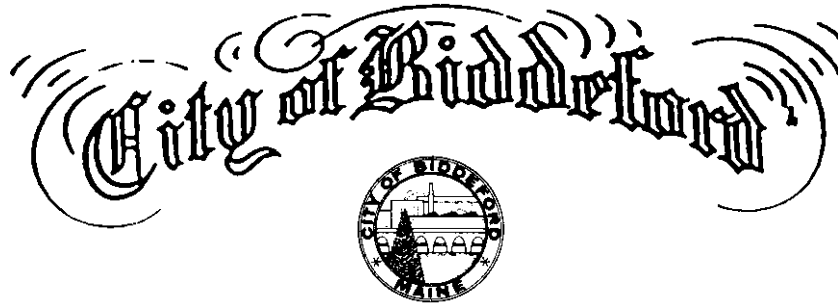
Bids were opened at the Public Works Department at 11:00a.m. on June 29, 2021.

Rowe Ford

(2) Two All-wheel drive crossovers	\$67,708.00
Trade in allowance Car# 212	\$3,800.00
Trade in allowance Car# 214	\$3,800.00
Total cost	\$60,108.00

Quirk Auto Group

(2) Two All-wheel drive crossovers	\$65,220.00
Trade in allowance Car# 212	\$1,700.00
Trade in allowance Car# 214	\$1,700.00
Total cost	\$61,820.00



2021.68

IN BOARD OF CITY COUNCIL...JULY 6, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve that each non-union employee shall be entitled to a one-time monthly bonus of one hundred twenty-five dollars (\$125.00) per each month worked, for the period covering February 2020 to July 2021 (18 months), payable in full by July 31, 2021. Any employee that worked any hours in a given month is deemed eligible for that month.

NOTE: The Personnel Committee considered this item at their June 29, 2021 meeting and voted 3/1 to recommend passage by the City Council.

July 6, 2021

Motion by Councilor Belanger, seconded by Councilor Williams to grant the order.

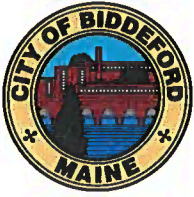
Motion by Councilor Belanger, seconded by Councilor McCurry to table the order until the July 20, 2021 Council Meeting in order to get clarification on where the funding is coming from.

Vote: Unanimous.

July 20, 2021

No motion was made to remove the Order from the table. This Order will be included on the August 3, 2021 Council Meeting Agenda.

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Honorable Mayor Casavant Honorable City Council
FROM:	James A. Bennett, City Manager 
DATE:	July 13, 2021
RE:	Additional Information Regarding City Additional Compensation

Per the City Council's request, the following additional information is provided.

1. The total estimated compensation that would be paid for non-union employees is \$131,375.
2. The total estimated compensation that would be paid to unionized employees is \$362,250.
3. The total estimated fringe benefit impact is \$74,043.75. It is so noted that the number is less than normal because of the nature of the payment certain additional payments such as retirement costs are not allowed/required.
4. It is estimated that between 80% to 85% of the total cost would be covered by ARP funds. The balance would be covered in the FY21 operational/program budgets (\$85,150.31 to \$113,533.80).