

City of Biddeford
Planning Board
July 26, 2023 6:00 PM City Hall
Council Chambers, & Zoom
<https://biddeford.zoom.us/j/94983531202?pwd=Q3ZyejcyUVpBaUVVMHduYXJhSzB4UT09>
Webinar ID 949 8353 1202; Passcode 223739

STATUS: Planning Board Meeting, Wednesday, July 26, 2023, 6:00 PM City Council Chambers & Zoom

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Approval of Meeting Minutes from June 21, 2023
[PB Minutes 062123-DRAFT.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2023.35 Review and discuss a proposed Sketch Plan for Steve Liautaud, Freddy LLC to have a Food Truck Court & Community Events. The property is located at 64 Alfred Street (Tax Map 38, Lot 361) in the MSRD 1 Zone.

[Preliminary Staff Review- 64 Alfred St.pdf](#)
[2022-05-17_Master_Planning_Application-ENG_1_\(1\).pdf](#)
[Ability to Serve - 64 Alfred Street - Biddeford.pdf](#)
[Proposed Community Lot at 64 Alfred Street Final.pdf](#)
[23.05.30_A-1.0 PROPOSED SITE PLAN_THE LOT\[18\].pdf](#)
 - 7.B. 2023.36 Review & Discuss Contract Zone Request from the City Council for Bruce Avallone & Peter Valcourt to build a new single-story post and beam barn with dimensions of 44 x 72 feet.
The barn will be used both for the campground residents and also to host outside events as well as to host events like weddings during the summer and fall months. The property is located at 608 New County Road (Tax Map 6, Lot 5-32) in the RF Zone. This property is currently being used at a campground.
[1 - Zoning map with property marker copy.jpg](#)
[2 - Proposed barn and parking copy.jpg](#)
[3 - Monitor Barn.jpg](#)
[4 - Saco River overlay.jpg](#)
[City of Biddeford Contract Zone Application.pdf](#)
[6-20-23 Wedding Barn Draft Order PDF.pdf](#)
[2023.36 608-610 New County Road CONTRACT ZONE Preliminary PB memo 6-27-2023 pdf.pdf](#)
[2023-36 608 New County Road Contract Zone Council Transmittal Sheet PDF.pdf](#)

[City Council Determination Letter 6-27-2023.pdf](#)
[6-20-23 Wedding Barn Draft Order.pdf](#)
[6-20-2023 Wedding Barn Contract_Zone-ORDER.pdf](#)
[Public Notices _ Maine Press Association.pdf](#)

- 7.C. Review & Discuss Inclusionary Zoning in order to begin the ordinance specifics of this proposed new regulation.

[2023.25 \(a\) - Attest.pdf](#)

[2023.25 \(b\) Attest.pdf](#)

[2023.25 IZ Ordinance Regulations.pdf](#)

[GM Inclusionary Zoning Transmittal Memo.pdf](#)

[Inclusionary Zoning Planning Board Workshop Memo 7-5-2023 PDF .pdf](#)

[Public Notices _ Maine Press Association.pdf](#)

8. OTHER BUSINESS

9. ADJOURN

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.

City of Biddeford
Planning Board
June 21, 2023 6:00 PM City Hall
MEETING MINUTES

STATUS: Planning Board Meeting, Wednesday, June 21, 2023, 6:00 PM City Council Chambers & Zoom

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

In attendance: Larry Patoine, Chair, Susan Deschambault, Sean Tarpey, Alexa Plotkin
Staff: David Galbraith, Eric Freeman & Nan Whitten

3. ADJUSTMENTS TO THE AGENDA-None

4. PLANNER'S BUSINESS

4.A. Orientation for new & existing Planning Board Members

Mr. Galbraith discussed documents being used in new Planning Board Member orientation. He also told the members who are in attendance that tonight we will collect a signed Rules of Procedure & Code of Ethics document from each of the Planning Board Members and we will swear each member in after the meeting tonight.

5. CONSENT AGENDA

5.A. Approve Meeting Minutes for 5-31-23 & 6-7-23

MOTIONS: 6:04 PM

Deschambault-Motion-To accept the meeting minutes for May 31, 2023 & June 7, 2023 as written

Plotkin-Second

Motion passed unanimously

6. UNFINISHED BUSINESS-None

7. NEW BUSINESS

7.A. 2023.21 Public meeting and take comments regarding a Final Site Plan Conditional Use Application for True Storage to redevelop Building 36 into a self-storage facility at 32 Main Street (Tax Map 71, Lot 10-5) in the MSRD 3 zone.

- Matt Rabasco of Gorrill Palmer made the presentation for the project.
- There were no comments from the public
- It was determined that the roof drains will be disconnected but not removed.
- George Collard gave a brief summary of the history of the building.

MOTIONS: 6:17 PM

Deschambault-Motion-To approve the Final Site Plan and Conditional Use Permit (Case # 2023.10) for True Storage LLC, a self-storage facility, to be located at 32-40 Main Street (PID# 71-10-5) within the Pepperell Mill Campus // Self-storage Facility. Sketch Site Plan for the proposal located at Building 36, 32-40 Main Street (Tax Map 71, Lot 10-5), within the Main Street Revitalization District 3 (MSRD-3) zoning district, as presented.

Plotkin-Second Motion Passed Unanimously

7.B. 2023.33 Review, ask questions and comment on a Sketch Plan application for Beachwood Development Fund LP at 781 Pool Street in the Coastal Residential

District as well as Stream Protection and Limited Residential Overlay Zones. The proposal is to create an 8-lot single family residential subdivision.

- Griffin Wood from Terradyn Consultants presented the project.
- He told the Board that there are 25.4 acres in the CR zone which is undeveloped forest and using public water.
- There will be no access via Maddox Pond Road.
- There will be 50' buffers for the abutters
- He did acknowledge that the City has heard from abutters and will try and answer all questions but this is just a Sketch Plan Application and will know more as they go forward.
- They are expected to use some fill but do not know the exact quantities at this time.
- Blasting is a possibility.
- The drainage design will follow the ordinance
- There will be no vehicle access on Peter Pond Road.
- Public Comments:
 - Laura Dunn-755 Pool Street
 - Peter McGuirl-755 Pool Street
 - Jane Franz-50 Fortunes Road
 - Harry Gorman-6 Thorndike Avenue
 - John Tighe-30 Maddox Pond Road
- Public Comment Time Closed
- The Planning Board talked about requiring the HOA prior to approval
- This was a Sketch Plan & No Votes were taken

7.C. 2021.42 Review and discuss the environmental study by Basswood Environmental for South Street Village LLC, the study was performed on the site of the Hidden Hills Subdivision located on South Street (Tax Map 7, Lot 8) in the RF & SR-1 Zones.

- Mr. Galbraith explained the changes with the project
- He is concerned asking for an additional environmental study after two have been done would be an overreach
- Ms. Plotkin stated that when considering the changes, she suggests they go with what they have.
- Mr. Tarpey would like a full boundary of the remaining land to see what the parameters of the land are now.
- The applicant, Matt Chamberlain came to answer any questions posed by the public or the Board.
- Eric Lima from Basswood Environmental also appeared to answer questions.
- Ms. Plotkin said she feels it would be unfair for the Board to require and additional environmental study at this time and she is ok using what they have to decide.
- Ms. Deschambault agreed with Ms. Plotkin
- Mr. Tarpey does not know the boundary of the land and wants a full boundary survey.
- There will be no additional 3rd party environmental review.

7.D. 2023.24 Review amendments made to the proposed Back Lot Ordinance based on comments attained at the last Planning Board Meeting.

- Mr. Galbraith discussed the Back Lot Ordinance and the Board's options for the proposed ordinance to then be sent to City Council.

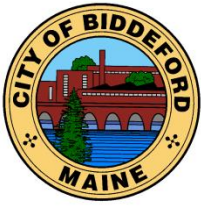
MOTIONS: 7:45

Plotkin-Motion-To approve Draft #3 with the changes of pulling out the reference to the Comprehensive Plan and Growth Areas but add the words residentially zoned properties in its place accepting the changes in blue text.

8. OTHER BUSINESS

9. ADJOURN 7: 52 PM

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.



CITY OF BIDDEFORD

Planning and Development Department

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

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, City Planner & Deputy Director of the Planning & Development Dept.

DATE: July 19th, 2023

RE: 2023.35 Site Plan Application for Freddy LLC to construct a food truck pavilion with public amenities at 64 Alfred St. (Tax Map 38, Lot 361) in the MSRD-1 Zone

MEETING DATE: July 26th, 2023 at 6:00 PM

1. INTRODUCTION

Freddy LLC is proposing to construct a food truck pavilion at 64 Alfred Street on the corner of Alfred and Jefferson Streets within the MSRD-1 downtown zone. The lot is currently undeveloped and is covered by loose gravel and weeds. The developer plans to create two pads with electrical hook-up points for food trucks. This plan also includes an area of permeable pavers, public seating areas, decorative planters and portable toilet facilities. The site will not include any kind of public water connections. In total, this project would result in approximately 2,358 Sq. Ft of impervious surface.

The applicant acknowledges that the exact arrangement of amenities on the site may evolve organically based on interest and needs of the community.

The developer plans to utilize the space for community events and intends to partner with Heart of Biddeford (HoB) to form a community cooperative. HoB would work with community groups and partners to schedule and manage events taking place on the site.

Planning staff have identified several items that may need to be addressed by the applicant prior to final site plan approval. These include:

- Clarification regarding access to portable toilet facilities and responsibility for cleaning and maintenance
- Security of the site when not in use
- Overnight parking of food trucks on site
- Landscaping materials and stormwater impacts
- On-street and off-street parking demand

Additional staff comments are outlined in detail below.

2023.35 Site Plan Application for Freddy LLC to construct a food truck pavilion with public amenities at 64 Alfred St. (Tax Map 38, Lot 361) in the MSRD-1 Zone



The site of the proposed food truck pavilion at 64 Alfred St.

2. PROJECT DATA/INFORMATION

1.	Applicant:	Steve Liautaud - Freddy LLC PO Box 1127 Kennebunk, ME 04043 207-604-0655
2.	Owner of Property:	Same as Applicant
3.	Agent:	Leah Schaffer Mobile Studio & Design 124 Main Street, Unit 201 Biddeford, ME 04005 207-604-5324
4.	Surveyor:	Doucet Surveys 102 Kent Pl Newmarket, NH 03857 603-659-6560
5.	Project Location:	64 Alfred St.
6.	Project Tax Map #/Lot #:	Tax Map 38, Lot 361
7.	Lot Size:	6,119 Sq. Ft.
8.	Base Zoning:	MSRD-1
9.	Overlay Zoning:	N/A
10.	Existing Use:	Vacant
11.	Proposed Use:	Food Truck pads, public space
12.	Approvals Required:	Site Plan
13.	Uses in the Vicinity:	Downtown commercial, residential, municipal
14.	Waivers Needed:	a. None
18.	Waivers Granted:	a. None

2023.35 Site Plan Application for Freddy LLC to construct a food truck pavilion with public amenities at 64 Alfred St. (Tax Map 38, Lot 361) in the MSRD-1 Zone

22.	Other Non-City Permits Required:	
23.	LDR Attachment A: Fees Paid:	Application Fees Paid, not escrows
25.	Planning Board Review History: N/A	

3. REVIEW PROCESS

Per City ordinance, this application is subject to Site Plan (Land Development Regulations, Article XI) review and approval by the Planning Board.

4. Departmental Review Comments:

A. Planning:

1. The application did not include a detailed narrative of the proposal. A narrative needs to be provided and should address, at minimum, the following:
 - A. All proposed activities proposed to take place on the property.
 - B. Explanation / types of "Community Events" to be held at this location. City sponsored, approved, endorsed? How many events per week, month and year?
 - C. Hours of operation?
 - D. How will the site be secured when not in use? Locked gates / fencing? No-overnight guests, camping, vagrancy.
 - E. Please provide an overview of the food truck operation. Hours of operation, duration of stay on site, food and beverage service. Will the same food trucks / companies be utilizing the site or might different "food vendors" rotate in the 2 proposed food truck spaces?
 - F. Explanation of daily property maintenance and responsibility of such as it relates to refuse disposal, general site clean-up, etc.
 - G. The site plan includes 2 "porta pottys for events". Are these being proposed to be maintained on-site or are they only being proposed for special, approved, events? Please include a detailed explanation of the proposed duration (removal except for approved events). These can't be permanent fixtures.
 - H. The narrative shall include an overview of all electrical and water connections being proposed and how the connections are being made and at what locations.
2. Site Plan Comments:
 - A. Trash and recycling receptacles shall be provided and shall be shown on revised plans.
 - B. Bike racks shall be provided (plan lists "optional").
 - C. The refuse enclosure only has a single door opening. How is the dumpster being accessed? How will it be unloaded?
 - D. The details regarding proposed landscaping is minimal and notes stating "plantings along edge" and "plantings to remain or replanted". Please provide details (height, plant species, number to be planted and sizes of plantings to be installed). The current property is almost devoid of landscaping so I suggest planting a few trees on-site to provide shade to people utilizing the site. Similar to the above, the submitted plan notes "additional ground cover to be provided". Please specify.
 - E. An elevation of the gate / signage shall be provided.
 - F. "Building mural to be updated". Please provide some form of overview / explanation / rendering of such.
 - G. The site plan illustrates a "temporary 8' x 12' storage shed". How long is temporary? If the shed is proposed to remain in place it will require review and approval of the Historical Preservation Commission (HPC).

2023.35 Site Plan Application for Freddy LLC to construct a food truck pavilion with public amenities at 64 Alfred St. (Tax Map 38, Lot 361) in the MSRD-1 Zone

B. Code Enforcement:

1. No Comments

C. Public Works:

1. No Comments

D. Engineering:

1. No Comments

E. Police:

1. No Comments

F. Fire:

1. No Comments

G. Traffic Peer Review:

1. No Comments

H. Engineering Peer Review:

1. No comments

2. STAFF REVIEW

- **APPLICATION COMPLETENESS:** The applicant has submitted a complete application, featuring all required elements as specified under Section 66-35 (Required Information for Final Plan Submissions). As part of the staff's review comments, we have identified aspects of the plan submission to be revised or clarified, which we suggest being made a condition of approval.
- **ZONING:** The proposed uses are permitted uses within the MSRD, Similarly, with respect to applicable dimensional requirements, the project would comply with all applicable requirements, including building height, building setback, frontage, and lot coverage requirements.

- **REVIEW STANDARDS:**

In general, staff found the application to satisfy City site plan requirements. The major site details such as building, parking, landscaping, designs and locations have been finalized so the plan being reviewed by the Board are what will be constructed on the face of the earth. However, City Staff and the City's third party civil engineer, identified a number of technical plan elements which need to be addressed by the Applicant prior to final site plan approval.

Maine DEP Stormwater Permit: The project does not require a Maine DEP Stormwater Permit.

WAIVERS: No waivers requested as part of this project.

2023.35 Site Plan Application for Freddy LLC to construct a food truck pavilion with public amenities at 64 Alfred St. (Tax Map 38, Lot 361) in the MSRD-1 Zone

3. STAFF RECOMMENDATION

Staff recommends that the applicant address concerns brought up by staff and the engineering peer-review comments, moving forward with the Board’s Final Approval of the project, with the understanding that the remaining engineering issues will be resolved, to the satisfaction of the Public Works Director and Engineering Director, prior to a Preconstruction Meeting being scheduled. Therefore, Staff recommends the Planning Board approve the project plans as presented for Preliminary Approval

4. SAMPLE MOTIONS

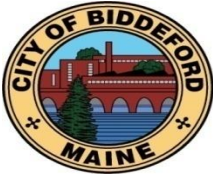
A. Motion to Approve: I motion to APPROVE the Preliminary Site Plan application for the proposal located at 64 Alfred Street (Tax Map 38, Lot 361), within the MSRD-1 zoning district, as presented.

B. Motion to Deny I motion to DENY Final Subdivision and Site Plan approval for the proposal located at 64 Alfred Street (Tax Map 38, Lot 361), within the MSRD-1 zoning district, for the following reasons:

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

A. Motion to Table: I motion to TABLE the Final Subdivision and Site Plan approval for the proposal to be located at 64 Alfred Street (Tax Map 38, Lot 361), within the MSRD-1 zoning district, for the following reasons:

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

**City of Biddeford – Planning Department****Planning Board Application**

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☐ Shoreland Zoning Permit ☒ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☐ Subdivision ☐ Private Way
☐ Other: _____

Applicant Information:

Name: Steve Liautaud Freddy LLC
Mailing Address: PO Box 1127, Kennebunk ME 04043
Telephone: 207.604.0655
Email: sliautaud58@gmail.com

What is your legal interest in the property?

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

Owner's Information:

Name: Steve Liautaud Freddy LLC
Mailing Address: PO Box 1127 Kennebunk ME 04043
Telephone: 207.604.0655
Email: Sliautaud58@gmail.com

Agent's Information:

Name: Leah Schaffer
Mailing Address: _____
Telephone: 757.927.5324
Email: leah.r.schaffer@gmail.com

Engineer/Surveyor's Information:

Name: Doucet Surveys
Mailing Address: 102 Kent Pl, Newmarket NH 03857
Telephone: 603.659.6560
Email: _____

Project Location and Lot Information:

Street Address: 64 Alfred Street Drainage Watershed: None
Tax Map: 38 Lot: 361
Current Zoning: MSRD1 Shoreland Zoning: NO
Size of Lot: 6119 sqft () acres (X)s.f. Lot Frontage: 63'
Existing Use of Property: Vacant

Property currently serviced by:

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

Is the project within the 100-year floodplain? ☐ (Yes) ☒ (No) if yes attach information

Do you plan to bring fill onto the lot? ☐ (Yes) ☒ (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

Food Truck Court and Community Events

Property to be Serviced by:

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

Limits of Disturbance: _____ () acres () s.f.

Net change in impervious cover: 2358 () acres (X) s.f.

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

Is the project proposing a new Private or Public Road? ☐ (Yes, Private) ☐ (Yes, Public) ☒ (No)

Is this project within the Urbanized Area/MS4 (see [City Drainage Map](#)) ☒ (Yes) ☐ (No)

Is the project proposing any Stormwater facilities/BMPs? ☐ (Yes) ☒ (No)

Will a Traffic Movement Permit (TMP) be required?: ☐ (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 structure: None

Total new square feet paving/parking: None

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Required Submittal Attachments:

A. Letters of Approval

☐ Fire Department – Contact Chief or Deputy Chief – 282-9986

☒ Ability to Serve for Water Service – Maine Water – 282-1543

☐ Ability to Serve for Sewer Service – Engineering Department – Tom Milligan 284-9118

☐ 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. Engineering Plans, as required.

F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- \$75 Nonrefundable Administration Fee is required for every application.
- Refer to “Attachment A Fees and Charges” of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

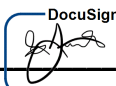
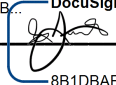
Required Signatures:

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 its 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 the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an 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.

Will the proposed project cause 1 acre or more of site disturbance?: __ (Yes) __ (No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant:		Date	6/1/2023
Signature of Property Owner:		Date	6/1/2023

DocuSigned by: 8B1DBAE10B7747B... DocuSigned by: 8B1DBAE10B7747B...

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

- A) PDF OF SIGNED APPLICATION
- B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

- A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)
 - *Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVIDUAL DRAWING NAME.pdf'*
- B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.
- C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)
 - *All drawings & CAD reference files must be to-scale and within the following coordinate systems:*
 - MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE
- B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION



May 31st, 2023

Coldwell Banker Realty
ATTN: Steve Liautaud
120 Main Street
Saco, ME 04072

Re: Proposed Food Court Development – 64 Alfred Street, Biddeford Maine – Ability to Serve Determination

Greetings,

The Maine Water Company (MWC) has received your request for Ability to Serve Determination for the above referenced project. Based on the criteria that this Food Court style development will consist of spaces for up to two Food Trucks, the daily domestic demand for this development will have negligible impact to the local distribution system. Domestic water is available for your project from the existing main on Jefferson St or Alfred St. The static pressure in the area is approximately 55psi. Additional infrastructure improvements are required at the expense of the developer to meet the overall needs of this project.

Conditions of Service

- The development will require a clean, warm, dry and accessible location to meter the proposed water service. If a permanent above ground structure is not available, then a meter pit will be required to safely install and access the meter.
- A testable backflow device may be required and would be needed to be inspected annually from a third party inspector at the owner's discretion and expense.
- MWC will require inspection during installation of the new service line connections at the expense of the developer.
- Additional plan approval, paperwork and fees associated with services and main extensions in this area will require proper coordination with MWC. Maine Water requires upfront payment for inspection and paperwork to be fully completed before any construction on waterworks materials.
- Allow up to 30 days for the MWC utility review process once final plans are ready to be completed before any construction on waterworks materials will be approved.

Should a Customer Agreement for service not be executed within one year of the date of this letter, MWC reserves the right to reevaluate its ability to serve this project.

All work must be completed in accordance with MWC Terms and Conditions as well as material specifications. All appropriate paperwork must be completed and deposit paid prior to the start of construction. Please forward all design plan revisions as the project develops to prevent construction delays. Water service will be provided in accordance with Maine Public Utility Commission rules. If you have any additional questions, please do not hesitate to contact our office at 1-800-287-1643 or by email at Marcus.Knipp@mainewater.com. We look forward to working with you throughout design and construction.

Sincerely,
The Maine Water Company

A handwritten signature in black ink, appearing to read "M. Knipp".

Marcus Knipp, E.I.
Engineer

Proposed Community Lot
64 Alfred Street
June 30, 2023

The lot is located at the corner of Alfred and Jefferson streets and is owned by Steve Liautaud through Freddy, a Maine LLC owned by Steve.

The plan for the lot is to accommodate only two food trucks. Steve intends to use the lot as a venue for non-profit activities that benefit the community. The food trucks will add a functional and festive vibe to the corner. The initial phase of the project involves making minimal improvements to the lot and opening it to community groups. The concept will develop organically based on the interest and needs of the community. As the project progresses, further improvements will be made to accommodate community events.

Food Truck Operations: Steve will manage the two food truck pads and offer them to food truck operators for a small fee. Food trucks will be permitted to operate between 6 am and 10 pm, seven days a week. All trucks must be licensed by the City of Biddeford and operate in a self-sufficient manner. They should leave no trace after their operations. The goal is to encourage a wide variety of food truck concepts to showcase their trucks on the lot and share the stage with as many different trucks as possible.

Security: Currently, the lot is vacant and does not have a reputation for vagrancy or bad elements. As the lot becomes more active, it is expected to become even less of a concern. Steve will make any necessary changes to ensure a clean and safe space if the situation changes.

Utilities and Maintenance: **Trash:** A trash receptacle will be provided at the site, although the exact location has not been defined yet. If the new owners of Louis Pizza continue using their site at 69 Jefferson, it may be a suitable central location to service the dumpster from that location.

Power: A licensed electrician will bring power into the site. Two 50-amp pedestal terminals will be installed, one at the food truck pads and another on the Alfred side of the lot for general use during events.

Water: The site will be dry, meaning no water will be available on-site.

Porta Potties: Portable toilets will only be brought in for larger events and will not be present on a day-to-day basis.

Storage Shed: A temporary storage shed will be used to store maintenance items, tables, and chairs. It will remain on-site year-round.

Maintenance: The lot is currently maintained by Mark St. Onge, who will continue to mow the grass, empty trash cans, and perform weeding and trimming as needed.

Landscaping: The landscaping will be temporary in nature and planted to add some green space to the lot.

Community Cooperative: Steve has entered discussions with The Heart of Biddeford (HOB) to form a community cooperative. The cooperative aims to explore different uses of the lot that are inclusive, family-oriented, improve the lot's appearance, and build a sense of community. Various ideas have been discussed, including food distribution by Youth Full Maine, plant sales, and outreach programs. HOB will work directly with community groups to schedule and manage events on the lot, ensuring compliance with ordinances and alignment with the city's master plan.

Mural: The current mural on the south side of Paul Sheltra's building at 56 Alfred Street is considered tired and detracts from the site. However, the mural project is separate from the lot project and will be addressed by HOB at a later date.

SUBMISSIONS:		DATE	DESCRIPTION
--------------	--	------	-------------

THE LOI

DATE OF ISSUE: 5/30/23
PROJECT STATUS:
CD
PROJECT MANAGER:
Leah Schaffer
leah.r.schaffer@gmail.com
757-927-5324

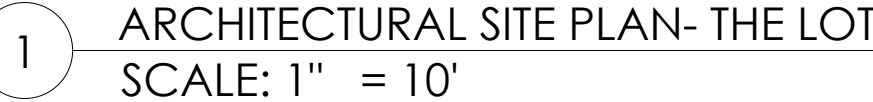
CONSULTANTS:
SURVEYOR:
DOUCET SURVEYOR LLC

CONTRACTOR:
TBD

PROPOSED SITE PLAN

A-1.0

17



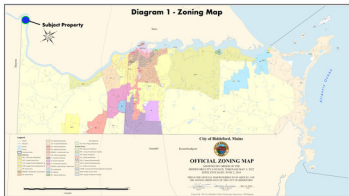




Diagram 3 - Proposed Barn Design



42' × 48' PINEDALE MONITOR BARN

Post & Beam 1½ Story Monitor-Style Barn



City of Biddeford

Application for Contract Zone

Property Overview

The subject property is located at 608 New County Road in Biddeford. It is a 30-acre parcel on the Saco River that is currently run as a campground. The property is in the far northwestern corner of Biddeford abutting Dayton. Existing structures include a three-bedroom home with attached garage, a campground store, and a Civil War era animal barn.

The campground is open from May to early October each year, and has a combination of long-term and daily RV and tent sites. It currently holds events like barbeques and concerts onsite, but they are run outdoors.

Proposed Barn

Originally, we had considered moving events into the existing barn. However, the barn was built in the mid-1800's, and has been used as an animal barn for many years. Because we would have to invest in a commercial kitchen, a sprinkler system, air conditioning, and significant modifications for bathrooms, etc., it did not seem wise to attach all this new investment to such an old structure.

We are proposing building a new single-story post and beam barn with dimensions of 44 x 72 feet at the site of the existing horse-riding ring, which appears on the ariel view as a large rectangle of sand to the south of the existing home. It appears on Diagram 2 as a blue square.

The barn would be built on a concrete slab foundation, and would include three new bathrooms (one of which would be ADA-compliant), a commercial kitchen, and a bar. We would work with the planning and fire departments to ensure it meets all safety codes.

The barn would be used both for the campground residents and also to host outside events. Campground barbeques and concerts that are currently outdoors would be moved into the barn. In the off-season, the barn would be used for winter storage of RVs. The new barn would also be used to host events like weddings during the summer and fall months. It would accommodate 150 people, with a maximum of approximately 200 people.

This use seems like a good fit to support the campground and also host events. The barn fits in with the existing structures. There is also a similar venue right across the river in Saco.

Managing Potential Issues

This is a 30-acre property with only one neighbor, since it abuts the road on one side and the Saco River on two others. The property is only open for five months of the year. We plan to have a full-time onsite manager to oversee the campground and the barn activities. Noise will be managed by having music inside the barn, and implanting a 10PM curfew. We will

implement rules such as no open fires, no fireworks, no releasing of doves, etc. to minimize the impact of events on our neighbor and the campground residents.

Saco River Corridor

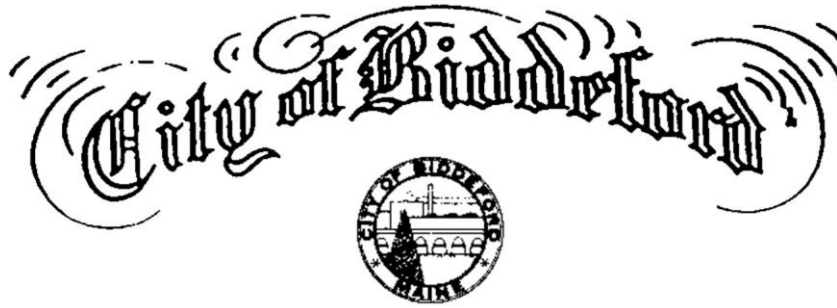
We have already contacted the Saco River Corridor commission when we were considering updating the existing barn. They sent us diagram #4, on which they shaded there are of oversight. The site of the new barn is more than 500 feet from the Saco River, and therefore is outside their jurisdiction.

About Us

Bryce Avallone and Peter Valcourt are business partners who have completed several successful businesses and real estate developments in Portland and southern Maine. We have experience with all phases of real estate development, and also on-going real estate leasing and maintenance. Our most recent project was the creation of a 5-unit subdivision where we built three treehouses and two hobbit houses for vacation rentals. You can see the quality of our work by viewing them at www.purposelylost.com.

Diagrams

- 1 – Biddeford Zoning map with the subject property highlighted.
- 2 – A Google Earth image of the campground with the proposed barn and parking areas highlighted.
- 3 – A screenshot of the monitor style barn we would like to build.
- 4 – The Saco River Corridor map that shows the barn outside of their 500-foot influence zone.



PB Case # 2023.63

IN BOARD OF CITY COUNCIL... JUNE 20, 2023

BE IT ORDAINED by the City Council of Biddeford, Maine to forward the proposed Contract Zone request (CZ # 22) for 608-610 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2) for an Event Center / Wedding Barn.

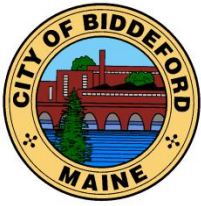
BE IT FURTHER ORDAINED by the City Council of Biddeford, Maine that Contract Zone #22, be forwarded to the Planning Board for review of the continued utilization of the property as a campground, the proposed event center / wedding barn Use, the development of the Contract Zone language, and specific Conditions of Approval for the proposed event center / wedding barn. If approved, by the City Council, after Planning Board review and recommendation, the Contract Zone will be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford.

BE IT ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and the property owner to establish said Contract Zone #22.

June 20, 2023

Motion by

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Planning and Development Department

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

David.Galbraith@biddefordmaine.org

PLANNING BOARD MEMORANDUM

TO: Chair Patoine and Members of the Biddeford Planning Board

EC: Bryce Avallone: bryce.avallone@gmail.com
Peter Valcourt: peter.valcourt@yahoo.com

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

DATE: June 27, 2023

RE: **2023.36 Contract Zone # 22 / Homestead By The River Campground / Bryce Avallone and Peter Valcourt / 608 New County Road (PID# Map 6, Lot 35-2) / Wedding Barn - Event Center / Preliminary Discussion.**

MEETING DATE: July 5, 2023 at 6:00 PM

1. INTRODUCTION:

In late April 2023 the City's Code Office and Planning Department were contacted by business partners Bryce Avallone and Peter Valcourt who are in negotiations to purchase the "Homestead By The River" family campground, which is located at 608-610 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2). The subject property is 29.47-acres in area and is located within the Rural Farm (RF) zoning district and shoreland zoning overlay district. The subject property is currently being utilized as a campground and the applicants are seeking to construct a new 44' x 72' (3,168 sq. ft.) event barn for the use of the camping clients but also to be opened to the public for weddings, parties and similar "event center" type uses, during the summer and fall months. During the property's off-season the applicants would also be seeking approval for winter storage of recreational vehicles (RVs) within the proposed barn.

Article V, Establishment of Zones of the City's Land Use Ordinance (Zoning Ordinance), Table A - Table of Land Uses, does not include Event Centers, Wedding Barns, or similar uses as Permitted or Conditional Uses. The closest defined Use in Table A is "restaurants" which are an allowed in the Rural Farm (RF) zoning district as a Conditional Use. Therefore, the proposed Use is not allowed within any of the City's zoning districts nor have any specific performance standards for this type of Use been adopted. As such, the Applicants only have two (2) options to achieve their goal which are 1) Propose "Event Centers" / "Wedding Barns" to Article V Establishment of Zones, Table A "Table of Land Uses", which would require an Ordinance Amendment and the development of specific performance standards OR 2) Apply for a Contract Zone (CZ). The Applicants opted for the latter, and are seeking concept approval of a Contract Zone to allow the establishment of an event center / wedding barn at the subject location. It should be noted that the City's Table of Land Uses, does not list Event Centers, Wedding Barns, or similar Uses as being permitted in any of the City's zoning districts, nor does it include any specific performance standards for this type of Use.

On June 20, 2023 the City Council reviewed the proposed Contract Zone and Staff memorandum (Agenda Item No: 15. Other Business 15a) and forwarded the item to the Planning Board for the development of Contract Zone language for the proposal and also review the associated development plans. At the end of the Planning Board review, the Board would be sending the draft Contract Zone language to the City Council who will have the ultimate approval on this action.

Applications for Contract Zones require a \$75 dollar non-refundable application fee, at this stage of the development, which has been collected. As the City Council has now forwarded the CZ request to the Planning Board, the Applicant is required to submit a \$1,300. non-refundable processing fee regardless of if the project / Contract Zone receives city Council approval or not. Further, as required under Article V establishment of Zones, Section 9 H states "Any costs, including reasonable fees, incurred by the City, for drafting and enforcing the contract provisions shall be paid by the applicant whether or not the project/contract receives approval". The task assigned to the Planning Board from the City Council, is reviewing the plans / proposal "under the provisions of either subdivision or site review, whichever apply. These provisions may be modified to the extent warranted by the draft contract developed by the Board and the developer".

2. REVIEW PROCESS

Per City ordinance, this particular Application will require the following:

- A. Site Plan (Land Development Regulations, Article XI) review and approval by the Planning Board.
- B. Development of specific Contract Zone language and recommended Conditions of Approval (COA) which will ultimately be forwarded to the City Council for review and approval. It should be noted that regardless of the Planning Board's support of the proposal, or not, the Board needs to develop CZ language and recommended conditions of Approval (COA) in the event that the Council adopts the Contract Zone and COA.
- C. Article XIII Amendments, Section 2 Procedure on Amendments requires compliance of the following: If either the municipal officers or the Planning Board desire to propose any changes to this ordinance, or if a citizen petition as set forth herein is brought, the following procedure shall be followed:
 - 1) As soon as the amendment procedure is initiated by any of the above methods, the Board shall cause the City Clerk to give public notice of a public hearing on the proposed changes, which notice shall be made in a newspaper of general circulation in the City, and be published in one issue of such paper, at least 15 days prior to the date of hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content and import. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the City Clerk's office, shall be adequate notice, provided that in fact sufficient copies of the text are made available.
 - 2) The public hearing shall be held by the Planning Board.
 - 3) As soon as possible after such public hearing and in any event within 30 days, the Planning Board shall make a written recommendation, for or against the proposed changes to the municipal officers. (Emphasis added).
 - 4) The municipal officers (i.e.: City Council) shall not act on a proposed change until the recommendation of the Planning Board is before them. A proposed change which has been

Case # 2023.36: Contract Zone # 22 / Bryce Avallone and Peter Valcourt / 608 New County Road (PID# Map 6, Lot 35-2) / Wedding Barn - Event Center / Preliminary Discussion Planning Board
Hearing date: July 5, 2023.

disapproved by the Planning Board may be enacted by a majority vote of the municipal officers.

- D. If approved, the proposed Contract Zone will require a Zoning Map Amendment identifying the property as Contract Zone #22. This will also require the update of Article XIII Amendments, Section 3 Contract and Conditional Zoning.
- E. The proposed use will require Site Plan approval by the Planning Board, which can be run concurrently with the Contract Zone development.
- F. Staff would recommend the Contract Zone include the adoption of plans and narratives that specify all activities proposed to take place on the property and the locations of each; limits hours of operation; mitigates negative impacts to surrounding property owners as it relates to traffic, noise, public safety and parking to name a few.

5. STAFF RECOMMENDATION:

1. This Contract Zone was forwarded to the Planning Board on June 20, 2023. The Planning Office was unable to provide the required fifteen (15) day public notice prior to the Planning Board meeting of July 5, 2023. Therefore, this discussion before the Board is not an official public hearing so the 30 day "clock", for developing the Contract Zone language has not started. The Planning Office will be providing public notice to abutters and posting required newspaper notifications for this item to be discussed at the July 19, 2023 Planning Board meeting. At that meeting Staff will provide the Board a draft Contract Zone document for the Board's review, discussion and amendment.
2. Due to the limited time afforded to the Board and Staff to develop specific Contract Zone language, this item is being brought before the Board as a preliminary discussion item to allow Staff to provide the Board an overview of the various Ordinances that the Applicants will need to comply with, and to begin discussions related to specific concerns or items the Board would like to see submitted / addressed with preliminary site plan application.
3. As outlined above, the Application will also require Site Plan review and approval in addition to the Contract Zone. The applicant may be willing to extend the 30 day Board development of the Contract Zone language so the projects may be run concurrently. The items are not required to run concurrently, however the Site Plan approval would include all of the specified Conditions of Approval (COA) within the Contract Zone in addition to any additional COA the Board desires to impose on the site plan approval. The Application requires approval of both the Contract Zone and Site Plan for the proposal to move forward with their project.
4. As proposed, there are no planned improvements within the portion of the property which is subject to the review and approval of the Saco River Corridor Commission (SRCC) the Site Plan should be review by the Commission who may provide recommendations to the Board.

Respectfully submitted,

David C.M. Galbraith

David C.M. Galbraith
Deputy Director/City Planner

**Case # 2023.36: Contract Zone # 22 / Bryce Avallone and Peter Valcourt / 608 New County Road (PID# Map 6, Lot 35-2) / Wedding Barn - Event Center / Preliminary Discussion Planning Board
Hearing date: July 5, 2023.**

Attachments:

1. Article V Establishment of Zones, Section 9 Contract and Conditional Zoning.
2. Article V Establishment of Zones, Table A "Table of Land Uses".
3. Article VI - Performance Standards, Section 13 Campgrounds and tenting grounds.
4. City Council Transmission Memorandum of June 20, 2023.
5. Contract Zone request submitted by Avallone and Valcourt including:
 - i. A two (2) page narrative, including aerial photo of property.
 - ii. Zoning Map with Subject property highlighted.
 - iii. Aerial photo illustrating proposed barn and parking areas.
 - iv. Image of 42' x 48' post and beam barn.
 - v. E. Diagram 4 – Saco River Corridor Commission (SRCC) review area.



City Council

Meeting Date: June 20, 2023

Meeting Time: 6:00pm

Agenda Item No: 15. Other Business

15a. Consideration of a new Contract Zone

Item Description: 608-610 New County Road – Contract Zone Request for an Event Center

Submitted by: David C.M. Galbraith, City Planner / Deputy Director of Planning and Development

Supporting Information/Documentation:

- A. Contract Zone request two page narrative, submitted by business partners Bryce Avallone and Peter Valcourt, including aerial photo of property.
- B. Zoning Map with Subject property highlighted.
- C. Aerial photo illustrating proposed barn and parking areas.
- D. Image of 42' x 48' post and beam barn.
- E. Diagram 4 – Saco River Corridor Commission (SRCC) review area.
- F. Article V Establishment of Zones, Section 9 Contract and Conditional Zoning.
- G. Article V Establishment of Zones, Table A "Table of Land Uses".

Key Terms:

N/A

Executive Summary:

The Applicants are seeking a Contract Zone, for a wedding barn / event center for the Homestead By The River family campground, which is located at 608-610 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2). The subject property is 29.47-acres in area and is located within the Rural Farm (RF) zoning district and shoreland zoning overlay district. The City's Table of Land Uses, does not list Event Centers, Wedding Barns, or similar Uses as being permitted in any of the City's zoning districts, nor does it include any specific performance standards for this type of Use.

Detailed Review:

In late April 2023 the City's Code Office and Planning Department were contacted by business partners Bryce Avallone and Peter Valcourt who are in negotiations to purchase the "Homestead By The River" family campground, which is located at 608-610 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2). The subject property is 29.47-acres in area and is located within the Rural Farm (RF) zoning district and shoreland zoning overlay district. The subject property is currently being utilized as a campground and the applicants are seeking to construct a new 44' x 72' (3,168 sq. ft.) event barn for the use of the camping clients but also to be opened to the public for weddings, parties and similar "event center" type uses, during the summer and fall months. During the property's off-season the applicants would also be seeking approval for winter storage of recreational vehicles (RVs) within the proposed barn.

Article V, Establishment of Zones of the City's Land Use Ordinance (Zoning Ordinance), Attachment 1: Table A - Table of Land Uses, does not include Event centers, Wedding Barns, or similar uses as Permitted or Conditional Uses. The closest defined Use in Table A is "restaurants" which are an allowed in the Rural Farm (RF) zoning district as a Conditional Use. Therefore, the proposed Use is not allowed within any of the City's zoning districts nor have any

specific performance standards for this type of Use been adopted. As such, the Applicants only have two (2) options to achieve their goal which are 1) Propose “Event Centers” / “Wedding Barns” to Article V Establishment of Zones, Table A “Table of Land Uses”, which would require an Ordinance Amendment and the development of specific performance standards OR 2) Apply for a Contract Zone (CZ).

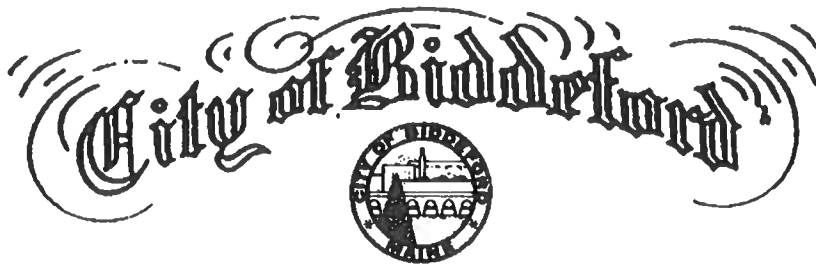
The Applicants opted for the latter, and are seeking concept approval of a Contract Zone to allow the establishment of an event center / wedding barn at the subject location. If the City Council is supportive of the proposed Contract Zone (CZ), the Applicant is requesting that the Council send a favorable recommendation of the proposed Use to the Planning Board for the development of Contract Zone language for the proposal and also review the associated development plans. At the end of the Planning Board review, if the Council refers the matter to the Board, would be sending the draft Contract Zone language and site plan to the City Council who will have the ultimate approval on this action.

Funding Source:

Applications for Contract Zones require a \$75 dollar non-refundable application fee, at this stage of the development, which has been collected. If / when the City Council agrees to forward the CZ request to the Planning Board, for Contract Zone language development and site plan review, then Planning would collect \$1,300. at that time for the Contract Zone, in addition to all fees associated with Site Plan application.

Staff Recommendation:

The recently adopted 2023 Comprehensive Plan does not specifically discuss event centers or wedding barn type uses within the document. The Comprehensive Plan does classify land located within the Rural Farm (RF) district as “limited growth” areas. If the City Council determines that the proposed Contract Zone has merit, and forwards the request to the Planning Board for review for the contract zone language drafting and review of the proposal, Staff would recommend the Contract Zone include the adoption of plans that specify all activities proposed to take place on the property, limits hours of operation, and mitigates negative impacts to surrounding property owners, traffic, noise, and parking to name a few.



VIA ELECTRONIC TRANSMITTAL

June 27, 2023

Bryce Avallone
Homestead by the River
608 New County Rd
Biddeford, ME 04005
Bryce.avallone@gmail.com

RE: Contract Zone Determination Letter

Dear Bryce,

The process for contract and conditional zoning applications is defined under Part III of Biddeford's Land Development Regulations, Sec. 9.F. – *Contract and Conditional Zoning*. This Article specifies that applications for contract and conditional zoning be initially reviewed by the Biddeford City Council. Once reviewed a letter of determination is sent to the applicant indicating whether it is advisable to continue with contract zone process.

On June 20, 2023 at its regular meeting the Biddeford City Council considered your contract zone request dated May 18, 2023 along with the supporting documentation for the proposed project at 608 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2). The City Planner indicates that the proposed new 44' x 72' (3,168 sq. ft.) wedding barn / event center for the Homestead by the River family campground is not allowed in the current RF zone. In order to proceed the applicant has the ability to propose an amendment to the Table of Land Uses or apply for a Contract Zone (CZ).

Based on the CZ application and the merits of the proposal, the City Council offers a favorable opinion of the project as recorded by a unanimous vote and recommends that you consider proceeding with the CZ process. Please be aware that the CZ application will require a public hearing along with technical and administrative review by the Planning Board. The Planning Board's recommendation(s) will come back to the City Council for final review and adoption as an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford.

It is recommended that you meet with the city planner to ensure you fully understand the process before proceeding. The city planner is also your primary point of contact for the process.

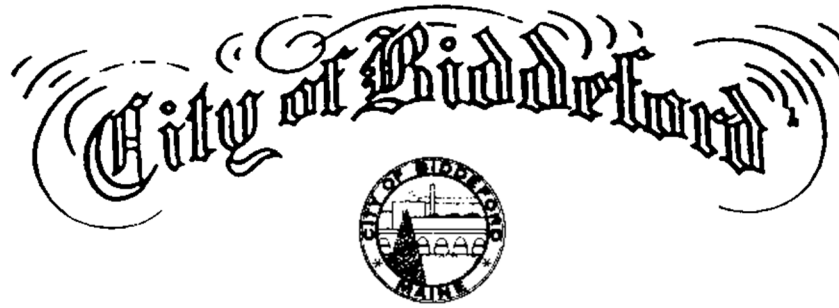
On behalf of the Biddeford City Council, thank you for your proposal and good luck with your proposed project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Patterson', with a stylized flourish at the end.

Robin Patterson, City Clerk

cc: David Galbraith, City Planner
Greg Mitchell, Economic Development Director



2023.63

IN BOARD OF CITY COUNCIL...JUNE 6, 2023

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 #21 Devine Capital, 588 & 590 Alfred Street (Tax Map 2, Lots 6 & 12).

BE IT FURTHER ORDAINED by the City Council of Biddeford, Maine that Contract Zone #21, as recommended by the Planning Board on January 18, 2023, 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,

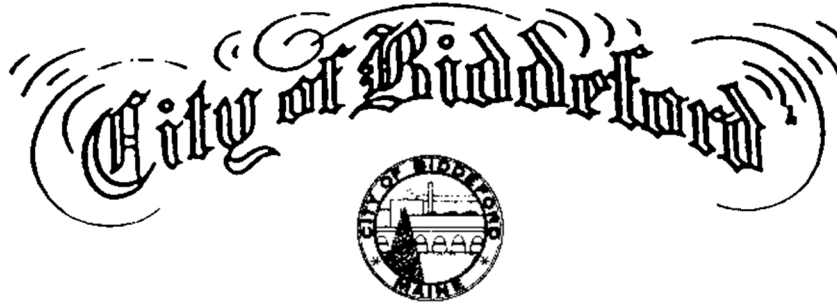
BE IT ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and Devine Capital to establish said Contract Zone #21.

June 6, 2023

Motion by

Attest by: _____

Robin Patterson, City Clerk



2023.63

IN BOARD OF CITY COUNCIL...JUNE 6, 2023

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 #21 Devine Capital, 588 & 590 Alfred Street (Tax Map 2, Lots 6 & 12).

BE IT FURTHER ORDAINED by the City Council of Biddeford, Maine that Contract Zone #21, as recommended by the Planning Board on January 18, 2023, 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 ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and Devine Capital to establish said Contract Zone #21.

June 6, 2023

Motion by

Attest by: _____

Robin Patterson, City Clerk

Bid Notices and Requests for Services



Published in Portland Press Herald on July 7, 2023

Location

York County, Maine

Notice Text

Biddeford Planning Board Public Hearing Notice Date: July 5, 2023 Time: 6:00 PM Location: Biddeford City Hall, Council Chambers and Remote Access Meeting (1 MRSA 403-B) On behalf of the City Clerk and the Biddeford Planning Board provides notice that they will hold a Public Hearing and take comments regarding a Contract Zone request for Bryce Avallone and Peter Valcourt to construct a 1-story barn for events at 608 New County Road, Biddeford (Tax Map 6, Lot 352) in the R-F Zone. Information on how to view and/or participate in the meeting will be available after July 20, 2023 at <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> by selecting the Agenda or Agenda Packet. For detailed information about the above items please e-mail nan.whitten@biddefordmaine.org , or go to www.biddefordmaine.org/planning .

Bid Notices and Requests for Services

Published in Portland Press Herald on July 7, 2023

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York County, Maine

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Bid Notices and Requests for Services

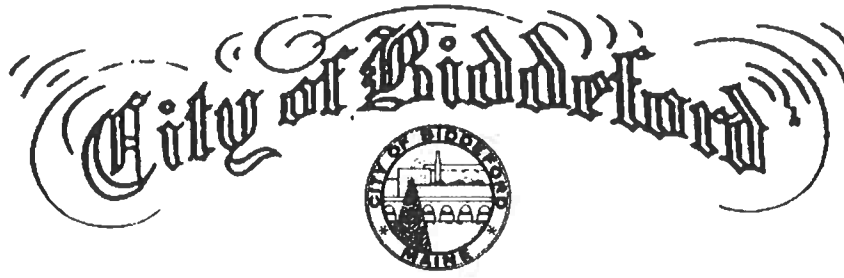
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2023.25

IN BOARD OF CITY COUNCIL on June 20, 2023

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

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

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

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

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

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

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

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

6-20-2023

Motion: Councilor Mills
Second: Councilor LaFountain

Councilor Ortiz – Motion to amend the Inclusionary Zoning Ordinance to change from 100% AMI to 80% AMI.
Second: Councilor Mills

Vote on the amendment: 4 yeas – Councilors Ortiz, LaFountain, Mills and Whiting; 5 nays – Councilors Belanger, Lessard, Emhiser, Grohman, and Schlaver.

Councilor Ortiz – motion to amend the Inclusionary Zoning Ordinance to require all new condominium developments to be included in the Inclusionary Zone unless their by-laws state that short term rentals are prohibited.

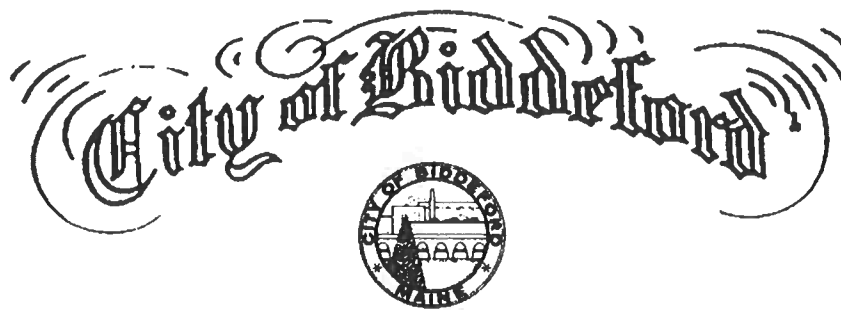
Second – Councilor Mills
Vote on the amendment: 3 yeas – Councilors Ortiz, Mills and LaFountain; 6 nays – Councilors Belanger, Lessard, Emhiser, Whiting, Grohman, and Schlaver

Vote on the original order 2023.25 (A): 2 nay – Councilors Lessard and Belanger; 7 yeas – Councilors Ortiz, Emhiser, Whiting, Grohman, Mills, Schlaver and LaFountain.

Attest by: _____



Robin Patterson, City Clerk



2023.25.b

IN BOARD OF CITY COUNCIL... June 20, 2023

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

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

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

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

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

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

WHEREAS, the City Council desires to have reasonable time to allow the public to provide input and feedback into any proposed Inclusionary Zoning Regulations and it is expected that several new residential projects may start initial approval process in order to avoid any new Inclusionary Zoning Regulations;

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

WHEREAS, the Biddeford City Council desires to make certain that any new project exceeding ten (10) or more new residential units be subject to any new Inclusionary Zoning ordinances, rules and/or regulations that may be adopted;

WHEREAS, the Biddeford City Council appreciates the financial impact that a moratorium has on potential project(s) and the Biddeford City Council desires to balance the impacts of a moratorium;

NOW, THEREFORE, IT IS HEREBY ORDERED that an emergency moratorium on any new residential project with ten (10) or more units shall be effective immediately to ensure that any proposed residential project of ten (10) or more new units shall be subject to Inclusionary Zoning Ordinances, Rules and Regulations to be adopted by the Biddeford City Council by July 7, 2023 and extended by sixty (60) days;

BE IT FURTHER ORDERED, that any new proposed residential projects of ten (10) or more units may, at their discretion, submit a completed application during the moratorium period, subject to, the full understanding and recognition that any such application(s) shall not be approved until the end of the moratorium and further understanding that any such application(s) shall be governed by any Inclusionary Zoning Ordinances, Rules and/or Regulations duly adopted by the City of Biddeford prior to end of the moratorium.

BE IT FINALLY ORDERED, that City staff is allowed to accept, review and consider new completed application(s) for any proposed residential projects of ten (10) or more residential units during said moratorium with the full understanding that any said project(s) shall not be approved until this order has expired;

***NOTE**

This is an Emergency Order pursuant to the City Charter, Art. III, §8. Upon a favorable vote and two-thirds (2/3) of the members present and voting. This Order shall be in full force and effective as of March 31, 2023.

Motion by Councilor Ortiz, seconded by Councilor Lessard to pass the order.

Motion by Councilor Schlaver, seconded by Grohman to amend the motion as follows:

No moratorium but encourage affordable housing by any projects with ten (10) or more units which include ten (10) % of the units with affordability restrictions at 80% Area Median Income for fifteen (15) years.

Vote on Amendment

1/8 Motion Fails (Councilor Emhiser in Favor, remainder opposed)

Motion by Councilor LaFountain, seconded by Mills to amend the motion as follows:

Moratorium is established for 120 days. Exceptions from the moratorium for any projects with ten (10) or more units which include ten (10) % of the units with affordability restrictions at 80% Area Median Income for fifty (50) years.

Vote on Amendment

6/3 Motion passes (Councilors Emhiser, Whiting, Grohman, Mills, LaFountain, and Ortiz in Favor, Councilors Belanger, Schlaver & Lessard against)

Motion by Councilor Belanger, seconded by Mills

Extend moratorium for 120 days, if anyone puts in an application during this time period will not be bound by any change made after the 120 days.

Vote on Amendment

5/4 Motion passes (Councilors Belanger, Emhiser, Whiting, Mills, Schlaver in Favor, Councilors Grohman, LaFountain, Ortiz & Lessard against)

Vote for Original Order

7/2 Motion Passed (Councilors Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain & Ortiz for, Councilors Belanger & Lessard against)

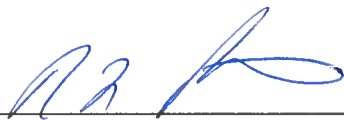
6-20-2023

Motion: Councilor Mills

Second: Councilor Belanger

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

Attest



Robin Patterson, City Clerk

City of Biddeford, Maine
DRAFT Inclusionary Zoning Regulations

As of June 8, 2023

Amended June 12, 2023 acted upon by the City Council Policy Committee

DEFINITIONS

Affordable Housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

Workforce housing unit for rent for which:

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

HOUSING

AFFORDABLE HOUSING

Purpose

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

Ensuring Workforce Housing

- A. Purpose.** Based on City Council adopted the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December, 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this subsection is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of ~~City of Biddeford~~Portland citizens.
- B. Applicability.** This subsection shall apply to development projects that create eight (8) or more net new dwelling units for rent through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. ***This ordinance shall not apply to projects using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds such as HOME or CDBG, other federal, state, or local housing program, or the Low-Income Housing Tax Credit Program.***
- C. Standards.** Development projects subject to this subsection shall be subject to the following requirements:
1. Notwithstanding any language to the contrary in this Land Use Code, all developments of eight (8) units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this subsection.
 2. At least 10% of the units in the project shall meet the definition of workforce housing units for rent to an eligible household, as defined in Article XXX. The project shall have the option of paying a partial fee-in-lieu as per XX below. Where the required number of units results in a fraction of less than 0.5, the required number of onsite units is rounded down to the nearest whole number. Where the required number of units results in a fraction of 0.5 or more, the development project shall have the option of paying a partial fee-in-lieu for the fractional value or rounding the number of onsite units up to the nearest whole number.

3. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
4. Workforce units must be integrated with the rest of the development, must use a common entrance, and must provide no indications from common areas that these units are workforce housing units. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project. Workforce units shall be comparable in materials, interior finishes, amenities, and parking to dwelling units in the neighborhood and in the development in which they are located.
5. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.
6. As an alternative to providing workforce housing units, the project may:
 - ~~a. Create offsite units, which fulfill the purposes of this ordinance if the following conditions are present: located within the same neighborhood; comparable or larger unit bedroom sizes to the average unit created on-site; comparable quality to the units being created on-site; same amenities provided whether in the unit or on the property as those offered for on-site units; same income level served as the on-site units; the term of affordability is the same as would have been provided through on-site compliance; and delivered safe in accordance with all federal, state, and local environmental regulations pertaining to hazardous conditions common to residential structures. The Certificate of Occupancy for any off-site units must be received prior to the Certificate of Occupancy for any on-site units.~~
 - ~~b.a.~~ Pay a fee-in-lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Subsection XXX. The payment shall be required in conjunction with a request for a Certificate of Occupancy.
7. If at least 33% of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing Tax Increment Financing (TIF) District Credit Enhancement Agreement, subject to City Council approval.
8. The term of affordability for the required % workforce units provided shall be thirty (30) years~~defined as shown in Table XXX.~~

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

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

3. Guidelines for meeting the requirement that off-site units be “in the same neighborhood.”

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

E.F. Sunset Regulations. Municipal Inclusionary Zoning Regulations will sunset within three (3) years following City Council adoption unless extended by the City Council. All Inclusionary Zoning Projects approved by the Planning Board shall remain in effect if the Inclusionary Zoning Regulations Sunset.

HOUSING TRUST FUND

Purpose

The purpose of enacting this section is:

- A. To establish a City of Biddeford Housing Trust Fund for the promotion, retention, and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.
- B. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in this article.

Establishment of the Housing Trust Fund

The City Council shall establish a special revenue account under the name “City of Biddeford Housing Trust Fund” (Housing Trust Fund). Deposits into the fund shall include:

- A. In-lieu fees under Subsection XXX.
- B. Funds appropriated to be deposited into the fund by vote of the City Council.
- C. Voluntary contributions of money or other liquid assets to the fund.
- D. Any federal, state, or private grant or loan funds provided to the fund.
- E. Interest from fund deposits and investments.
- F. Repayments of loans made from the fund.

Management of the Trust Fund

The City Manager, or his or her designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

- A. Maintaining the financial and other records of the Housing Trust Fund.
- B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund Annual Plan.
- C. Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

Housing Trust Fund Annual Plan

- A. Each fiscal year, the City Council shall adopt a Housing Trust Fund Annual Plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund Annual Plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the City Manager may propose as appropriate.
- B. The Housing Trust Fund annual plan shall include:
 - 1. A description of all programs to be funded in part or in full by the Housing Trust Fund.
 - 2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.
 - 3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.
- C. Priority for the expenditure of funds collected pursuant to Section XXX shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

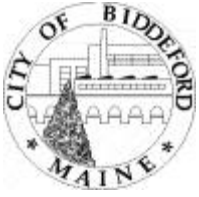
Distribution and use of the Housing Trust Fund's Assets

- A. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section XXX.
- B. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund annual plan.
- C. Funds shall not be used for City administrative expenses.
- D. Funds shall not be used for property operating expenses or supporting services.
- E. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Biddeford, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical, plumbing, building, or housing codes or zoning ordinances.

Term of Affordability

- A. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Biddeford shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.
- B. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Biddeford shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the City of Biddeford.

- C. The affordability restriction requirements described in this subsection shall run with the land and the City of Biddeford shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the York County Registry of Deeds.



City Council Meeting

Meeting Date: June 20, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.e

Item Description: 2023.25 Revised Inclusionary Zoning Regulations/Referral to the Planning Board

Submitted by: Greg Mitchell, Planning & Development Director

Supporting Information/Documentation:

Attached are City of Biddeford Revised Inclusionary Zoning (IZ) Regulations with redline revisions following a June 12, 2023 Policy Committee meeting.

Key Terms:

Inclusionary Zoning (IZ)

Executive Summary:

Based upon direction from the City Council Policy Committee meeting on June 12, 2023, City Staff has prepared Revised Inclusionary Zoning Regulations for discussion, direction and referral to the Planning Board.

Detailed Review:

Definition. Inclusionary Zoning (IZ) is sometimes known as inclusionary housing, a reference to the desired outcome of the zoning. Simply stated, IZ requires that all new construction of housing units, most especially rentals, must participate in the creation of affordable housing units. Usually, IZ is designed to target community members that are considered to have very low to moderately low incomes. These zoning regulations are mandates without any public financial investment.

The Revised City of Biddeford IZ Regulations have been prepared to possibly create a Housing Chapter in the City of Biddeford Code of Ordinances. Also, the City of Biddeford IZ Regulations are based upon City of Portland IZ Regulations.

Overview of Revised Biddeford Inclusionary Zoning Regulations following a June 12, 2023 Policy Committee meeting along with the following City Staff comments:

- ***Applicable to Rental Projects only including eight (8) or more residential units.***
- ***Affordability Level:*** One hundred (100) percent of Area Medium Income. City staff recommended that the change to 100 percent Area Medium Income due to concerns that the 80 percent level of affordability ***cannot*** be supported by current private sector market conditions. The Policy Committee agreed with staff that the one hundred (100) percent affordability level be combined with other affordable housing financial incentives (i.e. Affordable Housing Tax Increment Financing Districts, Housing Density Bonuses, Reductions in Fees for Affordable Housing Projects, Proposed City Housing Trust Fund) and state (Maine State Affordable Housing Programs) to achieve the 80% affordable housing level.
- ***Percent of Required Affordable Units:*** 10%
- ***Term:*** Thirty (30) years to be consistent with LD 2003.
- ***Opt Out Fees:*** \$100,000 per unit
- ***Exceptions:*** See language in italics and bold on Page 2, which exempts affordable housing projects utilizing ***public*** financing requiring affordability restrictions, as defined by tax increment financing, US Housing and Urban Development (HUD) funds such as HOME or CDBG, or other federal, state, or local housing programs, or Low-Income Housing Tax Credit Program.

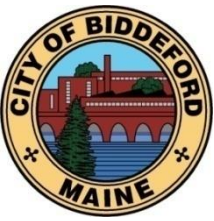
Also, City staff is preparing revisions to the City Code of Ordinances to comply with LD2003 including revisions to the existing City Housing Density Bonus Regulations and will present them as soon as they are ready for public discussion at future Planning Board and City Council meetings.

Funding Source:

Not applicable.

Staff Recommendation:

City staff looks forward to discussion and direction on the Revised Inclusionary Zoning Regulations.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

David.Galbraith@Biddefordmaine.org

Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: June 29, 2023

RE: **Inclusionary Zoning Regulations / Planning Board Discussion Item**

MEETING DATE: July 5, 2023

I. INTRODUCTION:

As the Board is aware, the City has been experiencing unprecedented growth in the creation of new housing units within the City. The vast majority of the residential developments that have been approved by the City, in recent years, have been for market rate apartments. Inclusionary Zoning (IZ) is sometimes known as inclusionary housing, a reference to the desired outcome of the zoning. Simply stated, IZ requires that all new construction of housing units, most especially rentals, must participate in the creation of affordable housing units. Usually, IZ is designed to target community members that are considered to have very low to moderately low incomes. These zoning regulations are mandates without any public financial investment.

The City Council received the Report of the Mayor's Affordable Housing Task Force, which identified that long term residents of the City, most especially long term renters, are more likely to pay a greater percentage of their monthly income today than they did when they started renting, and over fifty percent (50%) of all full time Biddeford residents are renters. The market rents continue to increase at a rate in Biddeford that exceeds cost of living and inflation. The Affordable Housing Task Force (AHTF) identified the current increase in housing costs, particularly among renters, is a hardship for the residents of the City of Biddeford and the Biddeford City Council recognizes this issue and finds that there is currently a lack of affordable housing within the City of Biddeford, and the lack of affordable housing is detrimental to the health, safety and welfare of the inhabitants of the City of Biddeford and said lack of affordable housing constitutes an emergency as set forth in the Charter of the City of Biddeford, Article III, § 8.

The Mayor's Affordable Housing Task Force determined that the City's current Land Use Ordinance regulations and existing Comprehensive Plan are inadequate to prevent serious public harm, namely the continuance of residential development without requiring affordable housing units and as such has recommended that the City adopt an Inclusionary Zoning Ordinance and Inclusionary Zoning Regulations which may include multiple approaches. Based upon the finding that the current lack of affordable housing constitutes an emergency and that the City's current ordinances, land use regulations and existing Comprehensive Plan are inadequate to address the lack of affordable housing, pursuant to 30-A

MEETING: Planning Board Workshop
TOPIC: Inclusionary Zoning Regulations
MEETING DATE: July 5, 2023

M.R.S. § 4356, a moratorium on new residential projects with ten (10) or more units was approved by the City Council on April 4, 2023 to address existing land use ordinance, rules and regulations and adopt new land use ordinances, rules and regulations.

The City Council forward the Inclusionary Zoning issue to the City's Policy Committee who reviewed the draft document on June 12, 2023 who made changes to the original draft which we forwarded to the City Council for their review. The revised Inclusionary Zoning (IZ) Ordinance regulations have been prepared to possibly create a Housing Chapter in the City of Biddeford Code of Ordinances. Also, the City of Biddeford IZ Regulations are based upon City of Portland IZ Regulations. Attached you will find the following documents:

1. Council Order 2023.25 Inclusionary Zoning Memorandum to City Council dated June 20, 2023
2. City Council Inclusionary Zoning Order # 2023.25 dated June 20, 2023
3. Draft Inclusionary Zoning Regulations, dated June 8, 2023 – Amended June 12, 2023 by the Policy Committee.

On June 20, 2023 the City Council reviewed the draft Ordinance and has forwarded the matter to the Planning Board for their review, input and a formal recommendation to the Council. It should be noted that City staff is preparing revisions to the City Code of Ordinances to comply with LD2003 including revisions to the existing City Housing Density Bonus Regulations and will present them as soon as they are ready for public discussion at future Planning Board and City Council meetings.

II. Next Steps:

At this time Staff is seeking input and direction from the Planning Board related to the modified Inclusionary Zoning (IZ) draft ordinance. The most recent changes made by the Policy Committee illustrates deleted text in ~~blue strikethrough~~, and new text shown as blue underlined.

Respectfully submitted,

David C.M. Galbraith

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

ATTACHMENTS:

1. Council Order 2023.25 Inclusionary Zoning Memorandum to City Council dated June 20, 2023
2. City Council Inclusionary Zoning Order # 2023.25 dated June 20, 2023
3. Draft Inclusionary Zoning Regulations, dated June 8, 2023 – Amended June 12, 2023 by the Policy Committee.

Bid Notices and Requests for Services



Published in Portland Press Herald on July 7, 2023

Location

Sagadahoc County, Maine

Notice Text

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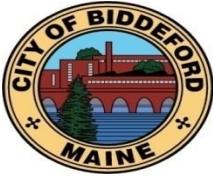
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**City of Biddeford – Planning Department****Planning Board Application**

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☐ Shoreland Zoning Permit ☒ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☐ Subdivision ☐ Private Way
☐ Other: _____

Applicant Information:

Name: Steve Liautaud Freddy LLC
Mailing Address: PO Box 1127, Kennebunk ME 04043
Telephone: 207.604.0655
Email: sliautaud58@gmail.com

What is your legal interest in the property?

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

Owner's Information:

Name: Steve Liautaud Freddy LLC
Mailing Address: PO Box 1127 Kennebunk ME 04043
Telephone: 207.604.0655
Email: Sliautaud58@gmail.com

Agent's Information:

Name: Leah Schaffer
Mailing Address: _____
Telephone: 757.927.5324
Email: leah.r.schaffer@gmail.com

Engineer/Surveyor's Information:

Name: Doucet Surveys
Mailing Address: 102 Kent Pl, Newmarket NH 03857
Telephone: 603.659.6560
Email: _____

Project Location and Lot Information:

Street Address: 64 Alfred Street Drainage Watershed: None
Tax Map: 38 Lot: 361
Current Zoning: MSRD1 Shoreland Zoning: NO
Size of Lot: 6119 sqft () acres (X)s.f. Lot Frontage: 63'
Existing Use of Property: Vacant

Property currently serviced by:

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

Is the project within the 100-year floodplain? ☐ (Yes) ☒ (No) if yes attach information

Do you plan to bring fill onto the lot? ☐ (Yes) ☒ (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

Food Truck Court and Community Events

Property to be Serviced by:

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

Limits of Disturbance: _____ () acres () s.f.

Net change in impervious cover: 2358 () acres (X) s.f.

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

Is the project proposing a new Private or Public Road? ☐ (Yes, Private) ☐ (Yes, Public) ☒ (No)

Is this project within the Urbanized Area/MS4 (see [City Drainage Map](#)) ☒ (Yes) ☐ (No)

Is the project proposing any Stormwater facilities/BMPs? ☐ (Yes) ☒ (No)

Will a Traffic Movement Permit (TMP) be required?: ☐ (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 structure: None

Total new square feet paving/parking: None

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Required Submittal Attachments:

A. Letters of Approval

☐ Fire Department – Contact Chief or Deputy Chief – 282-9986

☒ Ability to Serve for Water Service – Maine Water – 282-1543

☐ Ability to Serve for Sewer Service – Engineering Department – Tom Milligan 284-9118

☐ 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. Engineering Plans, as required.

F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- \$75 Nonrefundable Administration Fee is required for every application.
- Refer to “Attachment A Fees and Charges” of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

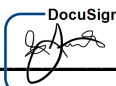
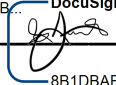
Required Signatures:

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 its 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 the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an 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.

Will the proposed project cause 1 acre or more of site disturbance?: __ (Yes) __ (No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant:		Date	6/1/2023
Signature of Property Owner:		Date	6/1/2023

DocuSigned by: 8B1DBAE10B7747B... DocuSigned by: 8B1DBAE10B7747B...

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

- A) PDF OF SIGNED APPLICATION
- B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

- A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)
 - *Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVIDUAL DRAWING NAME.pdf'*
- B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.
- C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)
 - *All drawings & CAD reference files must be to-scale and within the following coordinate systems:*
 - MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE
- B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION