

City of Biddeford
Policy Committee
May 22, 2023 6:00 PM Council Chamber & Zoom
Please click this URL to join:

<https://biddeford.zoom.us/j/93615873372?pwd=MFAyc1IySFZRUKxuamNabW42aE1pZz09>

Webinar ID: 936 1587 3372
Passcode: 021890

Or One tap mobile:
+13017158592,,93615873372# US (Washington DC)
+13052241968,,93615873372# US

Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799

International numbers available: <https://biddeford.zoom.us/j/93615873372?pwd=MFAyc1IySFZRUKxuamNabW42aE1pZz09>

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

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. Meeting Minutes of April 25, 2023
[20230425 Policy Committee Minutes of April 25, 2023](#)
- 5. Discussion/Review**
 - 5.1. 20230425 Retail Cannabis/Sale Licensing
[2023052 Cannabis Licensing Fees - BRIEF](#)
[20230522 Cannabis Licensing Fees - RECOMMENDATION](#)
 - 5.2. Review - Require Dogs to be on Leash in Clifford Park
[20230522 Require Dogs to be on Leash in Clifford Park - BRIEF](#)
 - 5.3. 20230522 Ordinance Changes Required by the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
 - Amendment/Part III Land Development Regulations, Article VI - Performance Standards
 - Amendment/Part II, Chapter 34-Environmental, Article VI-Post-Construction Stormwater Discharge
 - Amendment/Part II, Chapter 70-Utilities, Sec.70-31-Enforcement of Article; Violations and Penalties

20230522 Ordinance Changes: General Permit for Stormwater Discharges from
Municipal Separate Storm Sewer Systems (MS4) - BRIEF
20230522 Land Development Regulations, Article VI, MS4 Changes - DRAFT ORDER
20230522 Part II, Chapter 34, Article VI, MS4 Changes - DRAFT ORDER
20230522 Part II, Chapter 70, Article II, Div 1, MS4 Changes - DRAFT ORDER

6. Adjourn

City of Biddeford
Policy Committee Minutes
April 25, 2023 6:00 PM
Council Chamber & Zoom

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

Roll Call 5:58 pm

Chairman Belanger - Present
Liam LaFountain - Present
Jake Pierson - Present
Renee O'Neil – Excused
Julian Schlaver - Present

Pledge of Allegiance

The Committee and those present recited the Pledge of Allegiance

Adjustments to the Agenda

Acceptance of Minutes

Discussion/Review

20230425 Inclusionary Zoning (IZ) - Draft Ordinance

Greg Mitchell, economic development director, provided an overview of IZ and the work of the Mayor's AHTF. Mr. Mitchell went on to indicate that staff reviewed the proposal for fees to opt out and to be paid into the affordable housing trust fund would be under the control of the council. There would also be fees for 5-9 units at \$7,500/unit in line with the AHTF Report presented last year. Staff updated 5-9 units to only apply to rentals not ownership. An entity either pays a fee or accepts the unit restrictions. This applies to 10 or more units as well. Presented for guidance and instruction.

The committee members voiced concern that the current price structure may not be beneficial because there is no incentive to do any more than the minimum. There was concern that the pricing is also not beneficial for developing the 5-9 unit range.

There was also concern that 120% of AMI is an incorrect target. The policy should be 80% of AMI and include a density bonus of some kind.

Further, there is concern that the city is asking developers to solve the city's problems. It is likely any costs incurred will be passed on to tenants.

City Manager Bennett commented that the current proposal is to have a conversation about all these issues in order to obtain direction. Staff can provide a more refined draft once the concerns are known. The trick is to find a balance where we encourage the type of housing development that we desire without driving developers away.

The Committee provided the following direction:

- Start at 8 units and make it an incentive system.
- Create a scale that is reasonable for each stage/step so there is no inherent limitation created by the fee structure.
- Process should be simple and concise.
- Aim for 80% of AMI
- Make the agreement terms longer; consider 30-years.
- Include a provision to “reset the clock” when a unit is sold so the 30-year requirement starts over to prevent sales from undermining the purpose of the program.
- There should be some provision to factor in inflation.
- Need working draft in late May in order to adopt before moratorium expires.

20230425 Retail Cannabis/Sale Licensing

Code Enforcement Officer Roby Fecteau queued up the issue clarifying that the issue is only addressing the licensing fees noting that almost all municipalities in the state are charging a fee. Proposes to keep the fee schedule simple with an option for the future changes as the industry evolves. The general recommendation is to establish pricing based on floor square footage. Cannabis delivery services are similar to taxi cab services. Keep options open for delivery service fees but is not recommending fees at this time.

The Committee asked that the item be brought back at the next meeting. Mr. Fecteau was directed to consider a sliding fee system with a base fee at, say, \$2,500 with an additional fee for additional square feet over a certain base. The intent being to be fair to large and small facilities while removing the ability to “game the system” for retail space or inadvertently incentivizing larger facilities.

20230425 Flag Policy Review

Assistant to the City Manager Danica Lamontagne queued up the issue referring to Supreme Court decisions on free speech, gaps in the current policy associated with conflicting requests, and recent flag requests that highlight the policy gaps.

After considering the issues the Committee provided the following direction:

- Modify the policy to specify a flag be flown for no more than 7-days
- The same flag cannot be flown more than twice in a calendar year
- Request may be submitted no more than 90-days prior to the requested date

Motion by Member Schlaver, seconded by member LaFountain.

Vote: Unanimous in favor

20230425 DDC Ordinance Revision

Development Coordinator Brad Favreau provided an overview summarizing that the current Downtown Development Commission (DDC) ordinance is several decades old. The proposal is to remove all activities the DDC no longer performs and add complimentary duties that will advance issues in the community.

After discussion Member Schlaver made a motion to accept the proposal, seconded by Member LaFountain.

Discussion: Chairman Belanger suggested the following changes:

- Under *Functions and Purpose*, and “live, work, visit, shop, and dine”
- At Subsection 6 – change “and city council” to “or city council”
- Delete section 2-264, which covers the signing of contracts.

Vote on motion as amended: Unanimous in favor.

20230425 Clifford Park Covenants – Restrictions for Entire Parcel

Recreation Director Carl Walsh provided an overview of the items confirming that two parcels are being added to Clifford Park from the Dube/Eon transaction and the existing covenants for Clifford Park will apply to these new parcels.

Motion by Member LaFountain seconded by Member Schlaver to add the new parcels to Sec. 46-5.
Vote: Unanimous in favor.

20230425 Review of Hedge/Line-of-Site Issues - obstructed view

Chairman Belanger queued up the issue. There were discussions in the past regarding hedge rows and line-of-sight concerns on public property. There is no formal record of the prior discussions confirming that the City will not be involved with private property issues of this nature. There was no motion to bring the item forward. The minutes reflect there is no desire to revisit the issue.

20230425 Discussion/ Determine A Reoccurring Monthly Meeting Time

The Committee selected the 4th Monday of each month as the regular meeting date. As such the next meeting date is May 22.

Motion by Member Schlaver, seconded by Member LaFountain to Adjourn.

Vote: Unanimous in favor.



Policy Committee

Meeting Date: May 22, 2023

Meeting Time: 6:00 PM

Agenda Item No: 5.1

Item Description: Retail Cannabis/Sale Business Licensing

Submitted by: Roby Fecteau, Director of Code Enforcement

Supporting Information/Documentation:

Local Municipal Fee Attachment

Key Terms:

N/A

Executive Summary:

Staff is seeking permission to establish a business license fee for operating a Cannabis establishment.

Detailed Review:

After reviewing several municipalities located in Southern Maine, the following fees are proposed business license fees. Chapter 22 Businesses, Article II Licenses and Permits Generally, Sec 22-11

Cannabis

Cannabis Grow facility License. (Facility Size)

Grow facility Up to 10,000 square feet of floor area= \$1000.00

Grow facility Up to 20,000 square feet of Floor area=\$2000.00

Grow facility Up to 30,000 square feet of Floor area=\$3000.00

Each additional 10,000 square feet of Floor area=\$1000.00

Cannabis Sales

Store: \$2,500 up to 2,000 square feet used for retail. Each additional 1,000 square feet- \$1,000 per 1,000 square feet

Cannabis Services

Delivery Service= \$100.00 per vehicle

Manufacturing= \$1000.00 per 1,000 square foot of floor area

Testing Facility= \$1000.00 per 1,000 square foot of floor area

Cannabis Commercial Kitchen= \$1000.00

Funding Source:

N/A

Staff Recommendation:

Neutral

Policy Committee
May 22, 2023
DRFAT CANNABIS LICENSING FEES

Code of Ordinances, Part II, Chapter 22, Article II – Licenses and Permits Generally, Sec. 22-11. Fees.

- (a) Application fees. Except as expressly provided, all applications for original licenses or for the consent of the City Council other than a flea market or auction, shall be accompanied by an administrative fee of \$10 to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of \$10 to defray the cost of processing the application. The latter shall be refundable if the application is denied. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance.
- (b) Appeals fee. Appeals from determinations of the City Clerk shall be accompanied by a filing fee of \$25, and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance.
- (c) Fees for issuance.
- (1) Fees for issuance of licenses shall be as provided in Section 22-11.
- (2) The City Clerk will use the following fee structure to develop the appropriate license fees.

Type of License or Service	Fee
Places of amusement/entertainment	\$150 (single/multiple events)
Concerts	
Exhibitions (including live performances)/shows	
Playhouses/plays	
Circuses	
Carnivals	
Air shows	
Indoor skating rinks	\$150 (annual)
Theater/moving-picture houses	Plus \$25 per screen
Bottle clubs	
Billiard rooms	
Public firing ranges	
Bowling lanes	
Automobile service/repair; automobile graveyards, automobile recycling businesses, and junkyards	
Automobile graveyard	\$200
Automobile recycler business	\$250
Junkyard without hazardous materials	\$100

Type of License or Service	Fee (Cont.)
Junkyard with hazardous materials	\$250
Recycling facilities	\$200
Recycling facilities with hazardous materials	\$500
Automobile service/repair	\$75
Places/dealers in products	\$200
Antique dealers	
Dealers in gold jewelry, etc. Flea markets	
For 20 tables	
For each additional table	\$5
Junk dealers	
Secondhand dealers	Required to pay a one-time licensing fee of \$200 when the business is first established; not required to go through the annual license renewal process
Pawnbrokers	\$200
Operating license	
Taxicabs, motorbuses, public automobiles	\$50 (plus \$20 per sticker)
Victualers	\$75
If serving beer and/or wine	\$100
Serving liquor	\$150
Massage establishments	\$100
Massage therapists	\$100
Combined massage establishment/massage therapist	\$150
Ice cream truck, per truck	\$75

Cannabis

Cannabis Grow facility License. (Facility Size)

<u>Grow facility Up to 10,000 square feet of floor area</u>	<u>\$1,000</u>
<u>Grow facility Up to 20,000 square feet of Floor area</u>	<u>\$2,000</u>
<u>Grow facility Up to 30,000 square feet of Floor area</u>	<u>\$3,000</u>
<u>Each additional 10,000 square feet of Floor area</u>	<u>\$1,000</u>

Cannabis Sales

<u>Store: up to 2,000 square feet used for retail</u>	<u>\$2,500</u>
<u>Store: each additional 1,000 square feet</u>	<u>\$1,000/1,000 sq ft.</u>

Cannabis Services

<u>Delivery Service / vehicle</u>	<u>\$ 100</u>
<u>Manufacturing: per 1,000 sq. ft. of floor area</u>	<u>\$1,000</u>
<u>Testing Facility: per 1,000 sq. ft. of floor area</u>	<u>\$1,000</u>
<u>Cannabis Commercial Kitchen</u>	<u>\$1,000</u>

Miscellaneous \$10

Newspaper vending machines (per machine)

Video game devices (per 5 machines to a maximum of \$50)

Other

Advertising/liquor license (See state law.) At cost plus 10%

Vendors on public places (See appropriate section.) \$50

Wastehaulers

Per business \$150

Per truck \$150

Sludge disposal \$50

Adult businesses, per annum \$2,000

City Clerk fees

Notary attesting for residents \$2

Notary attesting for nonresidents \$5

Dedimus justice services \$10

Marriage ceremony \$100

Motor vehicle agent fee As set within the limits of legislative action

Sale of Zoning Ordinances \$50

Sale of Subdivision Ordinances \$10

Vital records research \$10 per hour

Sale of voter I.D. card \$5

- (d) ¹Prorated license fees. On any initial application for a business license received by the City Clerk during the last four months of the licensing year, the licensing fee is 1/2 of the annual licensing fee. All fees are due at the time of business license application submittal. Proration of licensing fees does not apply for business license renewals.
- (e) Waiver of fee. No fee for a victualer's license shall be charged to any organization that operates a concession stand at a school-aged sporting event whose proceeds are used exclusively for the purchase of team uniforms, equipment, operating supplies, or for the improvement of the sports fields and facilities. For the purpose of this subsection, "school-aged sporting event" shall mean and include all sponsored sporting events that are organized and operated within the structure of a league, or under the auspices of the Biddeford School Department or a Biddeford private school, or under a program that is sanctioned by the City's Recreation Department and whose participants are enrolled in school and not older than 19 years of age.

1. Editor's Note: Former Subsection (d) was redesignated as Subsection (e) to accommodate the addition of this new Subsection (d).



Policy Committee

Meeting Date: May 22, 2023

Meeting Time: 6:00 PM

Agenda Item No: 5.2

Item Description: Review - Require Dogs to be on Leash in Clifford Park.

Submitted by: Carl Walsh, Recreation Director

Supporting Information/Documentation:

1. Chapter 10 Animals, Article II. Dogs, Sec. 10-31. Running at large on public ways prohibited; restraint required. Chapter 46-13 Park operation policy (see item d)
2. Facebook Post with comments, email.

Key Terms:

N/A

Executive Summary:

Purpose is to generate discussion on dog in Clifford Park that are unleashed.

Detailed Review:

Purpose to generate discussion regarding dogs in Clifford Park. Currently dogs are allowed off leash in the wooded section of the park 100 yards from the trailheads and parking areas while under voice control (see attached current ordinance). Concerns that dogs still startle people when approaching unleashed. May happen with all park users including but not limited to walkers, runners, bikers and others with leashed dogs.

Funding Source:

N/A

Staff Recommendation:

Recreation Commission supports dogs to be on leash at all times in Clifford Park.

Chapter 10. Animals

Article II. DOGS

Sec. 10-31. Running at large on public ways prohibited; restraint required.

Dogs on a public way or place shall be under restraint. For a dog to be "under restraint" as required in this section, it must be controlled by a leash, which shall not be more than eight feet in length, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper, or in specially designated "off leash" areas.

Off-leash areas: All dogs must be within 50 feet of owner or keeper and be under voice control. "Voice control" is defined as being able to immediately call the dog back with one call.

Off-leash areas within the City include:

- (1) Rotary Park: The river bank along the boat launch side of the park. This shall be defined as the area bordered by and including the boat launch, up the river bank to where the access road and the river split. The "river bank," for this purpose, is defined as up to but not including the dirt road in the park. Dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.
- (2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.
- (3) City beaches: See Chapter 46, Section 46-13(d).
- (4) A person who violates this section commits a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be adjudged for the first violation and not less than \$100 and not more than \$500 for any subsequent violations.

Chapter 46. Parks

Sec. 46-13. Park operating policy.

- (a) Hours. All parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual park for public information and enforcement purposes.
- (b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).
- (c) Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.
- (d) Dogs, horses and horse-drawn vehicles.
[Amended 5-16-2017 by Ord. No. 2017.38; 4-16-2019 by Ord. No. 2019.28; 8-20-2019 by Ord. No. 2019.78; 7-20-2021 by Ord. No. 2021.58]
 - (1) Dogs are prohibited from entering or remaining in any playground, schoolyard, athletic field, beach areas or any other area posted under authorization of the Recreation Director, except as follows:
 - a. City beaches. No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.
 - b. Rotary Park. Dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.
 - (2) Horses.
 - a. Horses and horse-drawn vehicles are prohibited from entering or remaining in any park or athletic field. They are restricted from beach areas between the hours of 9:00 a.m. and 5:00 p.m. from May 25 to September 15.
 - b. Horses using the public beaches must utilize a manure catch device.
 - (3) Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a dog park, as defined herein under Section **46-1(b)**, and for establishing rules and regulations governing the operation thereof.

Walsh, Carl

From:
Sent: Wednesday, March 2, 2022 7:05 PM
To: Walsh, Carl;
Subject: Clifford Park Dog Post on FB

Bryan

This is a bit of a plea and rant. I'm not looking to start an argument, though I'm well aware this topic usually does. If you are taking your pups through Clifford Park, keep them on a damn leash! If you actually have single-command recall, then this isn't for you. But I have yet to encounter any other dogs with that level of recall. I felt the need to speak up after yet another encounter with an off-leashed dog. For those that don't know dog psychology, off-leash dogs meeting on-leash dogs is risky. There is a power imbalance because they are all aware that one party is free while the other is tethered to their human. This time, I ended up backing up as far as I could with my dogs in a grove of trees to put distance between the approaching dogs that did not listen to a single recall command and us. It took the owner physically removing the dog to get it away. I then stayed there for a little bit to calm my dogs before heading back out.

The thing is, I'm not so much afraid for myself or my dogs. I don't want them to hurt another dog. A 2-on-1 fight between usually a Golden Retriever and my German Shepherd and St. Bernard mix is not a fair fight. That being said, if an off-leash dog makes contact with mine, I will have to drop my leashes for my own safety. I don't want to hear it about how "oh but my Fido loves to run free" or "let the dogs be dogs" or any other irresponsible lines. Because a dog's place is by their human, they are a companion animal. Is your dog a trained hunting/tracking/or other types of working dog? No? Then they will absolutely love being by your side. If not, well, you are boring, and it's on you to provide enrichment.

I leash my pups every single time we are in Clifford. I am also very vocal with my pups - not so much for them, but so other people are warned that I'm in the area with 2 dogs. My pups absolutely love hiking through the trails there; it's one of their favorite things ever. Yes, they enjoy the great outdoors while leashed. Don't let your irresponsibility and selfishness ruin it for others that are just trying to follow the posted laws.

Again, if your dog listens to a single command recall every time, then, by all means, let them off-leash. You put in the time and went above and beyond standard training. So you get the reward of letting them be free because they will come back to you immediately every damn time.

Heck, people ride their bikes through Clifford all the time. What if they make a quick turn on a trail and your dog is there? They have a split second to decide between possibly killing the dog or themselves. Not everyone likes dogs also, so sure, your fluffy puppy might be a bouncing bundle of joy, but not everyone will see it that way. You need to think about more than yourself.

Dogs are like toddlers, so they are like your kids. Be the responsible parent. Leash your damn dogs.

Responses

Rachel

Dogs need to have bomb proof recall or be on a leash- there shouldn't be anymore to this discussion than that! Folks need to think about others as well! Being approached by an off leash dog is AWFUL when you have a reactive dog. And going someplace tha...

See more

- Reply
- Share

- [1h](#)

•

[Bryan](#)

Author

[Rachel](#) , exactly! I've been approached so many times at this point. My pups are dog friendly also, but it has to be on even ground.

- Reply
- Share
- [1h](#)

•

[Rachel](#)

[Bryan](#) yes definitely! Our (amazing, fantastic, force free) trainer taught us that meeting face to face is difficult for dogs (like you've stated), it's best for them to both be off leash on neutral ground.

[Terri](#)

[Rachel](#) THIS!!!

[Carol](#)



[Donna](#)

Well said

[Jean](#)

I agree and agree. Though I let my old hound off leash in orange at times while hiking. He does stay by outside though and returns when told. I agree ppl with dogs need to take ownership and train said dog. I'm so over the ppl whining at there dog to s...

See more

[Tabitha](#)

Whenever we have our kids in Clifford Park it's nerve wracking to be approached by an unleashed dog. I want to grab them and get them up on my shoulders, as I've been bitten and get anxious around any unknown dog.

- Reply
- Share
- [1h](#)

•

[Amy](#)

[Tabitha](#) my pup lovvvvvesssss babies, any age, which is why she's leashed. I feel so bad when we scare someone from even her excitement this is super understandable.

- Reply
- Share
- [1h](#)

•

[Tabitha](#)

[Amy](#) I would never push my insecurities onto my kids but I do make sure they're aware and if the owner is okay with it we stop and pet them. I treat it just as I would a strange person. ❤️

[Amy](#)

[Tabitha](#) exactly ¹⁰⁰ I totally agree. ❤️

[Mary](#) ~

Very well communicated!!!

[Jessica](#)

Well said and in complete agreement!

[Michael](#)

Sounds like maybe Long Island is better for you

[Heathe](#)

Very well said!!

[Cynthia](#)

I agree

[Jaye](#)

Hear hear! Loose dogs on hiking trails is a pet peeve of mine.

[Chris](#)

Nicely done. I could agree more.

[Amy](#)

I love this post and 100% agree. I have 2 dogs one recalls very well, that's taken A LOT OF TRAINING and he still slips sometimes for a squirrel. One does not she's leashed if a dog she don't know runs up to her friendly or not she has the right on our...

See more

- Reply
- Share
- [1h](#)

•

[Michael](#)

Delusional

- Reply
- Share
- [38m](#)

•

[Amy](#)

[Michael](#) probably but 🙄 if your dog listens to you and isn't mean than this wouldn't offend 🙄

[Brandie](#)

Yes please well said my pup is very skittish around dogs/people that just come up to him so he gets scared very easily so I'm always telling ppl to leash there dogs!!

[Ken](#)

Well said

[Ho](#)

But where else in the Biddeford/Saco area do people have for their dogs to run free off a leash/ to release some of their wild for a bit? 🤔

- Reply

- Share
- [51m](#)
- Edited

•

[Jennie](#)

[Hoi](#) _____ the dog park over at Rotary!

[Elizabeth](#) _____

[Hc](#) _____ ; dog park

- - Reply
 - Share
 - [43m](#)

[Carrie](#) _____

The worst is when they tie them to a tree and leave them there. I've seen it happen more than once.

[Brenda](#) _____

There is a leash law and it's on the books for a reason. For the safety of other pets and humans.

[Julie](#) _____

I have a rescue and for many reasons I 100% agree with this. Humans need to be more responsible and reach their children as well as well as learn the proper way of introducing self and other dogs to your leashed ones. Not all dogs are approachable.

[Jennie](#) _____

Agree. Dogs should be leashed in the park. Can't believe this has to be said!!

[Britt](#) _____

Yes yes yes!!! 🙌🙌🙌

[Brian](#) _____

I think that if someone wants to take their dogs in a park and they already know that the dog is socialized and friendly then I see no problem, but then again I don't worry about every single thing in life I'd be pretty miserable if I did. Even before I...

See more

- Reply
- Share
- [40m](#)
- Edited

•

[Christina](#) _____

[Brian](#) did you read the post? He is worried about his dog doing harm to your off leash friendly dog. You don't need to shelter your dogs in every moment of their lives, but you shouldn't let them run around off leash and charge up to a leashed dog because...

See more

[Alexan](#) _____

I am very happy to see this! I have a cane corso, while working to make him single command dog ... I'd like to add ... I would never use that as my training grounds ... he's been cornered, he's going to be a big boy and just like my kids, I don't want him to...

See more

[Sam](#)

Totally agree to the author!! If someone want to let their dog run off leash they either need to go to a dog park or buy a house with enough yard to let them run around at home. Love the toddler analogy. I carry my toddler in a parking lot despite he w...

See more

[Doreen](#)

I agree with you 110. I have a small dog. We have been attacked before a couple times. My dog is always on a leash. I don't go to dog parks. Dogs are unpredictable. Mine is very unpredictable.

[Tricia](#)

Well said!

[Sue](#)

Thank you!! Thank you!!

I don't walk my dog in any area that irresponsible dog owners let them off leash when the leash law is clearly stated! It can sometimes be terrifying which is why I don't put myself in that situation! And there's a reason why t...

See more

[Terri](#)

Don't forget the 🐾

[Ear](#)

This is such a solid public service announcement. Thank you.

-
-
-

-
-

- Reply
- Share
- [1h](#)

-
-

-
-

- Reply
- Share
- [8m](#)

-
-

-
-

Reply

- Share
- [1h](#)

Walsh, Carl

From:
Sent: Tuesday, September 27, 2022 8:25 AM
To: Walsh, Carl
Subject: Another comment on fb

I'm not one to be a "Karen" about these things, but 2 out of 3 hikes over the past 3 days at Clifford Park in the mornings, a man's dog came running up to me, barking and not being friendly. He was also not listening to his owner and this scared me too. The second morning I saw this man with his dog I turned around to go home.

Are dogs supposed to be unleashed on the trails? I'm kind of scared to go walk there in the mornings now, which is a shame.



City Council / Policy Committee

Meeting Date: May 22, 2023

Meeting Time: 6:00 PM

Agenda Item No: 5.3

Item Description: Ordinance Changes Required by the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

Submitted by: Craig Chekan, PE (City Engineer)
David Galbraith (City Planner)
Kristie Rabasca (City Consultant - MS4 Coordinator)

Supporting Information/Documentation:

1. A memorandum, dated April 11, 2023 from Kristie L. Rabasca, P.E. (City Consultant) to Craig Chekan, City Engineer and David Galbraith, City Planner which provided the City a detailed overview of the proposed red line changes. These changes were forwarded by the Planning Board to the City Council for adoption.
2. A document dated 3/1/2023, titled "Proposed Changes to Biddeford ordinances to address MS4 requirements by 6/30/2023", which includes text ~~striketrough~~ for deleted text and underlined for proposed text.
3. A document dated 3/1/2023, titled "Proposed Changes to Biddeford ordinances to address MS4 requirements by 6/30/2023"..."Clean copy (No redline shown) prepared for 4/19/2023 Planning Board".

Executive Summary:

In 2022, the City adopted a new 5-year stormwater management plan to meet Maine Department of Environmental Protection's (MDEP) General Permit requirements for MS4 communities (Municipal Separate Storm Sewers Systems).

As required by MDEP's General Permit, the City needs to adopt several stormwater and erosion control ordinance Amendments by June 30th, 2023.

These proposed ordinance Amendments will help protect the City's stormwater infrastructure and the surrounding watersheds.

Detailed Review:

Per the City's MS4 requirements with DEP, the following three ordinance Amendments require adoption by 6/30/23:

1. Incorporation of state erosion and sedimentation control standards for proposed developments,
2. Updating the Post Construction stormwater maintenance inspection and certification system for private stormwater infrastructure and;
3. Updating requirements to correct illegal discharges into the City's separated storm drain system within 60 days of identification of the illegal discharge.

To address the MS4 General Permit Requirements, the Amendments will affect Part II Code of Ordinances, Chapter 34 Environment and Chapter 70 Utilities, and Part III Code of Ordinances, Land Development Regulations. The attachment to this letter provides an introductory overview of each of the three requirements as well as proposed redline/strike out Amendments to the City's Code.

These ordinance Amendments were presented to the Planning Board on 3/15/2023 and 4/19/2023 and the Planning Board recommended the City Council adopt the proposed Ordinance Amendments as written.

Pending the Policy's committee approval, these ordinance Amendments are planned to be reviewed by City Council on June 6th – with a second reading on June 20th.

Funding Source:

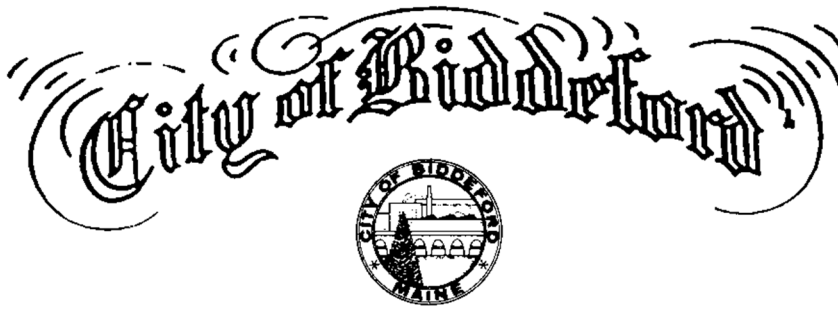
Not applicable.

Staff Recommendation:

As required by DEP's General Permit, the City needs to modify and adopt several stormwater and erosion control ordinance Amendments by June 30th, 2023. These DEP-required ordinance Amendments that will help protect the City's watersheds. Staff is seeking approval of the outlined MS4 amendments, as written.

The proposed Ordinance Amendments effect three (3) Ordinances as listed below:

1. Amendment/Part III Land Development Regulations, Article VI - Performance Standards
2. Amendment/Part II, Chapter 34 – Environmental, Article VI - Post-Construction Stormwater Discharge
3. Amendment/Part II, Chapter 70 – Utilities, Sec. 70-31 – Enforcement of Article; Violations and Penalties



DRAFT

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 by ~~deleting~~ or adding text as follows:

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

Part III Land Development Regulations

Article VI Performance Standards

Section 13 Campgrounds and tenting grounds

1. A soil erosion and sedimentation control plan meeting the standards of Section 26 of this Article ~~the York County Soil and Water Conservation District and the Maine soil and Water Conservation Commission~~ shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:

- (a) The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or re-forested).
- (b) New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
- (c) All vegetative clearing should avoid creating straight line edges between open land and surviving stands.
- (d) Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

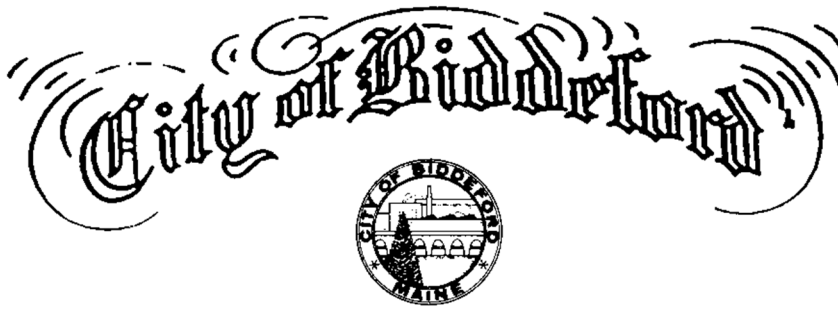
Section 26 Erosion Control

[Ord. of 5-7-1996]

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the ~~following best management practices as specified by the Soil Conservation Service~~ requirements of Maine Department of Environmental Protection Chapter 500 Stormwater Appendices A, B and C for sites that disturb one or more acres of land. An erosion and sedimentation control plan meeting the standards in this section shall be prepared by a qualified erosion and sedimentation control professional. In addition, the following items may be required for all sites:

- A. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
- B. The duration of exposure of the disturbed area shall be kept to a practical minimum.

- C. Temporary vegetation and/or mulching shall be used to protect exposed areas during development.
- D. Permanent (final) vegetation and mechanical erosion control measures, ~~in accordance with the standards of the York County Soil and Water Conservation District and the Maine Soil and Water Conservation Commission,~~ shall be installed as soon as possible after construction ends.
- E. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board or Building Inspector, whichever has the authority to make such decisions on the project. ~~York County Soil Conservation Service may be consulted to review plans and actual installation of sediment control devices.~~
- F. The top of a cut or the bottom of a fill section shall not be closer than 10 feet to an adjoining property, nor shall said cut or fill exceed the three-to-one slope unless the Planning Board waives either or both requirements upon the applicant's demonstration, certified by a Maine licensed professional engineer (P.E.), that a steeper slope, whether or not closer than 10 feet to the adjoining property, is stable, will not result in excessive downstream erosion or sedimentation, nor cause any additional adverse impact on the adjoining property.
- G. During grading operations, methods of dust control shall be employed wherever practicable.
- H. On slopes greater than 25% there shall be no grading or filling within 100 feet of the saltwater wetland except to protect the shoreline and prevent erosion.[1]
- [1] Editor's Note: Former Subsection I, Erosion and sedimentation control in shoreland areas, which immediately followed, was repealed 2-2-2010 by Ord. No. 2009.98.



DRAFT

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 by ~~deleting~~ or adding text as follows:

Part II, Chapter 34-Environmental, Article VI-Post-Construction Stormwater Discharge

Sec. 34-479 Definitions

URBANIZED AREA (UA)

The cumulative areas of the State of Maine so defined by the ~~latest~~ 2000 and 2010 decennial censuses by the United States Bureau of the Census.

Sec. 34-481 Performance Standards.

~~(c) Where the applicant proposes to retain ownership of the stormwater management facilities shown in its post-construction stormwater management plan, the applicant shall submit to the City documentation, approved as to legal sufficiency by the City's attorney, that the applicant, its successors, heirs and assigns shall have the legal obligation and the resources available to operate, repair, maintain and replace the stormwater management facilities. Applications for new development or redevelopment requiring stormwater management facilities that will not be dedicated to the City shall enter into a maintenance agreement with the City. A sample of this maintenance agreement is attached as Appendix 1 to this article.~~¹

Sec. 34-482 Demonstration of Compliance

Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under this article shall demonstrate compliance with that Plan as follows:

(1) That person or a ~~Q~~qualified ~~P~~post-construction ~~S~~stormwater ~~I~~inspector hired by that person shall, ~~at least annually,~~ inspect and maintain the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

(2) If the stormwater management Facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies within 60 days of identification of the deficiency. If it is not possible to correct the deficiency within 60 days, that person shall coordinate with the enforcement authority to establish a schedule to correct the deficiency.

(3) That person shall employ a ~~Q~~qualified ~~P~~post-construction ~~S~~stormwater ~~I~~inspector ~~to~~ conduct an annual inspection and provide, on or by March 1 of each year, a copy of the inspection report and a completed and signed certification to the enforcement authority in a form identical to that attached as Appendix 1 to this article or in a similar form approved by the City Engineer, certifying that the stormwater management facilities have been inspected, and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities. If the stormwater management facilities require, maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken with the annual report and certification.

ENVIRONMENT

34 Attachment 2

City of Biddeford

Appendix 1

Maintenance Agreement for Stormwater Management Facilities

This Maintenance Agreement is made this day of _____ 20__ by and between _____ and the City of Biddeford, Maine.

The project name is _____.

The location is: _____, Biddeford, Maine.

The project's Tax Map and Lot Numbers are Tax Map Lot _____

The project is shown on a plan entitled "_____" dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the _____ County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the City of Biddeford requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the City and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for itself, and its successors and assigns, agrees to the following:
 - (a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;
 - (b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;
 - (c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the City Enforcement Authority;
 - (d) To allow access by City personnel or the City's designee for inspecting the Stormwater Management Facilities for conformance with these requirements.
 - (e) To create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.

BIDDEFORD CODE

2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.
3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

Witness By: _____
Its: _____

Witness By: _____
Its: _____

STATE OF MAINE

_____, ss. _____, 20__

Personally appeared the above-named _____,
the _____ of _____, and
acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

STATE OF MAINE

_____, ss. _____, 20__

Personally appeared the above-named _____,
the _____ of the City of Biddeford, and acknowledged the foregoing
Agreement to be said his/her free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

City of Biddeford

Appendix-2 1
Annual Stormwater Management Facilities Certification
(to be sent to City's Enforcement Authority)

I, _____ (print or type name), certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: _____ (print or type name of subdivision, condominium or other development) located at _____ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____ (name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I am (check one)

a. _____ the owner, operator, tenant, lessee or president of the homeowners' association, and have hired a Qualified Post Construction Stormwater Inspector, or

b. _____ am a Qualified Post-Construction Stormwater Inspector hired by the person identified in item 2 of this form ~~same (circle one)~~;

4. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

5. On _____, 20__, I inspected or had inspected by a Qualified Post-Construction Stormwater Inspector, the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

~~6. At the time of my inspection of the Stormwater Management Facilities on the Property, I or the Qualified Post Construction Stormwater Inspector identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:~~

6. I have attached a copy of the Annual Inspection Report. At the time of the inspection (check one and complete any required information):

- a. _____ The Stormwater Management Facilities were adequately maintained and functioning as intended, or
- b. _____ The Stormwater Management Facilities required maintenance, which was completed within the required 60-day time period, and were functioning as intended after maintenance was completed, or
- c. _____ The Stormwater Management Facilities required maintenance which was not completed within the required 60-day time period. (Attach additional sheets as necessary to describe the maintenance required, proposed schedule for completion, and an

appropriate contact person. The City will contact them to confirm or adjust the schedule to complete the maintenance and any needed further course of action. You will be required to show proof of final maintenance.)

7. On _____, 20__ I took or had taken the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities stated in 6. above: _____

8. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post Construction Stormwater Management Plan for the Property.

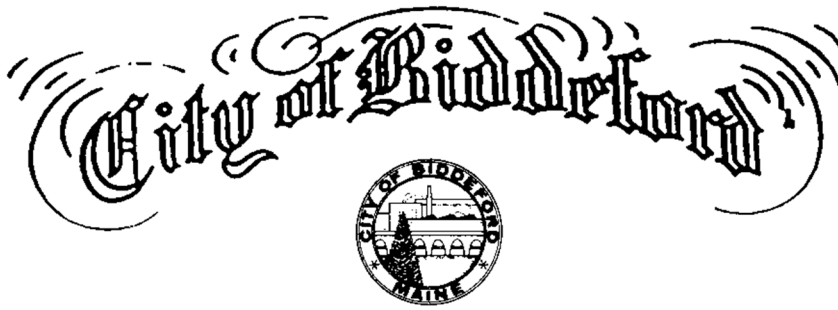
Date: _____, 20__ . By: _____

Signature

Print Name

STATE OF MAINE _____, ss. _____, 20__ Personally appeared the above named _____, the _____ of _____, and acknowledged the foregoing Annual Certification to be said person's free act and deed in said capacity. Before me, _____ Notary Public/Attorney at Law Print Name: _____

Mail this certification to the City's Enforcement Authority at the following address [to be completed by the municipality]: _____



DRAFT

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 by ~~deleting~~ or adding text as follows:

Part II, Chapter 70-Utilities, Sec. 70-31-Enforcement of Article; Violations and Penalties

§ 70-31 Enforcement of article; violations and penalties

In addition to any other enforcement methods provided for in this article, the provisions of this article may be enforced as follows:

- (1) The Director or his designee may issue a written administrative complaint if there are reasonable grounds to believe that the person to whom the complaint is directed has violated:
 - a. This article;
 - b. Any rule or regulation adopted under this article; or
 - c. Any order or permit issued under this article.
- (2) The administrative complaint shall specify the provision that allegedly was violated, and state the alleged facts that constitute the violation.
- (3) After or concurrently with service of a complaint issued under Subsection (1) of this section, the Director or his designee may:
 - a. Issue an order that requires the person to whom the order is directed to take corrective action within a time set in the order, including 60 days to correct any pollutant discharge to the storm drain system unless the Director determines an alternate schedule for correction is needed;
 - b. Send a written notice that requires the person to whom the notice is directed to file a written report about the alleged violation; or
 - c. Send a written notice that requires the person to whom the notice is directed to:
 1. Appear at a hearing, at a time and place scheduled, in order to answer the charges in the complaint.
 2. File a written report and also appear at a hearing at a time and place set to answer to charges in the complaint.....

Note: Sec 70-31 also includes items (4) through (11). These items are not listed here as no changes are proposed/required within these items.