

City of Biddeford

City Council

May 18, 2021 6:00 PM Via Zoom

Please click the link below to join the webinar:

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- 1. Roll Call**
- 2. Adjustment(s) to Agenda**
- 3. Proclamation:**
 - 3.a. PTSD Awareness Month - June 2021
[5-18-2021 Proc-PTSD Awareness Month-sealed.pdf](#)
- 4. Presentation:**
 - 4.a. Parking Garage and Parking Lots - Technology and Transition Plan
- 5. Consideration of Minutes:**
 - 5.a. May 4, 2021 Council Meeting Minutes
[5-04-2021 Council Meeting Minutes.docx](#)
 - 5.b. May 11, 2021 Special Council Meeting Minutes
[5-11-2021 Special Council Meeting Minutes.docx](#)
- 6. Second Readings:**
 - 6.a. 2021.37) Amendment/Land Development Regulations/Attachment A-Fees and Charges/Various Amendments
[5-04-2021 LDR A Fees and Charges Amendment-ORDER for 2nd Reading.pdf](#)
[5-04-2021 LDR A Fees and Charges - MEMO.pdf](#)
[5-04-2021 LDR A Fees and Charges ATTACHMENT 1.pdf](#)
 - 6.b. Essential Programs & Services Funding Act
[1 School Essential Programs-Services FY22.docx](#)
 - 6.c. School Construction Projects - Local Share
[2 School Construction Projects FY22.docx](#)
 - 6.d. Additional Local Funds - for School Purposes
[2A School Additional Funds Raised FY22.docx](#)
 - 6.e. School Appropriations:

- A. Regular Instruction
- B. Special Education
- C. Career & Technical Education
- D. Other Instruction
- E. Student & Staff Support
- F. System Administration
- G. School Administration
- H. Transportation & Buses
- I. Facilities Maintenance
- J. Debt Service & Other Commitments
- K. All Other Expenditures
- TOTAL SCHOOL BUDGET

[3 School Appropriations FY22.docx](#)

- 6.f. Adult Education

[4 Adult Education FY22.docx](#)

- 6.g. Food Service

[5 Food Service FY22.docx](#)

- 6.h. School Department Estimated Revenues

[7B Revenues-School FY22.docx](#)

7. Orders of the Day:

- 7.a. 2021.43) Amendment/Land Development Regulations/Art. V-Establishment of Zones and Art. VI-Performance Standards/Amendments Related to Residential Uses

[5-18-2021 LDR Residential Amendments-ORDER pdf.pdf](#)

[5-18-2021 LDR Residential Amendments-MEMO.pdf](#)

[5-18-2021 LDR Proposed Affected Area for Note B - Affordable Housing Bonus.pdf](#)

8. Appointment:

- 8.a. Renee DesRoberts...Solid Waste Management Commission

[5-18-2021 Appt-DesRoberts-SWMC.docx](#)

[5-18-2021 Comm App-DesRoberts-SWMC.pdf](#)

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

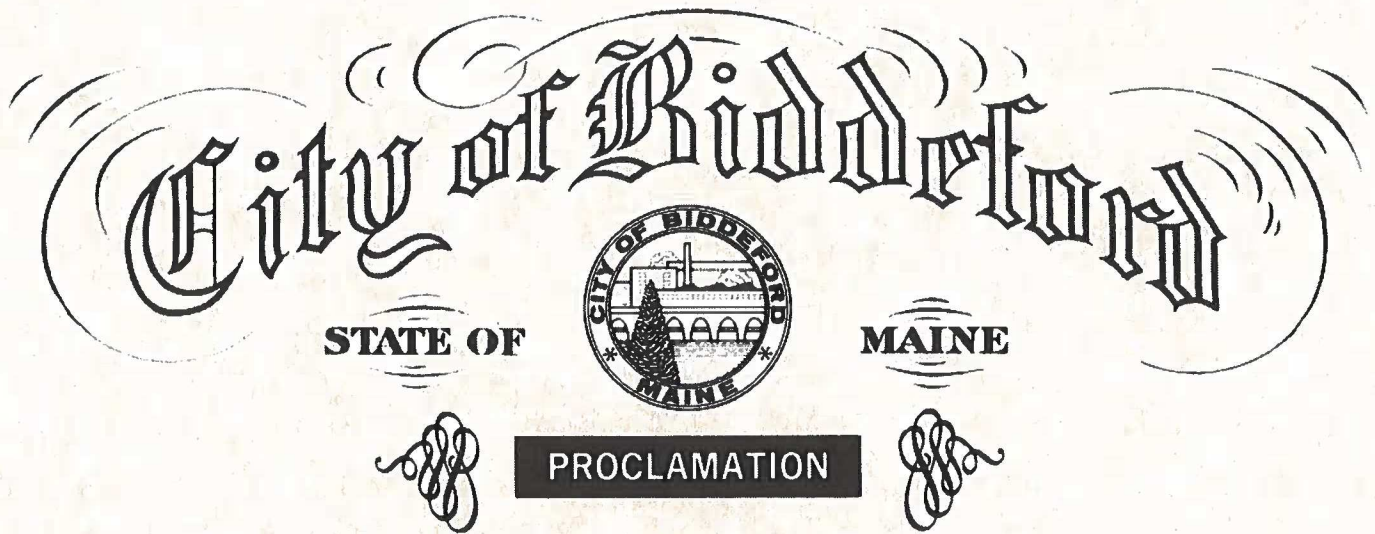
10. City Manager Report

11. Other Business

12. Council President Addressing the Council

13. Mayor Addressing the Council

14. Adjourn



Whereas June has been declared as PTSD Awareness Month each year around the world; and

WHEREAS, for centuries we have recognized post traumatic stress disorder; and

WHEREAS, PTSD can affect all ages, children through to seniors: and

WHEREAS, treatment for PTSD is available; and

WHEREAS, it is up to each of us to know that the PTSD Assessment form is a major tool to seek medical assistance; and

WHEREAS, PTSD Awareness Month urges all to seek help for those who may have PTSD requiring medical assistance; and

NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim June as **PTSD Awareness Month** in our City and encourage the residents of Biddeford to actively learn about the PTSD Assessment form written by the Centre for PTSD Research as a tool to assist those affected by PTSD to obtain medical assistance.

*In Witness Whereof, We, the undersigned, have herewith
affixed our signatures this 18th day of May 2021*

Carmen J. Mori
City Clerk



Mayor

**COUNCIL MEETING
MAY 4, 2021**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

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

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Michael Ready, Doris Ortiz, Marc Lessard

Amy Clearwater and Norman Belanger were excused.

Adjustments to the Agenda:

- Add Order 2021.42 (this was inadvertently forgotten and will be taken up at the 5/11/2021 Council Meeting)
- Remove Orders 2021.39 and 2021.40

Proclamation: National Day of Prayer – May 6, 2021

Mayor Casavant read the Proclamation.

Consideration of Minutes: **April 20, 2021**

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

Vote: Unanimous.

Orders of the Day:

2021.34

IN BOARD OF CITY COUNCIL...MAY 4, 2021

BE IT ORDERED, by the City Council of the City of Biddeford does hereby approve the abatement in the amount of (\$214.27) two hundred fourteen dollars and twenty-seven cents for real estate taxes assessed upon the parcel identified as Map 13 Lot 31-3 (0 JABEZ LN) for the fiscal year 2020 and 2019.

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

Vote: Unanimous.

2021.35

IN BOARD OF CITY COUNCIL..MAY 4, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a Substantial Amendment in the 2019 Year Action Plan for additional funds received through the CARES Act, totaling \$140,571, which will go towards funding a community support program for two years and admin for the Community Development Block Grant (CDBG) program of the U.S. Department of Housing and Urban Development (HUD).

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

Vote: Unanimous.

2021.36

IN BOARD OF CITY COUNCIL..MAY 4, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby advise the Planning Board of its endorsement of an amendment to the approved Contract Zone #19 for the York Judicial Center (YJC) off Route 1 (Elm Street) to allow for the installation of photovoltaic (PV) panels in the parking lots east of the courthouse, in addition to PV panels on the roof.

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

Motion by Councilor Ready, seconded by Councilor Emhiser to amend the order by including an additional request that the Planning Board also consider the installation of fencing.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2021.37 **IN BOARD OF CITY COUNCIL..MAY 4, 2021**
BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

Part III (Land Development Regulations), LDR Attachment A: Fees and Charges.

1. **Zoning Ordinance.**

A. Copies of the Zoning Ordinance shall be available from the City Clerk's office. The cost of this ordinance shall be \$50, which shall include any amendments made to the ordinance to date. "To date," means the date of purchase.

B. (Reserved)
2. **Zoning Map.**

A. Blueprint copies of the Zoning Map (one inch equals 1,000 feet) shall be obtained from the City's Engineering Office. The cost for the map shall be \$15.

B. Colored copies of the Zoning Map (one inch equals 1,000 feet) shall be obtained from the City's Engineering Offices. The cost for the map shall be \$35.

C. Black-and-white copies of the reduced map (11 inches by 17 inches) shall be obtained from the Building Inspector's office. Cost for these maps shall be \$1 each.

D. Colored copies of the reduced map (11 inches by 17 inches) shall be obtained from the City's Engineering Office. Cost for these maps shall be \$5 each.

E. Colored copies of the reduced map (24 inches by 36 inches) shall be obtained from the City's Engineering Office. Cost for these maps shall be \$15 each.

F. Fees collected for all color copies of the Zoning Map shall be used to further develop the City's geographical information system.
3. **Engineering review and inspection draw accounts.**

A. A draw account shall be set up for engineering review costs for all projects. The engineering review amount is due at the conceptual review stage. The minimum deposit is based on the following spreadsheet. If a project's costs exceed the minimum amounts shown, the applicant shall be required to submit additional funds to cover the review costs.

Schedule for Engineering Review Draw Accounts

Project Types	Minimum Deposit
Private ways (based on number of lots serviced, with no subdivision involved)	
1 lot	\$600
2 lots	\$750
3 to 4 lots	\$1,500
5 to 10 lots	\$2,250
More than 10 lots, per lot	+\$150
Minor subdivisions	\$750
Major subdivisions:	
Fewer than 5 lots	\$1,500
5 to 10 lots	\$2,250
11 to 15 lots	\$3,000
16 to 25 lots	\$3,750
More than 25 lots	\$4,500
Amendments to subdivisions:	
Minor	\$750
Major	\$1,125
Site plan review (based on square feet of new footprint of structures and parking/ paving):	
Less than 2,000 square feet	\$750
2,000 to 9,999 square feet	\$1,500
10,000 to 19,999 square feet	\$1,800
20,000 to 39,999 square feet	\$2,400
40,000 to 59,999 square feet	\$3,000
More than 59,999 square feet	\$4,500
Amendments to approved site plans (no parking/paving) increase in square feet of footprint of structure and	\$750
Extraction Review	\$1,500
Conditional Use Permits	\$750
Miscellaneous Review	\$600

- B. A draw account shall be set up for engineering inspection costs for all applicable projects. The amount is due before final project approval. The minimum deposit is based on the following spreadsheet. If a project's costs exceed the minimum amounts shown, the applicant shall be required to submit additional funds to cover the inspection costs, and occupancy permits may be withheld until these additional fees are paid.

Schedule for Engineering Inspection Draw Account Project Types

Project Types	Minimum Deposit
Private ways (based on number of lots serviced, with no subdivision involved)	
1 lot	\$750
2 lots	\$1,125
3 to 4 lots	\$1,500
5 to 10 lots	\$2,250
More than 10 lots, per lot	+\$150
Subdivisions:	
Fewer than 5 lots	\$3,000
5 to 15 lots	\$3,750
More than 15 lots	\$4,500
Site plan review (based on square feet of new footprint of structures and parking/ paving):	
Less than 2,000 square feet	\$750
2,000 to 9,999 square feet	\$1,500
10,000 to 39,999 square feet	\$2,250
40,000 to 79,999 square feet	\$3,000
More than 80,000 square feet	\$4,500
Miscellaneous inspection	\$600

- C. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision for review draw accounts to process and forward the remaining funds to the applicant. For inspection draw accounts, the City of Biddeford shall have 45 days from when the engineering department submits its final report approving the project.

4. Subdivision review.

- A. Charges for subdivision review are nonrefundable. The fees shall be as follows:
- Minor subdivisions.
 - \$300 per lot or dwelling unit (40% is due at concept application submission, with the remaining 60% due at preliminary application submission); or
 - \$300 per lot or dwelling unit amended for minor revisions to approved plans (100% due at time of application).
 - Major subdivisions.
 - \$300 per lot or dwelling unit (40% is due at concept application submission, with the remaining 60% due at preliminary application submission);
 - \$750 for final (100% due at time of final application); and/ or
 - \$300 per lot or dwelling unit amended for minor revisions to approved plans (100% due at time of application).
 - These charges shall be paid at time of application. No project shall be presented to the Planning Board for preliminary approval without having paid these charges.
- B. Further, in the event that a given project may require more detailed review and analysis, which would include any additional review of preliminary and final review of subdivision plans, excluding the concept, and initial preliminary and final reviews, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.
- The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering departments and shall be made part of the project file.

2. A minimum of \$2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of \$500 or less, the applicant shall be required to deposit an additional \$1,500.
 3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.
- C. All applications shall include a nonrefundable administrative fee of \$60 to be submitted at the time of application.

5 Site review.

- A. Charges for site review such as for multifamily, commercial, industrial or nonprofit, and other development, are due at the time of application. No project shall be presented to the Planning Board for final approval without having paid these charges. All fees are nonrefundable and are as follows:
- (1) Site plan review:
 - a. \$750 for up to 9,999 square feet footprint of structures and paving/parking;
 - b. \$1,300 for 10,000 to 14,999 square feet footprint of structures and paving/parking;
 - c. \$2,000 for 15,000 to 19,999 square feet footprint of structures and paving/parking;
 - d. \$2,700 for 20,000 to 29,999 square feet footprint of structures and paving/parking;
 - e. For projects with more than 29,999 square feet footprint of structures and paving/parking, \$2,700 plus an additional \$20 for each additional 1,000 square feet footprint of structures and paving/parking (rounded to the nearest 1,000 square feet).
 - (2) Any conversion with no new construction: \$150.
- B. All applications shall include a nonrefundable administrative fee of \$75 to be submitted at the time of application.
- C. Further, in the event that a given project may require more detailed review and analysis, which would include any additional review of final review of site plans, excluding the pre-conference review, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.
1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering Department shall be made part of the project file.
 2. A minimum of \$2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of \$750 or less, the applicant shall be required to deposit an additional \$2,250.
 3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.

6 Conditional use.

- A. Charges for these reviews shall be the same as either subdivision or site review. Basic application fee is \$300.
- B. The applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans.
- C. All applications shall include a nonrefundable administrative fee of \$75 to be submitted at the time of application.

7 Other reviews.

- A. Any proposed amendments to the Zoning Ordinance or Zoning Map shall be charged a \$1,300 nonrefundable fee, plus the applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans.
- B. All applications shall include a nonrefundable administrative fee of \$75 to be submitted at the time of application.

8 Contract and conditional zones.

- A. \$1,300 per application (this includes contract and conditional zoning, and would not be proposed until passed the concept stage at Council).
- B. The applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans, contract documents and developing the agreement.
- C. All applications shall include a nonrefundable administrative fee of \$75 to be submitted at the time of application.

9 Administrative appeals and variance requests.

- A. A fee of \$75 shall be charged to cover administrative costs for administrative appeals and variance requests. Such fee shall be paid by check to the City of Biddeford at time of application.
- B. The applicant may be charged additional costs for photocopying and legal reviews. Such costs shall be substantiated by invoice from the legal firm involved or a listing of copies made.
- C. Applicants shall pay for first class postage for notification of abutters. This cost shall be billed to the applicant prior to final approval of plans.

10 Shoreland Zoning review.

Review fee: \$300, due at time of application. All applications shall include a nonrefundable administrative fee of \$75 to be submitted at the time of application.

11 Extraction review.

- A. Review fee: \$300, due at time of application. All applications shall include a nonrefundable administrative fee of \$75 to be submitted at the time of application.
- B. Further, in the event that a given project may require more detailed review and analysis, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.
 - 1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering Departments and shall be made part of the project file.
 - 2. A minimum of \$2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of \$750 or less, the applicant shall be required to deposit an additional \$2,250.
 - 3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.

12 Historic preservation certificate of appropriateness. [Added 4-16-2013 by Ord. No. 2013.25]

- A. Commission review: application fee of \$200, plus administration fee of \$75.
- B. Subcommittee review: application fee of \$50, with no administration fee.

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

Vote: Unanimous.

2021.38

IN BOARD OF CITY COUNCIL..MAY 4, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Public Works Facility Bathroom Renovation Project, with the proposed work to be awarded to Hy-Tech Plumbing, Heating and Mechanical, Inc. in an amount not to exceed \$58,600.00. Funds for this project will come out of the Designated Fund 22004-60906, which currently has a balance of \$75,000.00.

NOTE: The Finance Committee will review this item at their May 4, 2021 meeting and recommend approval to the Council.

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

Vote: Unanimous.

2021.41

IN BOARD OF CITY COUNCIL...MAY 4, 2021

BE IT ORDERED, that the City Manager is authorized to execute the attached Outline of JDA Terms between the City of Biddeford and Lord & Harrington, LLC (“L&H”).

BE IT FURTHER ORDERED, that the City Manager and City Solicitor are authorized to negotiate a Joint Development Agreement (“JDA”) with Lord and Harrington, LLC (“L&H”) for the transfer of city-owned property located adjacent to 1 Diamond Street to L&H for the development of a multi-unit, multi-building residential project. The City Council specifically directs that the JDA must include the critical terms and conditions contained in the attached Outline of JDA Terms.

BE IT FURTHER ORDERED, that the City Manager shall be authorized to execute a JDA which includes the above terms and conditions provided, however, that the City Manager shall not be authorized to execute the JDA unless and until the City Solicitor has reviewed the JDA to confirm that the JDA includes the City Council’s directives regarding the attached critical terms and conditions.

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

Vote: 6/1; Councilor McCurry opposed.

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

Motion carries.

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

There were no public comments.

City Manager Report:

City Manager, James Bennett informed the Council that the current plan is to start holding public City meetings in person beginning in June. A hybrid model will be offered, which will allow members who are not comfortable coming in person for meetings to still be able to participate virtually. The details and logistics are still being worked out and should be finalized before or during the month of June.

Other Business:

Councilor Lessard: suggested that the City look into offering larger trash bins with the hope of resolving the issue of recycling contamination issues.

Mayor Addressing the Council: Mayor Casavant publicly thanked the University of New England Students who have participated in the cleanup of the downtown over the past month.

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

Vote: Unanimous.

Time: 7:16 p.m.

Attest by:_____

Carmen J. Morris, City Clerk

**SPECIAL COUNCIL MEETING
1st READING OF SCHOOL DEPARTMENT BUDGET
MAY 11, 2021**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 6:01 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Robert Quattrone, Jr., Norman Belanger,
Michael Ready, Doris Ortiz

Stephen St. Cyr and Amy Clearwater were excused.
Marc Lessard was absent.

There were no adjustments to the agenda.

Public Hearing: Proposed FY22 School Department Budget
Mayor Casavant opened the Public Hearing at 6:02 p.m.

There were no public comments.

The Public Hearing was closed at 6:03 p.m.

Orders of the Day:

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**

WHEREAS, the Maine Dept. of Education has determined the total cost of funding public education from kindergarten to grade 12, for Biddeford, as described in the Essential Programs and Services Funding Act to be **\$31,056,373.**

THEREFORE, BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$19,467,707** for the Biddeford School Department's contribution to the total cost of funding public education for kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 2-A, section 15688.

Explanation: The Biddeford School Department's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

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

Vote: Unanimous.

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**

BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$2,484,573** for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City of Biddeford's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters.

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

Vote: Unanimous.

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**
BE IT ORDERED, that the City Council will raise and appropriate \$1,455,251 in additional local funds, which exceeds the State’s Essential Programs and Services allocation model by \$1,455.251 as required to fund the budget recommended by the Biddeford School Committee.

The Biddeford School Committee recommends \$1,455,251 for additional local funds and gives the following reasons for exceeding the State’s Essential Programs and Services funding model by \$1,455,251.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit’s local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Biddeford budget for educational programs.

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

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**
BE IT ORDERED, that the City Council does hereby authorize the Biddeford School Committee to expend \$40,139,313 or the fiscal year commencing July 1, 2021 and ending June 30, 2022 from the City of Biddeford’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools, and broken down as follows:

REGULAR INSTRUCTION	\$14,626,698
SPECIAL EDUCATION	\$ 7,264,150
CAREER & TECHNICAL EDUCATION	\$ 3,073,922
OTHER INSTRUCTION	\$ 692,087
STUDENT & STAFF SUPPORT	\$ 2,655,913
SYSTEM ADMINISTRATION	\$ 1,148,203
SCHOOL ADMINISTRATION	\$ 1,670,118
TRANSPORTATION & BUSES	\$ 1,703,293
FACILITIES MAINTENANCE	\$ 3,787,996
DEBT SERVICE & OTHER	
COMMITMENTS	\$ 3,504,855
LL OTHER EXPENDITURES	\$ 12,078
TOTAL SCHOOL BUDGET	<u>\$40,139,313</u>

BE IT FURTHER ORDERED, that the School Department is authorized to accept grant funds during the fiscal year and to expend such funds for the purposes for which they are intended.

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

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of \$765,132 for ADULT EDUCATION for the fiscal year commencing July 1, 2021 and ending June 30, 2022, and does hereby appropriate and will raise the local share for ADULT EDUCATION in the amount of \$332,304.

BE IT FURTHER ORDERED that Biddeford Adult Education is authorized to expend any additional, incidental or miscellaneous receipts in the interest and for the wellbeing of the Adult Education Program.

Motion by Councilor McCurry, seconded by Councilor Emhiser to grant the first reading of the order.
Vote: Unanimous.

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum **\$1,383,773** for School FOOD SERVICE (“Hot Lunch”) for the fiscal year commencing on July 1, 2021, and ending on June 30, 2022, and

BE IT FURTHER ORDERED, that the sum of **\$1,383,773** in estimated revenues is adopted in support of FOOD SERVICE, with a local share for FOOD SERVICE in the amount of \$0.

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

2021 **IN BOARD OF CITY COUNCIL...MAY 11, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following estimated revenues and appropriations from fund balance in support of the general fund budget for the fiscal year commencing July 1, 2021 and ending June 30, 2022:

School Estimated Revenue:	
Education:	\$ 502,647
Adult Education:	\$ 200,726
State Allocation to Education:	\$ 14,535,380
Appropriations from Fund Balance, K-12:	\$ 1,693,755
Appropriation from Fund Balance, Adult Education:	\$ 232,102
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS	\$ 17,164,610
FROM FUND BALANCE:	

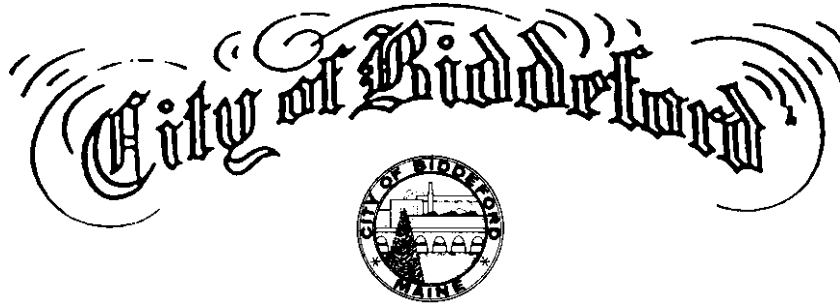
Motion by Councilor McCurry, seconded by Councilor Ready to grant the first reading of the order.
Vote: Unanimous.

2021.42 **IN BOARD OF CITY COUNCIL..MAY 11, 2021**
BE IT ORDERED, that the City Council of the city of Biddeford does hereby authorize the City Manager to enter into an agreement with ComStar of Rowley, MA for ambulance billing services at the rate of 3.8% of collected revenues.

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

Motion by Councilor McCurry, seconded by Councilor Ready to adjourn.
Vote: Unanimous. Time: 6:11 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2021.37

IN BOARD OF CITY COUNCIL..MAY 4, 2021

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

Part III (Land Development Regulations), LDR Attachment A: Fees and Charges.

1. Zoning Ordinance.

- A. Copies of the Zoning Ordinance shall be available from the City Clerk's office. The cost of this ordinance shall be \$50, which shall include any amendments made to the ordinance to date. "To date," means the date of purchase.
- B. (Reserved)

2. Zoning Map.

- A. Blueprint copies of the Zoning Map (one inch equals 1,000 feet) shall be obtained from the City's Engineering Office. The cost for the map shall be \$15.
- B. Colored copies of the Zoning Map (one inch equals 1,000 feet) shall be obtained from the City's Engineering Offices. The cost for the map shall be \$35.
- C. Black-and-white copies of the reduced map (11 inches by 17 inches) shall be obtained from the Building Inspector's office. Cost for these maps shall be \$1 each.
- D. Colored copies of the reduced map (11 inches by 17 inches) shall be obtained from the City's Engineering Office. Cost for these maps shall be \$5 each.
- E. Colored copies of the reduced map (24 inches by 36 inches) shall be obtained from the City's Engineering Office. Cost for these maps shall be \$15 each.
- F. Fees collected for all color copies of the Zoning Map shall be used to further develop the City's geographical information system.

3. Engineering review and inspection draw accounts.

- A. A draw account shall be set up for engineering review costs for all projects. The engineering review amount is due at the conceptual review stage. The minimum deposit is based on the following spreadsheet. If a project's costs exceed the minimum amounts shown, the applicant shall be required to submit additional funds to cover the review costs.

Schedule for Engineering Review Draw Accounts

Project Types	Minimum Deposit
Private ways (based on number of lots serviced, with no subdivision involved)	
1 lot	\$400 <u>600</u>
2 lots	\$500 <u>750</u>
3 to 4 lots	\$1,000 <u>1,500</u>
5 to 10 lots	\$1,500 <u>2,250</u>
More than 10 lots, per lot	±\$100 <u>50</u>
Minor subdivisions	\$500 <u>750</u>
Major subdivisions:	
Fewer than 5 lots	\$1,000 <u>1,500</u>
5 to 10 lots	\$1,500 <u>2,250</u>
11 to 15 lots	\$2,000 <u>3,000</u>
16 to 25 lots	\$2,500 <u>3,750</u>
More than 25 lots	\$3,000 <u>4,500</u>
Amendments to subdivisions:	
Minor	\$500 <u>750</u>
Major	\$750 <u>1,125</u>
Site plan review (based on square feet of new footprint of structures and parking/paving):	
Less than 2,000 square feet	\$500 <u>750</u>
2,000 to 9,999 square feet	\$1,000 <u>1,500</u>
10,000 to 19,999 square feet	\$1,200 <u>1,800</u>
20,000 to 39,999 square feet	\$1,600 <u>2,400</u>
40,000 to 59,999 square feet	\$2,000 <u>3,000</u>
More than 59,999 square feet	\$3,000 <u>4,500</u>
Amendments to approved site plans (no parking/paving) increase in square feet of footprint of structure and	\$500 <u>750</u>
Extraction Review	\$1,000 <u>1,500</u>
Conditional Use Permits	\$500 <u>750</u>
Miscellaneous Review	\$400 <u>600</u>

- B. A draw account shall be set up for engineering inspection costs for all applicable projects. The amount is due before final project approval. The minimum deposit is based on the following spreadsheet. If a project's costs exceed the minimum amounts shown, the applicant shall be required to submit additional funds to cover the inspection costs, and occupancy permits may be withheld until these additional fees are paid.

Schedule for Engineering Inspection Draw Account Project Types

Project Types	Minimum Deposit
Private ways (based on number of lots serviced, with no subdivision involved)	
1 lot	\$500 <u>750</u>
2 lots	\$750 <u>1,125</u>
3 to 4 lots	\$1,000 <u>1,500</u>
5 to 10 lots	\$1,500 <u>2,250</u>
More than 10 lots, per lot	+\$100 <u>150</u>
Subdivisions:	
Fewer than 5 lots	\$2,000 <u>3,000</u>
5 to 15 lots	\$2,500 <u>3,750</u>
More than 15 lots	\$3,000 <u>4,500</u>
Site plan review (based on square feet of new footprint of structures and parking/paving):	
Less than 2,000 square feet	\$500 <u>750</u>
2,000 to 9,999 square feet	\$1,000 <u>1,500</u>
10,000 to 39,999 square feet	\$1,500 <u>2,250</u>
40,000 to 79,999 square feet	\$2,000 <u>3,000</u>
More than 80,000 square feet	\$3,000 <u>4,500</u>
Miscellaneous inspection	\$400 <u>600</u>

- C. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision for review draw accounts to process and forward the remaining funds to the applicant. For inspection draw accounts, the City of Biddeford shall have 45 days from when the engineering department submits its final report approving the project.

4. Subdivision review.

A. Charges for subdivision review are nonrefundable. The fees shall be as follows:

1. Minor subdivisions.

~~a. No more than four lots;~~

~~b. All lots having required street frontage on existing accepted streets or roads.~~

(1) ~~\$500 plus \$100-300~~ per lot or dwelling unit (40% is due at concept application submission, with the remaining 60% due at preliminary application submission); or

(2) ~~\$100-300 per lot or dwelling unit amended~~ for minor revisions to approved plans (100% due at time of application).

2. Major subdivisions.

~~a. Five or more lots; and/or~~

~~b. Construction of new street or roadway, either public or private;~~

~~c. Extension of water and sewer lines to service the several lots.~~

(1) ~~\$500 plus \$100-300~~ per lot or dwelling unit (40% is due at concept application submission, with the remaining 60% due at preliminary application submission);

(2) ~~\$500~~750 for final (100% due at time of final application); and/ or

(3) ~~\$100-300 per lot or dwelling unit amended~~ for minor revisions to approved plans (100% due at time of application).

3. These charges shall be paid at time of application. No project shall be presented to the Planning Board for preliminary approval without having paid these charges.

B. Further, in the event that a given project may require more detailed review and analysis, which would include any additional review of preliminary and final review of subdivision plans, excluding the concept, and initial preliminary and final reviews, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.

1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering departments and shall be made part of the project file.

2. A minimum of ~~\$1,500~~2,250 shall be deposited with the City through the Planning

Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of \$500 or less, the applicant shall be required to deposit an additional \$1,500.

3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.
- C. All applications shall include a nonrefundable administrative fee of ~~\$2060~~ to be submitted at the time of application.

5. Site review.

- A. Charges for site review such as for multifamily, commercial, industrial or nonprofit, and other development, are due at the time of application. No project shall be presented to the Planning Board for final approval without having paid these charges. All fees are nonrefundable and are as follows:

(1) Site plan review:

- a. ~~\$250750~~ for up to ~~19,999~~ square feet footprint of structures and paving/parking;
- ~~b. \$500 for 2,000 to 9,999 square feet footprint of structures and paving/parking;~~
- ~~c. b. \$1,0001,300~~ for 10,000 to 14,999 square feet footprint of structures and paving/parking;
- ~~d. c. \$1,5002,000~~ for 15,000 to 19,999 square feet footprint of structures and paving/parking;
- ~~e. d. _____ \$2,0002,700~~ for 20,000 to 29,999 square feet footprint of structures and paving/parking;
- ~~f. e. For projects with more than 29,999 square feet footprint of structures and paving/parking, \$2,0002,700 plus an additional \$1520 for each additional 1,000 square feet footprint of structures and paving/parking (rounded to the nearest 1,000 square feet).~~

(2) Any conversion with no new construction: ~~\$100150~~.

- B. All applications shall include a nonrefundable administrative fee of ~~\$4075~~ to be submitted at the time of application.
- C. Further, in the event that a given project may require more detailed review and analysis, which would include any additional review of final review of site plans, excluding the pre-conference review, the Planning Board when determining the

level of review needed, will require that a draw account be established to cover the additional costs.

1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering Department shall be made part of the project file.
2. A minimum of ~~\$1,500~~\$2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of ~~\$500~~\$750 or less, the applicant shall be required to deposit an additional ~~\$1,500~~\$2,250.
3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.

6. Conditional use.

- A. Charges for these reviews shall be the same as either subdivision or site review. Basic application fee is ~~\$200~~\$300.
- B. The applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans.
- C. All applications shall include a nonrefundable administrative fee of ~~\$40~~\$75 to be submitted at the time of application.

7. Other reviews.

- A. Any proposed amendments to the Zoning Ordinance or Zoning Map shall be charged a ~~\$1,000~~\$1,300 nonrefundable fee, plus the applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans.
- ~~B. Basic application fees for other reviews such as home occupations, private right of way, minor lot line revision, and change of use is \$200.~~
- ~~C.~~B. All applications shall include a nonrefundable administrative fee of ~~\$40~~\$75 to be submitted at the time of application.

8. Contract and conditional zones.

- A. \$~~1,000~~1,300 per application (this includes contract and conditional zoning, and would not be proposed until passed the concept stage at Council).
- B. The applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans, contract documents and developing the agreement.
- C. All applications shall include a nonrefundable administrative fee of \$~~40~~75 to be submitted at the time of application.

9. Administrative appeals and variance requests.

- A. A fee of \$~~50~~75 shall be charged to cover administrative costs for administrative appeals and variance requests. Such fee shall be paid by check to the City of Biddeford at time of application.
- B. The applicant may be charged additional costs for photocopying and legal reviews. Such costs shall be substantiated by invoice from the legal firm involved or a listing of copies made (~~photocopying costs shall not exceed \$50~~).
- C. Applicants shall pay for first class postage for notification of abutters. This cost shall be billed to the applicant prior to final approval of plans.

10. Shoreland Zoning review.

Review fee: \$~~100~~300, due at time of application. All applications shall include a nonrefundable administrative fee of \$~~40~~75 to be submitted at the time of application.

11. Extraction review.

- A. Review fee: \$~~100~~300, due at time of application. All applications shall include a nonrefundable administrative fee of \$~~40~~75 to be submitted at the time of application.
- B. Further, in the event that a given project may require more detailed review and analysis, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.
 - 1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering Departments and shall be made part of the project file.
 - 2. A minimum of \$~~1,500~~2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account,

payable to the City of Biddeford. When this account is drawn down to a level of ~~\$500~~750 or less, the applicant shall be required to deposit an additional ~~\$1,500~~2,250.

3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.

12. Historic preservation certificate of appropriateness. [Added 4-16-2013 by Ord. No. 2013.25]

- A. Commission review: application fee of ~~\$100~~200, plus administration fee of ~~\$40~~75.
- B. Subcommittee review: ~~of minor~~ application ~~fee of \$~~fee of \$~~50, with no~~50, with no
administration fee.

May 4, 2021

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

Vote: Unanimous.



Biddeford City Council

Meeting Date: May 4, 2021

Meeting Time: 6:00 PM

Agenda Item No: 2021.37

Item Description: Amendments to Planning Fees and Charges

Submitted by: Mathew Eddy, Planning and Development Director
Greg Tansley, A.I.C.P., City Planner

Supporting Information/Documentation:

- See Attached Council Order
- See ATTACHMENT 1: FY Planning Estimated Revenue Gains

Key Terms:

None

Executive Summary:

The last time we significantly reviewed our fee structure was 2005. Much has changed since then, not least of all being the work involved in reviewing and processing planning-related applications. To ensure our fees are consistent with staff and administrative cost and time requirements, we present a proposed amendment to our fees.

Staff and Planning Board support this proposal and believe it will: 1) bring our fees structure more in-line with comparable communities; 2) reflect increases in costs as a result of inflation over the past 15 years; 3) better reflect the real time incurred by in-house staff in processing applications; and 4) better reflect the 3rd Party Engineering Review costs paid for through escrow fees.

We believe that the proposal before represents a fair and reasonable update to our fee schedule which has not been significantly altered in approximately 15 years. If adopted, this amendment would an estimated increase in revenues per FY for the Department of 40%, or approximately \$25,000 (See ATTACHMENT 1). It should be noted, the escrow revenues are not shown in ATTACHMENT 1 since they are “pass-throughs” and represent no net revenue for the City.

Detailed Review:

- See above.

Funding Source:

- N/A

PlanningBoard/Staff Recommendation:

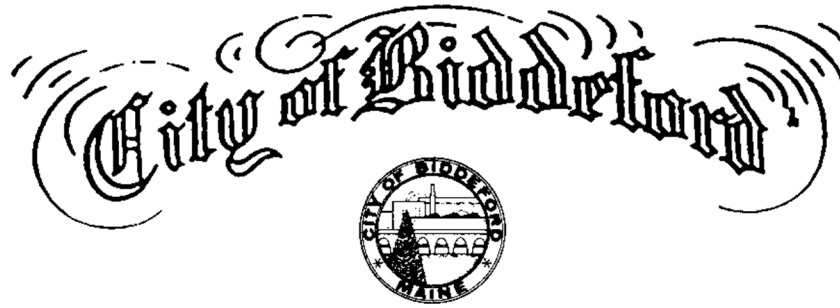
On April 21, 2021, following a Public Hearing, the Planning Board voted unanimously to recommend the attached Ordinance Amendments pass at the City Council.

The Planning Board included the following as their rationale for recommending this amendment be approved by the City Council, in that this proposal better reflects:

- **The fee rates charged by other similar municipalities, such as Saco, Scarborough, South Portland, Brunswick, Kittery, and Westbrook;**
- **Inflation between January 2005 and January 2021 calculated at 37% according to https://www.bls.gov/data/inflation_calculator.htm;**
- **The estimated time and costs for Staff and consultants for projects over the past 4-5 years; and**
- **The real costs of 3rd Party Engineering Review of projects and what we have been collecting in escrow fees.**

ATTACHMENT 1:
Planning Estimated Revenue Gains FY 22 - Re: Council Item # 2021.37

	Revenues Received Summary							Estimate @ 40% Increase (+)	Net Difference (+)
	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Mean		
Contract Zones	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PB Admin	\$ 1,960	\$ 1,360	\$ 960	\$ 1,880	\$ 2,040	\$ 2,300	\$ 1,750	\$ 3,281	\$ 1,531
PB Minor Subdivision	\$ 800	\$ 100	\$ 100	\$ 1,920	\$ 1,800	\$ 3,140	\$ 1,310	\$ 2,456	\$ 1,146
PB Major Subdivision	\$ 13,400	\$ 9,080	\$ 8,580	\$ 5,920	\$ 26,500	\$ 9,520	\$ 12,167	\$ 22,813	\$ 10,646
PB Site Plan	\$ 9,462	\$ 10,348	\$ 7,200	\$ 4,800	\$ 3,500	\$ 15,320	\$ 8,438	\$ 15,822	\$ 7,384
PB Conditional Use	\$ 2,700	\$ 600	\$ 400	\$ 2,200	\$ 800	\$ 2,000	\$ 1,450	\$ 2,719	\$ 1,269
PB Zone Changes	\$ 3,000	\$ 2,000	\$ 1,000	\$ 1,000	\$ 2,000	\$ 2,000	\$ 1,833	\$ 3,438	\$ 1,604
PB Shoreland Zoning	\$ 300	\$ 130	\$ 500	\$ 600	\$ 600	\$ 100	\$ 372	\$ 697	\$ 325
Historic Preservation	\$ 950	\$ 600	\$ 300	\$ 600	\$ 1,700	\$ 2,500	\$ 1,108	\$ 2,078	\$ 970
TOTAL	\$ 32,572	\$ 24,218	\$ 19,040	\$ 18,920	\$ 38,940	\$ 36,880	\$ 28,428	\$ 53,303	\$ 24,875



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

WHEREAS, the Maine Dept. of Education has determined the total cost of funding public education from kindergarten to grade 12, for Biddeford, as described in the Essential Programs and Services Funding Act to be **\$31,056,373.**

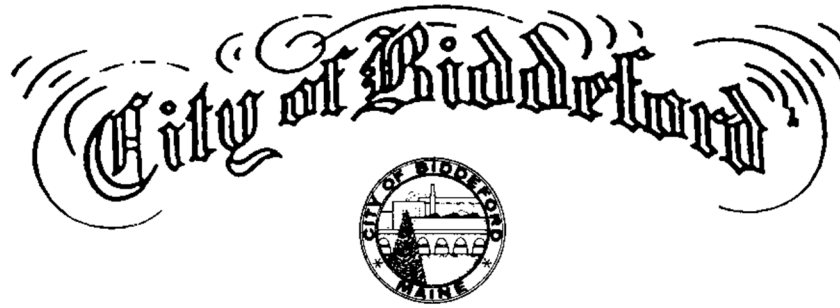
THEREFORE, BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$19,467,707** for the Biddeford School Department's contribution to the total cost of funding public education for kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 2-A, section 15688.

Explanation: The Biddeford School Department's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

May 11, 2021

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

Vote: Unanimous.



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

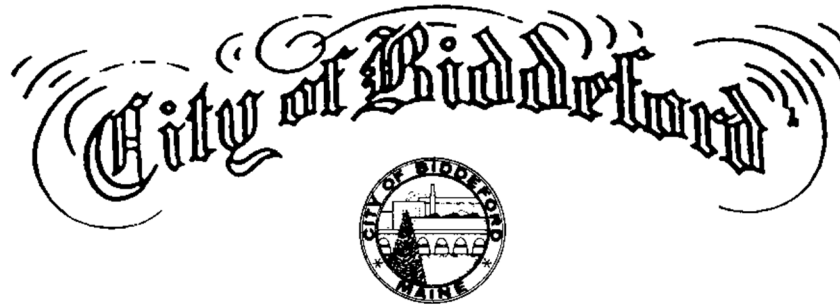
BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$2,484,573** for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City of Biddeford's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters.

May 11, 2021

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

Vote: Unanimous.



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

BE IT ORDERED, that the City Council will raise and appropriate **\$1,455,251** in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$1,455,251** as required to fund the budget recommended by the Biddeford School Committee.

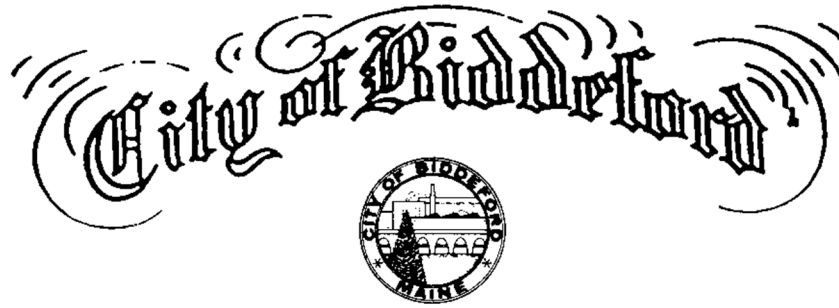
The Biddeford School Committee recommends **\$1,455,251** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,455,251**.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Biddeford budget for educational programs.

May 11, 2021

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

Vote: Unanimous.



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

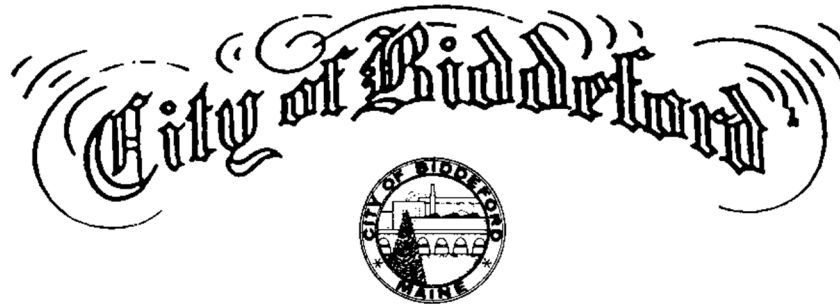
BE IT ORDERED, that the City Council does hereby authorize the Biddeford School Committee to expend **\$40,139,313** or the fiscal year commencing July 1, 2021 and ending June 30, 2022 from the City of Biddeford's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools, and broken down as follows:

REGULAR INSTRUCTION	\$14,626,698
SPECIAL EDUCATION	\$ 7,264,150
CAREER & TECHNICAL EDUCATION	\$ 3,073,922
OTHER INSTRUCTION	\$ 692,087
STUDENT & STAFF SUPPORT	\$ 2,655,913
SYSTEM ADMINISTRATION	\$ 1,148,203
SCHOOL ADMINISTRATION	\$ 1,670,118
TRANSPORTATION & BUSES	\$ 1,703,293
FACILITIES MAINTENANCE	\$ 3,787,996
DEBT SERVICE & OTHER	
COMMITMENTS	\$ 3,504,855
LL OTHER EXPENDITURES	\$ 12,078
TOTAL SCHOOL BUDGET	<u>\$40,139,313</u>

BE IT FURTHER ORDERED, that the School Department is authorized to accept grant funds during the fiscal year and to expend such funds for the purposes for which they are intended.

May 11, 2021

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



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

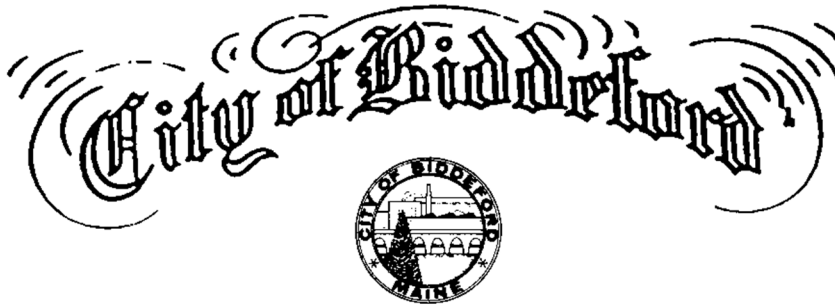
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$765,132** for ADULT EDUCATION for the fiscal year commencing July 1, 2021 and ending June 30, 2022, and does hereby appropriate and will raise the local share for ADULT EDUCATION in the amount of **\$332,304.**

BE IT FURTHER ORDERED that Biddeford Adult Education is authorized to expend any additional, incidental or miscellaneous receipts in the interest and for the wellbeing of the Adult Education Program.

May 11, 2021

Motion by Councilor McCurry, seconded by Councilor Emhiser to grant the first reading of the order.

Vote: Unanimous.



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

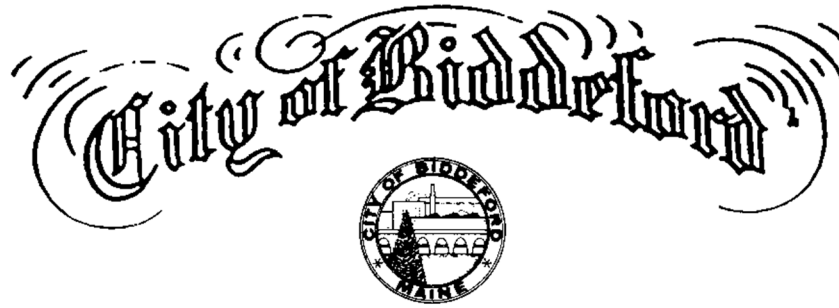
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum **\$1,383,773** for School FOOD SERVICE ("Hot Lunch") for the fiscal year commencing on July 1, 2021, and ending on June 30, 2022, and

BE IT FURTHER ORDERED, that the sum of **\$1,383,773** in estimated revenues is adopted in support of FOOD SERVICE, with a local share for FOOD SERVICE in the amount of \$0.

May 11, 2021

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

Vote: Unanimous.



2021

IN BOARD OF CITY COUNCIL...MAY 11, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following estimated revenues and appropriations from fund balance in support of the general fund budget for the fiscal year commencing July 1, 2021 and ending June 30, 2022:

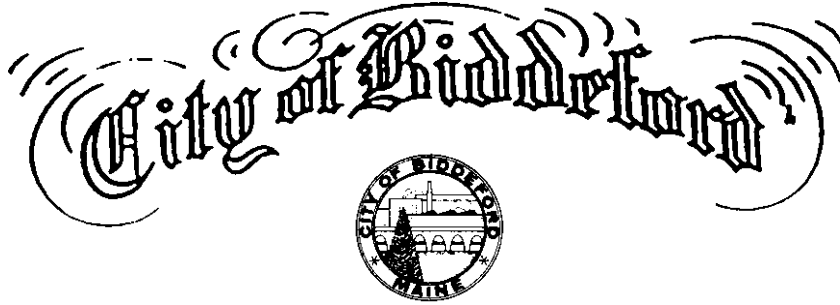
School Estimated Revenue:

Education:	\$ 502,647
Adult Education:	\$ 200,726
State Allocation to Education:	\$ 14,535,380
Appropriations from Fund Balance, K-12:	\$ 1,693,755
Appropriation from Fund Balance, Adult Education:	\$ 232,102
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS FROM FUND BALANCE:	\$ 17,164,610

May 11, 2021

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

Vote: Unanimous.



2021.43

IN BOARD OF CITY COUNCIL..MAY 18, 2021

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

Part III (Land Development Regulations), Article V (Establishment of Zones), Section 2 (General description of zones and allowed uses):

The following section provides a brief general description and philosophy for each specific zone or district.

- b. Coastal Residential Zone (CR): This zone was created to identify coastal areas with significant environmental or visual significance. The area is limited to single-family residential uses, [accessory dwelling units in close proximity to Route 9/Pool Road](#), and some home offices under special circumstances. The zone is characterized by varying lot sizes dependent upon soils types.
- c. Residential Zones:
 - R-1-A: These areas are limited to single-family [and duplex/two-family](#) residential uses ~~similar to the SR-1 Zone. The lot size is smaller.~~ These areas are served by water and sewer. These districts are best characterized as in-town single-family [and duplex/two-family](#) neighborhoods.

R-1-B: These areas are limited to single-family [and duplex/two-family](#) residential uses ~~similar to the R-1-A Zone. The lot size and setbacks are generally smaller.~~ These areas are served by water and sewer. These districts are best characterized as in-town single-family [and duplex/two-family](#) neighborhoods.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

- Add “Duplex/2-Family” as a Permitted Use (“P”) in the R-1-A and R-1-B zones.
- Add “Accessory dwelling units* 27)” as a Permitted Use (“P”) in the C-R Zone and amend Footnote 27 for Table A as follows:

27. [Accessory dwelling units are only permitted in the C-R Zone within five-hundred feet \(500’\) of the edge of right-of-way of Route 9/Pool Road.](#) Accessory dwelling units may also be permitted in nonresidential zones where there exists a nonconforming (as to use) single-family dwelling on a lot that was in existence as of January 1, 2017. See Article VI, Section 78.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B (Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A			
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer
R-1-A, single family	10,000 B	20,000	10,000	20,000
R-1-B, single family	5,000 B	20,000	5,000	20,000
R-2	4,500 B	N/A	N/A	N/A
R-3, duplex	7,500 B	30,000	N/A	N/A
MSRD-2	2,000 B	N/A	N/A	N/A

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	Frm Major R.O.W.	From other R.O.W.	Side	Rear	Stories	Feet
OR	See Note Q				See Note Q			See Note Q				See Note Q	
OR	<u>4,500 B</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>75</u>	<u>N/A</u>	<u>N/A</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>3</u>	<u>35</u>

B. In order to promote ~~higher quality housing facilities~~, condominium forms of housing, and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts the ~~minimum~~ density requirements may be relaxed as follows:

1. Redevelopment of existing structures:

- a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 650 square feet of living space within an existing structure, provided the applicant present redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
- b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
- c. An applicant provided a density bonus for rental housing shall enter into a contractual agreement with the City of Biddeford requiring obligating that at least thirty percent (30%) of the units created shall be leased such that they do not exceed eighty percent (80%) of the Fair Market Rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD).~~them to complete the project in accordance with Maine housing quality standards and that those units are certified as such prior to granting an occupancy permit.~~ The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits. Rent restricted units will be annually monitored by the PlanninG and Development Department for contract compliance.

2. Condominium conversions/development:

- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1. above.
- b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.
- c. The applicant agrees that if the project is converted to condominiums said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median income households as set annually by HUD for the City of Biddeford.

Q. ~~Lots in existence prior to the effective date of this ordinance are regarded as existing lots of record. In many cases, minimum lot size, road frontage and setbacks are not consistent with current standards. It is the intent of this section that properties in the OR Zone for which non-residential conversion is proposed shall not be handicapped by the nonconforming nature of such a lot or structure. Therefore, existing lots or structures that are nonconforming under the provisions of, Article IV Existing non-conforming lots or structures~~ may be considered for conversion to nonresidential uses allowed in the OR Zone, provided that neither structure nor lot are made more nonconforming as a result of the conversion.

~~The following minimum standards shall apply for newly created lots within the OR Zone~~

- ~~1. Minimum lot size: 10,000 square feet.~~
- ~~2. Minimum frontage: 75 feet.~~
- ~~3. Minimum setbacks:~~
 - ~~Front: 10 feet.~~
 - ~~Side: 10 feet.~~
 - ~~Rear: 10 feet.~~
 - ~~From other streets: 15 feet.~~
- ~~4. Maximum setbacks: Front: 25 feet.~~
- ~~5. Maximum height: 35 feet~~

Part III (Land Development Regulations), Article VI (Performance Standards), Section 78 (Accessory dwelling units (ADUs):

B. Procedural requirements.

1. Review procedure:

- a. One ADU is permitted per residentially zoned parcel identified in (~~See Article V, Table A, Table of Land Uses.~~), except within ~~the Coastal Residential (CR) Zone, including~~ the RP and LR ~~shoreland zoning overlay~~ districts ~~within the CR Zone~~, where ADUs are not permitted. ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of January 1, 2017. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.



Biddeford City Council

Meeting Date: May 18, 2021

Meeting Time: 6:00 PM

Agenda Item No: 2021.43

Item Description: Amendments Related to Residential Uses

Submitted by: Mathew Eddy, Planning and Development Director
Greg Tansley, A.I.C.P., City Planner

Supporting Information/Documentation:

- See Attached Council Order
- See Attached Reference Map for Proposed Note B

Key Terms:

None

Executive Summary:

In summary, the amendments presented to the City Council, and supported by a majority of the Planning Board, provide the following:

- 1) Encourages additional residential units in Biddeford between West Brook and Interstate-95, from Downtown to the Industrial Parks. See Note B in the DRAFT amendments. The focus has now been transitioned into affordability and would apply to the R-1-A, R-1-B, R-2, R-3, MSRD-2, and OR Zones. To make this approach work for the R-1-A and R-1-B, need to allow duplex/two-family which they currently do not.
- 2) Relaxes (and clarifies) the dimensional requirements in the OR Zone along Route 1 between Downtown and Five-Points. This is an issue Code Enforcement and Planning have dealt with for some time, and we believe that the amendments will create an OR more reflective of its intent and the intent of the City Council with respect to housing.
- 3) Allow ADU's in the CR Zone ONLY along Route 9/Pool Road.

Detailed Review:

The City Council (Order 2021.9) had requested the Board revisit the Density Bonus provisions for the MSRD-2 Zone with a specific desire to incorporate affordability into the program as well to look for other zones it could be expanded to. Recommendations on expanding the Density Bonus provisions and changing the requirements to reflect affordability rather than quality (which now is being handled by the market and basic codes adherence) is presented in the amendments before you.

Further, the City Council (Order 2021.10) asked that we explore allowing additional unit(s) in other areas surrounding the Downtown, suggesting that lots within 90% of the required lot size be provided an additional unit for being “close” so long as the new units are kept affordable. Staff have been unable to find a way to address Council Order 2021.10 in a *practical* and a *legal* sense, but believe that this proposal largely accomplishes the same in that it encourages greater housing densities in the more urbanized areas of Biddeford. Adjusting to 90% as was suggested is a larger question that should follow the Comprehensive Planning process through an evaluation of the rural and growth areas of Biddeford. Creating a waiver if the lot size is “close” renders the underlying zoning district decisions somewhat irrelevant.

Not specifically requested by the City Council, but supported by Staff who feel this is consistent with the Council goals for housing, are also amendments to clarify and refine the OR zone requirements, and to expand Accessory Dwelling Units (ADUs) to those areas in the CR Zone along Route 9/Pool Road.

There was also some discussion regarding a recommendation from Staff that was not supported by the Planning Board. Not supported or included in these amendments was to change Duplex/Two-family uses in the RF and SR-1 Zones from Conditional Uses (“C”) to Permitted Uses (“P”). The Board indicated that it felt this should be something discussed following the Comprehensive Planning process.

We believe that the proposal before you generally represents a move forward towards the goals of the City Council with respect to Housing, while at the same time addressing some specific issues with the OR Zone requirements and a request raised by a constituent regarding ADU’s along Pool Road.

Funding Source:

- N/A

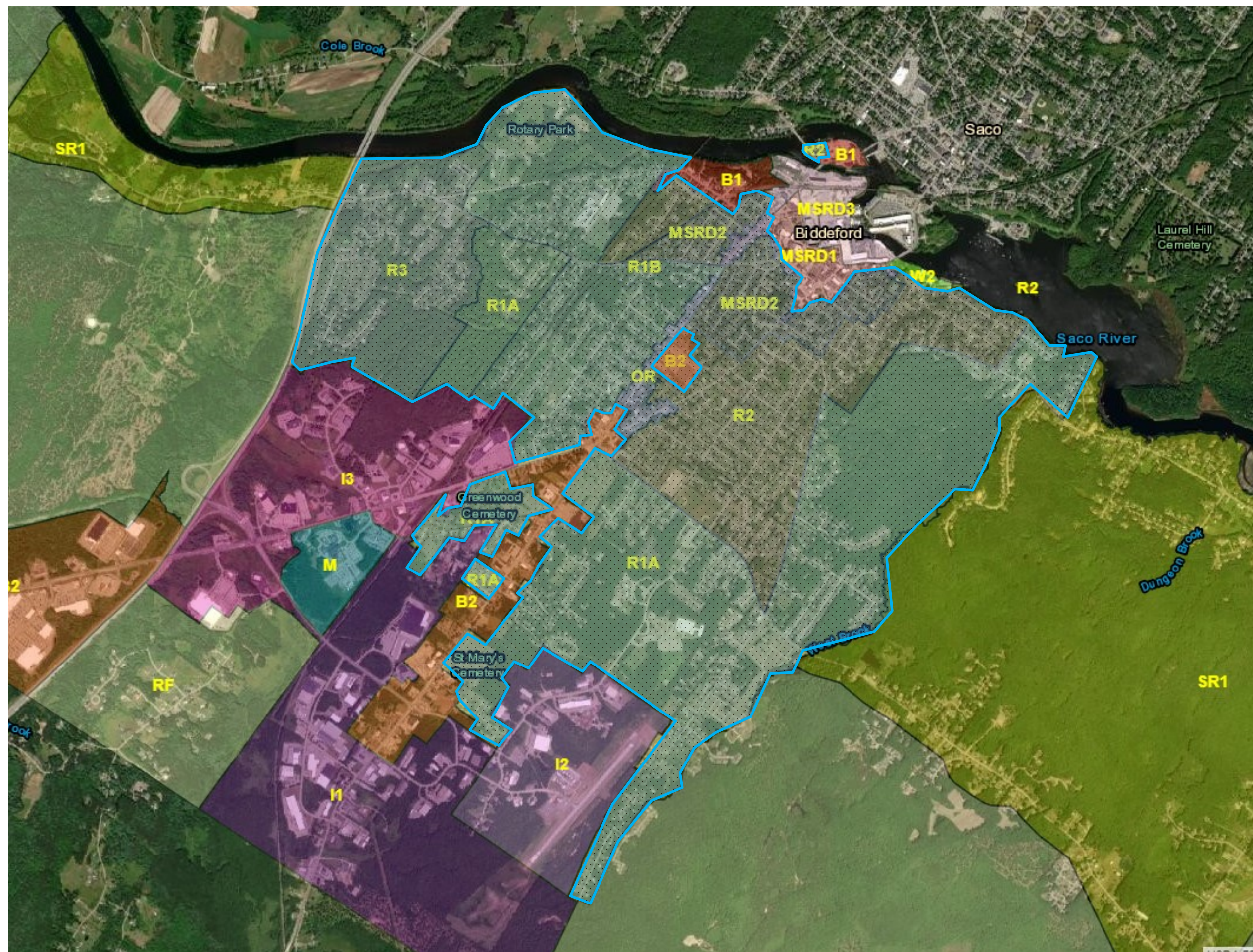
PlanningBoard/Staff Recommendation:

On May 5, 2021, following a Public Hearing, the Planning Board voted 3-1 (Benway, Tarpey, and Cantara in favor, Droggitis against) to recommend the attached Ordinance Amendments pass at the City Council.

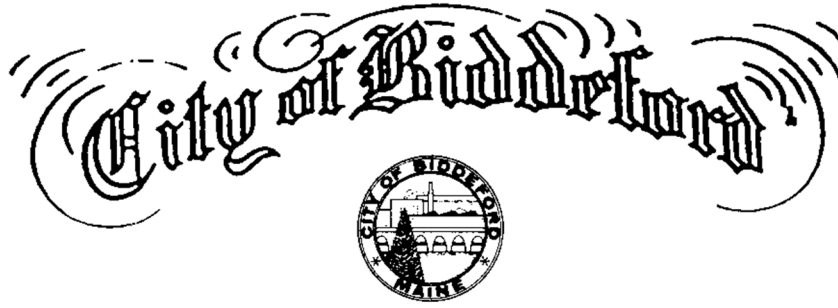
The Planning Board included the following as their rationale for recommending this amendment be approved by the City Council, in that this proposal:

- 1) Addresses Council Order 2021.09 and 2021.10 by encouraging additional residential units in the built areas of Biddeford (not just the in the MSRD-2 Zone) and changes the focus for the density bonus provisions from quality (still achieved through the code compliance and the market) to affordability;

- 2) Relaxes (and clarifies) the dimensional requirements in the OR Zone along Route 1 between Downtown and Five-Points to better reflect the goals of the City Council with respect to housing; and
- 3) Expands the Accessory Dwelling Unit Ordinance to allow ADU's in the CR Zone along Route 9/Pool Road (only).



Proposed Zones for Note B:
Affordable Housing Bonus
Density



IN BOARD OF CITY COUNCIL... MAY 18, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Renee DesRoberts
290 Hill Street
Ward 4

to the *Solid Waste Management Commission*, for a term to expire in December 2024.

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: March 10, 2021

Name: Renée DesRoberts

Street Address: 290 Hill Street, Biddeford

Mailing Address:
(if different) _____

Phone Number(s): 207-232-4825 (m); 207-284-4181 (w)

Email Address: rdesroberts@gmail.com

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|---|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Housing Authority | ☐ • Planning Board |
| ☐ • Biddeford Police Advisory Committee | ☐ • Policy Committee |
| ☐ • Board of Assessment Review | ☐ • Project Canopy Committee |
| ☐ • Cable T.V. Committee | ☐ • Recreation Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☒ • Solid Waste Management Commission |
| ☐ • Downtown Development Commission | ☐ • Wastewater Management Commission |
| ☐ • Economic Improvement Commission | ☐ • Zoning Board of Appeals |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Maine Archives and Museums Board of Directors (2017-2020) - mainemusuems.org

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I have a strong interest in the challenges of modern waste and recycling from the household point of view. I've read a lot about the issue, especially as it pertains so strongly to the climate change problem, and want to learn more. I've served on many professional committees in my work and have volunteered in various civic capacities as well - I work well with others and am not afraid to ask the "stupid" questions! :-)

Please provide a brief statement describing your interest in serving the City of Biddeford.

I have a lot of opinions about this issue and I think my point of view could be useful in this work - it is so important for us to all do our part to combat climate change and finding ways to deal with waste and recycling are a huge part of the solution, I believe. I live and work and have kids going to school in Biddeford and want it to be the best it can be!

Attach any additional information to this application and return it to the City Clerk's Office.