

COUNCIL MEETING

MAY 18, 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., Norman Belanger, Doris Ortiz, Marc Lessard

Amy Clearwater and Michael Ready were excused.

Adjustments to the Agenda:

Councilor Robert Quattrone, Jr. publicly resigned his position as Ward 4 City Councilor. He thanked his constituents, City Staff and his fellow Councilors. His resignation was effective immediately.

Add: Proclamation – Emergency Medical Services (EMS) Week

Proclamation: PTSD Awareness Month – June 2021

Mayor Casavant read the proclamation.

Presentation: Parking Garage and Parking Lots – Technology and Transition Plan

Ben Montgomery of *Premier Parking* gave a PowerPoint presentation. The plan is to use gateless, digital parking. There is an app available for folks to pay through their phone. The idea is to provide fast, seamless access for every type of parker – daily parker, trip planners, guests/visitors, events attendees, etc. Different payment options will be available to accommodate all the different types of parkers and their comfort level in paying for parking. Clear and concise signage will be constructed to instruct parkers where to park and how to pay.

Proclamation: Emergency Medical Services (EMS) Week – May 16 through May 22, 2021

Mayor Casavant read the proclamation.

Consideration of Minutes: May 4, 2021; May 11, 2021

Motion by Councilor McCurry, seconded by Councilor Ortiz to accept the May 4, 2021 minutes as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Ortiz to accept the May 11, 2021 minutes as printed.

Vote: Unanimous.

Second Readings:

{For a copy of the Orders and first readings, see the Council Meeting minutes of May 4, 2021 and May 11, 2021}

2021.37) Amendment/Land Development Regulations/Attachment A-Fees and Charges/ Various Amendments

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

Vote: Unanimous.

FY22 SCHOOL DEPARTMENT BUDGET:

Essential Programs & Services Funding Act

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

Vote: Unanimous.

School Construction Projects – Local Share

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

Vote: Unanimous.

Additional Local Funds – for School Purposes

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

Vote: Unanimous.

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**

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

Vote: Unanimous.

Adult Education

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

Vote: Unanimous.

Food Service

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

Vote: Unanimous.

School Department Estimated Revenues

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

Vote: Unanimous.

Orders of the Day:

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 <u>B</u>	20,000	10,000	20,000
R-1-B, single family	5,000 <u>B</u>	20,000	5,000	20,000
R-2	4,500 <u>B</u>	N/A	N/A	N/A
R-3, duplex	7,500 <u>B</u>	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	From 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</u> <u>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:

- Redevelopment of existing structures:
 - 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.
 - 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.
 - 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 additional 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.

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

{NOTE: Councilor McCurry left the meeting}

Motion by Councilor Belanger, seconded by Councilor Lessard to amend by removing all references to ADU (Accessory Dwelling Units) from the ordinance amendment.

Vote: 3/2; Councilors Lessard and Emhiser opposed.

Councilors St. Cyr, Belanger and Ortiz in favor.

Amendment carries.

Motion by Councilor Lessard, seconded by Councilor Belanger to amend page 3, Section B. paragraph c. by adding, “or in the case that one unit is added to the property.”

Vote: 2/3; Councilors Lessard and Ortiz in favor.

Councilors Emhiser, St. Cyr and Belanger opposed.

Amendment fails.

Motion by Belanger, seconded by Councilor Lessard to amend page 3, Section B. paragraph c. by adding the word “additional units created”....
Vote: Unanimous.

Vote on ordinance as amended: Unanimous.

Appointment:

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.

Motion by Councilor Belanger, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

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

City Manager Report:

City Manager James Bennett had the following items:

- He announced that starting June 1st, all City public meetings will be conducted in a hybrid model of in-person and via electronically. Folks who are uncomfortable with meeting in-person will have the option to electronically join and participate in public meetings.
- He informed the Council that the City has received notice from the Auditors, Runyon Kersteen Ouellette that they will no longer be working with the City of Biddeford. Upon notification, Jim reached out to RKO in an effort to persuade them to reconsider and RKO has agreed to keep the City on as a client; however, RKO has asked that the City agree to push the audit out to between November and January. With Council agreement, Jim will accept RKO’s terms.

There was no *Other Business*.

Mayor Addressing the Council: Mayor Casavant noted that with Robert Quattrone’s resignation from the Council, the Mayor will be making an appointment to fill the Ward 4 Council seat within 30 days.

Motion by Councilor Belanger, seconded by Councilor Lessard to adjourn.

Vote: Unanimous.

Time: 7:42 p.m.

Attest by: _____
Carmen J. Morris, City Clerk