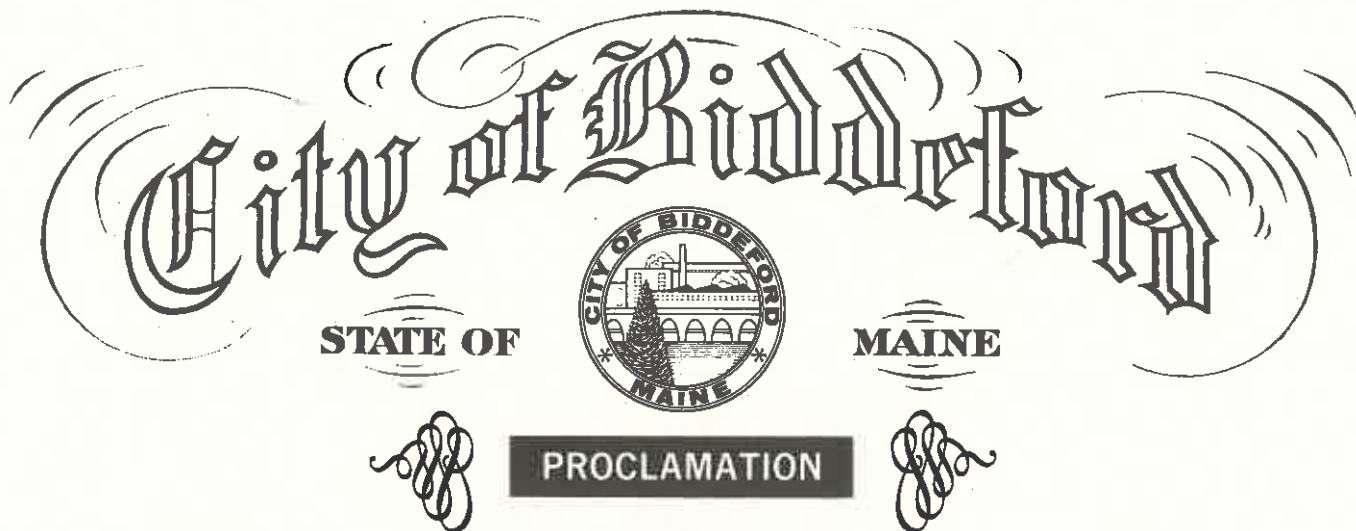


City of Biddeford
City Council
April 18, 2017 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Proclamation:**
 - 4.a. Public Safety Telecommunications Month
[4-18-2017 Proc-Public Safety Telecommunications Month.pdf](#)
- 5. Consideration of Minutes:**
 - 5.a. April 4, 2017 Council Meeting Minutes
[4-04-2017 Council Meeting Minutes.docx](#)
- 6. Second Reading:**
 - 6.a. 2017.29) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach Parking Permit/Non-resident parking at Biddeford Pool Bathhouse Parking Lot
[3-21-2017 Beach Parking Amendment-REVISED ORDER.doc](#)
- 7. Orders of the Day:**
 - 7.a. 2017.33) Request to Planning Board for Public Hearing & Recommendations/Amendment to Accessory Dwelling Units & Nonconforming Residential Uses
[4-18-2017 ADUs Amendment Request to PB.docx](#)
[4-18-2017 ADUs Amendment-MEMO.pdf](#)
 - 7.b. 2017.34) Approval/Transfer of Funds for Police Department Contribution to an Investigation to a Criminal Case
[4-18-2017 Transfer of Funds Alexander Gagne.doc](#)
- 8. Appointments:**
 - 8.a. Louise Merriman...Shellfish Conservation Committee
[4-18-2017 Appt-Merriman-Shellfish Comm.docx](#)
[4-18-2017 Appt-Merriman-Comm App.pdf](#)
- 9. City Manager Report**
- 10. Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit)**
- 11. Other Business**
- 12. Council President Addressing the Council**
- 13. Mayor Addressing the Council**
- 14. Adjourn**



Whereas The United States Congress recognizes the 2nd week of April as "National Public Safety Telecommunications Week"; and

WHEREAS, over 500,000 dedicated men and women are engaged in the operation of emergency response systems for federal, state, county and local governmental entities throughout the United States; and

WHEREAS, these unseen first responders are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching assistance to help save the lives and property of our citizens; and

WHEREAS, Americans place their trust in these individuals, not just this month, but every day of the year, and rely on their knowledge and professionalism as they make critical decisions, obtain information and quickly dispatch needed help; and

WHEREAS, the calls for help include not only police, fire and emergency medical service calls, but those governmental communications related to natural disasters, forestry and conservation operations, highway safety and maintenance activities and all other operations that modern governmental agencies must conduct; and

NOW THEREFORE, WE, the Mayor and City Council of the City of Biddeford do hereby proclaim the month of April 2017 as **Public Safety Telecommunications Month** in the City of Biddeford; and urge all citizens to show appreciation to all these unseen first responders for our community.

In Witness Whereof, We, the undersigned, have herewith affixed our signatures this 18th day of April 19 2017

Carmen P. Morris
City Clerk



[Signature]
Mayor

**COUNCIL MEETING
APRIL 4, 2017**

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

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Bob Mills, Norman Belanger, Michael Ready, Laura Seaver

Marc Lessard was excused.

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

There were no adjustments to the agenda.

Consideration of Minutes: **March 21, 2017**

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

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendment and the first reading, see the council meeting minutes of March 21, 2017}

2017.28) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90 – No Parking/

West Street; Dupont Avenue; Hillside Avenue; May Street

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

Vote: Unanimous.

2017.9) Amendment/Ch. 2, Administration/Add New Sec. 2-329-Exempting Eligible Active Duty Military Personnel from Vehicle Excise Tax

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

Vote: Unanimous.

Orders of the Day:

2017.31 **IN BOARD OF CITY COUNCIL....APRIL 4, 2017**

BE IT ORDERED, that the City Manager be authorized to sign a unit cost contract with Pratt and Sons, Inc. of Mechanic Falls, Maine for the construction of the Mile Stretch Road Drainage Improvement Project. as per the bids opened on March 28, 2017, in the bid amount of \$629,803.00, funding for this work to be provided in part from the MDOT MPI grant received by the City with the required City match amount from the 2009 Road Improvement Bond passed by voters.

NOTE: The Finance Committee will review this item at their April 4, 2017 meeting.

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

Vote: Unanimous.

2017.32 **IN BOARD OF CITY COUNCIL...APRIL 4, 2017**

BE IT ORDERED by the Biddeford City Council that it adopts this Declaration of Official Intent and declares as follows:

1. The City of Biddeford currently intends to proceed with the following project (the "Project"):

Design, construction, furnishing and equipping of a downtown parking garage expected to be located in or near the City's Mill Redevelopment TIF District.

2. The City intends to finance some or all of the costs of the Project through issuance of the City's tax-exempt bonds.
3. The City reasonably expects that the maximum principal amount of bonds to be issued for the Project, including for reimbursement purposes, is an amount not to exceed \$14,000,000.

4. The City expects to pay certain costs of the Project prior to the issuance of such bonds (the “original expenditures”) and the City Manager is hereby authorized to advance money from the General Fund or from the City’s TIF Fund(s) for payment of original expenditures of the Project.
5. The City expects to use bond proceeds to reimburse itself for such original expenditures.
6. This is a declaration of official intent pursuant to the requirements of Treasury Regulation §1.150-2.
7. This declaration is adopted pursuant to an approving vote of the Biddeford City Council and shall be maintained as a public record of the City.

Motion by Councilor Mills, seconded by Councilor Quattrone to grant the order.

Vote: 6/2; Councilors Swanton and McCurry opposed.

Councilors St. Cyr, Quattrone, Mills, Belanger, Ready and Seaver in favor.

Motion carries.

2017.29

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III Parking, Stopping, and Standing, **Section 42-66** Beach Permit Parking, is amended by adding or ~~deleting~~ to read as follows:

(9) Those areas of the City of Biddeford to be restricted by this section are as follows:

- (a) Biddeford Pool Bathhouse Parking Lot (Gilbert Boucher Memorial Park) ~~and Middle Beach Lot (across from Bridge Road):~~ On the lower portion of the parking lot, parking is restricted for holders of resident parking stickers only from 8:00 a.m. until 12:00 noon; anyone holding a nonresident permit is permitted to park at those locations after 12:00 noon. The holders of resident or non-resident parking permits may park in the upper portion of the parking lot during those times that a beach permit is required.
- (b) Middle Beach Lot (across from Bridge Road): Parking is restricted for holders of resident parking stickers only from 8:00 a.m. until 12:00 noon; anyone holding a nonresident permit is permitted to park at those locations after 12:00 noon.
- (c) Curbside parking on Fortunes Rocks Road along Etherington's Pond as follows:
1.Ocean side: westerly from a point 50 feet westerly of pole J30 to a point 20 feet westerly of pole J37.

NOTE: The Policy Committee considered this item at their March 13, 2017 meeting and voted unanimously to send to the City Council for approval.

Motion by Councilor Ready, seconded by Councilor Mills to remove the ordinance from the table.

Vote: Unanimous.

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

Vote: 7/1; Councilor St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Mills, Belanger, Ready and Seaver in favor.

Motion carries.

Appointment:

IN BOARD OF CITY COUNCIL...APRIL 4, 2017

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Sean Tarpey
110 Cleaves Street
Ward 2**

to the *Wastewater Management Commission*, with a term to expire December 2019.

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

City Manager Report:

City Manager, James Bennett had the following notes:

- 1) The City closed on the Pate property last week, which ended up being a net profit of \$365,581.53 for the City. Councilor Ready asked how those proceeds will be used. Mr. Bennett assured the Council that use of these funds will require Council approval.
- 2) There was recently an article in the Maine Biz that talked about Biddeford's parking and development in the downtown.
- 3) One of the policy issues that the Council will need to address during this budget season is the idea of purchasing versus leasing of equipment and vehicles. There is a long-term cost savings in purchasing equipment and vehicles outright; however, this initially puts a bigger financial burden on the next couple fiscal year budgets.

Public Addressing the Council...(3 minute limit per speaker; 30 minute total time limit)

Recreation Director, Carl Walsh took this time to announce that this weekend is the Annual Easter Egg Hunt put on by the Recreation Department. This year, the event is being held on Saturday, April 8th at 10:00am at the Biddeford Primary School.

One citizen addressed his comments to the Council.

Other Business: There were no Councilor comments.

Council President Addressing the Council: Councilor McCurry expressed his appreciation that the City Manager has submitted the budget he did, along with policy suggestions. Councilor McCurry is looking forward to the work ahead and addressing the policies that need to be looked at.

On a more personal note, Councilor McCurry urged folks to be mindful of what others may be going through in their lives and offer kindness and prayer – especially to those who are, or have a family member who is battling cancer.

Mayor Addressing the Council: Mayor Casavant also noted the work that is ahead for the Council with the upcoming budget discussions. He praised the Council for their ability to work together and to respectfully disagree sometimes, but to always move things forward and get the work done. He is confident that the Council will handle the budget discussions in the same manner.

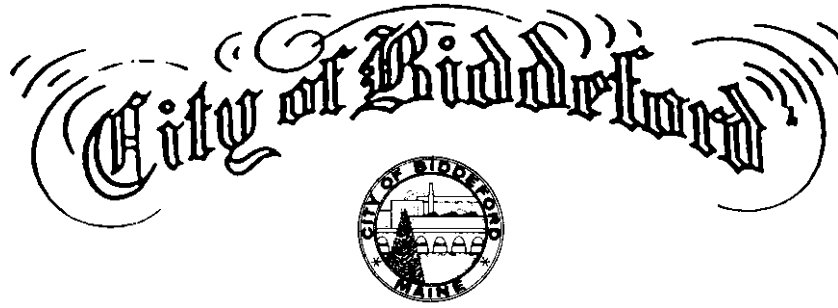
Mayor Casavant informed the Council that he and Mr. Bennett have started meeting with the downtown business owners and providing them information about the proposed Downtown District and the potential investment the City would like to have from the businesses. The City is also looking to get development and other ideas from the business owners.

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

Vote: Unanimous.

Time: 6:26 p.m.

**Attest by: _____
Carmen J. Morris, City Clerk**



REVISED ORDER

2017.29

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III Parking, Stopping, and Standing, **Section 42-66** Beach Permit Parking, is amended by adding or ~~deleting~~ to read as follows:

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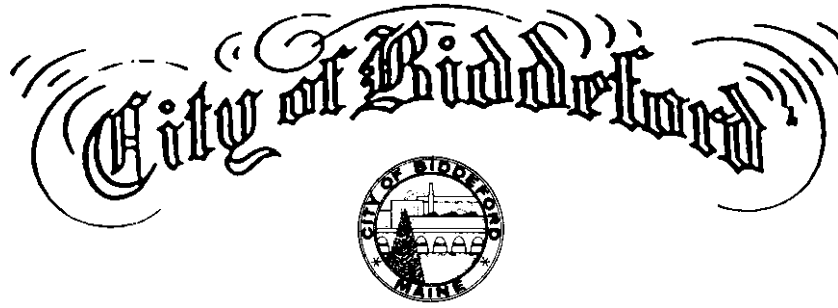
NOTE: The Policy Committee considered this item at their March 13, 2017 meeting and voted unanimously to send to the City Council for approval.

March 21, 2017

Motion by Councilor Mills, seconded by Councilor Quattrone to grant the first reading of the ordinance amendment.

Motion by Councilor Swanton, seconded by Councilor Quattrone to amend the ordinance to add "Biddeford Pool Bathhouse Parking Lot" after 'On the lower portion of the...'

Motion was withdrawn.



Motion by Councilor Swanton, seconded by Councilor Ready to table the ordinance amendment so that it can be re-written for clarification.

Vote: Unanimous.

April 4, 2017

Motion by Councilor Ready, seconded by Councilor Mills to remove the ordinance from the table.

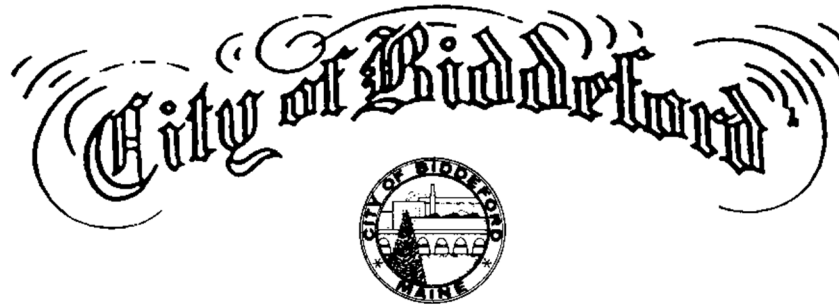
Vote: Unanimous.

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

Vote: 7/1; Councilor St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Mills, Belanger, Ready and Seaver in favor.

Motion carries.



2017.33

IN BOARD OF CITY COUNCIL...APRIL 18, 2017

BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article IV (Nonconformance), be amended as follows:

Section 1. Purposes.

The intent of this Zoning Ordinance is to regulate nonconforming lots, uses and structures. This ordinance intends to be realistic so that: nonconforming vacant lots of record can be reasonably developed; nonconforming existing structures can be properly maintained or repaired; ~~and~~ nonconforming uses can continue to be changed to other less nonconforming or to conforming uses; and nonconforming (as to use) single-family residential dwelling units can create Accessory Dwelling Units subject to the performance standards in Article VI of this ordinance. When nonconforming uses fall into disuse, the intent of these regulations is not to allow them to be reestablished after a twelve-month period of dormancy. These regulations are designed for the betterment of the community and for the improvement of property values.

Section 3. Nonconforming use.

B. A structure nonconforming as to use.

1. A building or structure, nonconforming as to use, shall not be enlarged unless the nonconforming use is terminated, and otherwise meets the provisions of this ordinance. This does not apply to Accessory Dwelling Units which may be created in accordance with the performance standards in Article VI of this ordinance.
2. A nonconforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this ordinance, or of any amendment making such use nonconforming. This does not apply Accessory Dwelling Units which may be created in accordance with the performance standards in Article VI of this Ordinance.
3. Accessory Dwelling Units on parcels containing a single non-conforming (as to use) dwelling unit, which was in existence as of January 1, 2017, that are created in accordance with the performance standards in Article VI of this

ordinance shall not be considered the expansion or creation of a non-conforming use.

Part III (Land Development Regulations), Article II (Definitions), be amended as follows:

ACCESSORY DWELLING UNIT - An Accessory Dwelling Unit (ADU) is a self-contained housing unit incorporated within a single-family dwelling, attached to a single-family dwelling, or in a separate building on the same lot as a single-family dwelling home.

PRIMARY RESIDENCE - A building in which is conducted the principal use of the lot on which it is located. For residentially ~~zoned~~ lots, such a building would be a dwelling.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 77 (Accessory Dwelling Units (ADUs)), be amended as follows:

A. Procedural Requirements.

1. Review procedure:

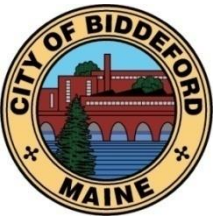
- a. One ADU is permitted per residentially zoned parcel (see Article V, Table A, Table of Land Uses), except-within the Coastal Residential (CR) zone, including the RP and LR overlay districts within the CR zone, where ADUs are not permitted. ADUs may also be permitted on lots in zones other than those identified in Article V, Table A which contain a single non-conforming (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.

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

	Article VI Section¹	SR-1	R-1-A	R-2	R-3	W-1	W-3	R-F	OR	MSRD-2
Residential Uses:										
<u>Accessory Dwelling Units* 27</u>	<u>77</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

NOTES:

27. Accessory Dwelling Units may also be permitted in other zones (except-within the Coastal Residential (CR) zone, including the RP and LR overlay districts within the CR zone) where there exists a non-conforming (as to use) single-family dwelling on a lot that was in existence as of January 1, 2017. See Article VI, Section 77.



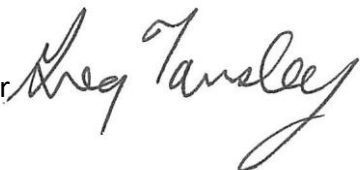
CITY OF BIDDEFORD PLANNING DEPARTMENT

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council
J. Bennett, City Manager

From: Greg Tansley, AICP, City Planner 

Date: April 10, 2017

Re: **Proposed Amendments Related to "Accessory Dwelling Units" (ADUs)**

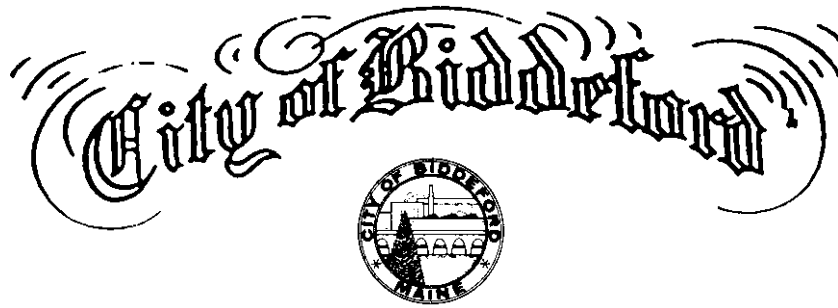
The City Council unanimously adopted the new Accessory Dwelling Units (ADUs) Ordinance on March 7, 2017. Since then Staff have identified a potential hole in the Ordinance such that pre-existing nonconforming single-family dwellings not located in residential zones would not be able to take advantage of the ADUs provisions. It was inadvertent that this issue was overlooked and had Staff thought about it at the time we would have integrated this in the original Ordinance.

Examples include Marcel Avenue (in an I-2 Zone) and the north side of Fogg Avenue (in a B-2 Zone). These amendments will allow those properties (and others) to take advantage of the ADUs Ordinance. There are also a couple of clean-up items that do not affect the intent of the original ADUs Ordinance, such as integrating the ADUs as Permitted uses in residential zones into the Table of Land Uses.

By having the Council request the Planning Board hold a hearing on these proposals and make a recommendation back to the City Council it will potentially speed up the amendment process which is why it is being done this way.

Please let me know if you have any questions about this item before the April 18, 2017 Council meeting.

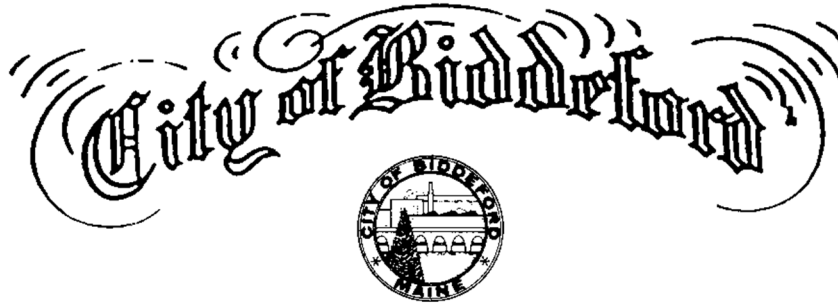
Cc: File



2017.34

BOARD OF CITY COUNCIL...APRIL 18, 2017

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$1,600.00 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case.CR-16-629. These funds shall be transferred to the City of Biddeford, to satisfy the City of Biddeford's match to the Saco Biddeford Opiate Outreach Initiative.



IN BOARD OF CITY COUNCIL...APRIL 18, 2017
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Louise Merriman
7 Guinea Road
Ward 1

to the *Shellfish Conservation Committee*, with a term to expire December 2020.

CITY OF BIDDEFORD

Application for City Commissions, Committees and Boards

Date:

Name:

Street Address:

Mailing Address:
(if different)

Phone Number(s):

Email Address:

Please indicate whether you would like your contact information posted on the City's website:

YES

NO

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

Airport Commission

Comprehensive Plan Committee

Biddeford Housing Authority

Board of Assessment Review

Cable T.V. Committee

Capital Projects/Operations Committee

Conservation Commission

Downtown Development Commission

Economic Improvement Commission

Environmental Board

Fire Commission

Harbor Commission

Historic Preservation Commission

Planning Board

Police Commission

Policy Committee

Project Canopy

Recreation Commission

Saco River Corridor Commission

Shellfish Conservation Committee

Solid Waste Management Commission

Wastewater Management Commission

Zoning Board of Appeals

Other:

Other:

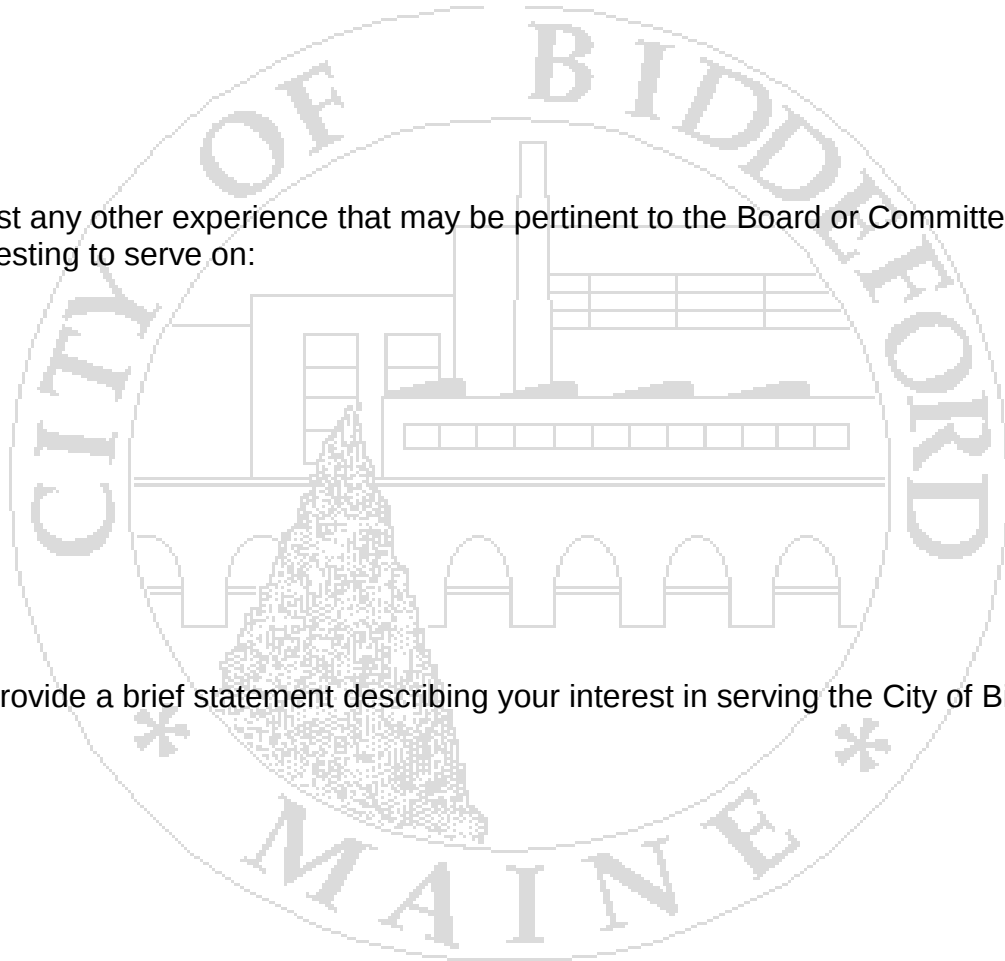
Other:

Other:

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

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

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



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