

**COUNCIL MEETING
APRIL 18, 2017**

Mayor Casavant called the meeting to order at 6:21 p.m.

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

John McCurry, Jr. was excused.

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

Adjustment to the Agenda: Add Order of the Day 2017.34

Proclamation: Public Safety Telecommunications Month

Mayor Casavant read the proclamation; and then personally thanked Biddeford's Communications Personnel.

Consideration of Minutes: April 4, 2017

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

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and the first reading, see the council meeting minutes of April 4, 2017}

2017.29) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-66- Beach Parking Permit/Non-resident parking at Biddeford Pool Bathhouse Parking Lot

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

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

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

Motion carries.

Orders of the Day:

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 Section ¹	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.

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

Vote: Unanimous.

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.

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

Vote: Unanimous.

Appointment:

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.

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

City Manager Report: City Manager, James Bennett was not present.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit):
There were no public comments.

Other Business:

Councilor Quattrone: congratulated cheerleaders from Biddeford who participated on a cheerleading squad from Maine at a competition in Florida and won the national championship.

Councilor Quattrone announced that applications for this summer's Autism Camp are now available via the City's website.

Councilor Seaver: announced that on May 10th, CPPC will be sponsoring a Community Conversation which will focus on substance abuse and the formation of an intervention program.

Councilor Swanton: announced that the City will be hosting an Earth Day event on Saturday, April 29th from 10:00 a.m. to 2:00 p.m. at the Public Works Facility. Some things that will be offered include Drug Take Back by the Police Department, soil testing kits that will be handed out by the Conservation Commission; as well as composting opportunities. While there is no charge for these services, donations are requested and will go to benefit the local food pantries.

Mayor Addressing the Council: Mayor Casavant feels that it was very important to have had the School Superintendent at the Budget Committee meeting earlier this evening to share information about Waterhouse Field. He feels it's equally important that the community come together and come up with the best solution for this issue.

Mayor Casavant went on to dispel any confusion around the funding of the Waterhouse Field project. He clarified that the recently talked about parking garage has somehow become mixed up with talk about Waterhouse Field when in all actuality, neither has anything to do with the other. The parking garage proposal uses TIF money; and TIF money cannot be used to rehab an athletic field – especially not one that is not even owned by the City. He encouraged folks to reach out to the School Department to get information and clarification on issues that there may be some confusion around.

Motion by Councilor Ready, seconded by Councilor Lessard to adjourn.
Vote: Unanimous.

Time: 6:33 p.m.

Attest by: _____
Carmen J. Morris, City Clerk